

JOURNAL OF THE FLORIDA SENATE

Friday, June 4, 1976

The Senate was called to order by the President at 9:00 a.m.
A quorum present—39:

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

Excused: Senator Henderson

Excused periodically: Senators Gordon, J. Lane, Plante, W. D. Childers, Peterson, Brantley, J. Thomas, Vogt, Wilson, Sayler, D. Lane, MacKay, P. Thomas, Lewis, Graham and D. Childers, members of conference committees; Senator Barron, in discharge of legislative duties

Prayer: Senator Trask presented to the Senate Mrs. Gail Sims, wife of Senator Walter Sims, who sang "How Great Thou Art".

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following as the Special Order Calendar and as further amended from time to time by the Rules Committee designees:

HB 2003	HB 3050	SB 602	SB 1111
HB 4015	HB 3051	SB 1236	HJR 801
HB 3996	HB 4004	SB 1262	SB 1402
HCR 3260	SB 801	SB 590	HB 3158
HB 4063	CS for HB 3289	HB 2367	SB 1406
SB 1074			

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends the following bills be placed on Local Bill Calendar for June 4, 1976:

HB 3682	HB 3778	CS/HB 3783	HB 3928
HB 3717	HB 3779	HB 3784	HB 3963
HB 3728	HB 3780	HB 3785	CS/HB 3965
HB 3775	HB 3781	HB 3920	SCR 1463
HB 3777	HB 3782	HB 3921	CS/HB 3930

Respectfully submitted,
Lew Brantley, Chairman

Explanation of Votes After Roll Call

Several critical matters competing for my time have necessitated periodic absences from the Senate floor this session. The Journal of the Senate reflects that I was expressly excused on several occasions for various reasons. At the direction of the Senate President other urgent matters arose which demanded additional unexpected absences.

The deluge of more than 500 bills referred to the Senate Commerce Committee, along with my involvement with crucial budgetary issues and needed legislation, has required my attendance at numerous conferences while the Senate was in session. At the same time, my staff has been tied up since the very first day of the legislative period on the automobile no-fault and medical malpractice insurance efforts.

In all cases, if at all possible, I left instructions with my staff to call me out of conference to participate in the debates and voting on the more critical matters before the Senate. However, it was not always possible to be present at roll call.

W. D. Childers, 1st District

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Spicola, by two-thirds vote CS for HB 3386 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 2417 was withdrawn from the Committee on Judiciary-Civil.

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 HB 4185 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Mann—

HB 4185—A bill to be entitled An act relating to the Estero Bay Aquatic Preserve; amending s. 258.39(28), Florida Statutes; excepting certain submerged lands from inclusion within the preserve; providing an effective date.

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

On motions by Senator Lewis, by unanimous consent HB 4185 was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 4185 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Graham

On motion by Senator Deeb, by unanimous consent—

HB 4057—A bill to be entitled An act relating to municipal annexation; amending the introductory paragraph and subsection (1) of s. 171.0413, Florida Statutes, providing that any municipality may, by ordinance, propose to annex an area of contiguous, compact, unincorporated territory; providing that each such ordinance shall propose only one reasonably compact area to be annexed; amending s. 171.043(1), Florida Statutes, providing that the total area to be annexed must be reasonably compact; amending s. 171.044(1), Florida Statutes, providing that the owner or owners of certain reasonably compact real property may petition the governing body of a municipality to annex said property; providing an effective date.

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

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 9 and 10, insert:
(5) *If the area proposed to be annexed is predominately owned by individuals, corporations or legal entities who are*

not registered electors of the area proposed to be annexed, such area shall not be annexed unless a majority of such individuals, corporations or legal entities consent to such annexation.

Amendment 2—On page 1, line 24, after the word “amended” insert: and a new subsection (5) is added to said section,

Amendment 3—On page 1 in title, line 12, after the semi-colon insert: requiring the consent of property owners who are not registered electors of an area proposed to be annexed;

Amendment 4—On page 1 in title, line 7, after “Statutes,” insert: and adding a new subsection (5) to said section;

On motion by Senator Deeb, by two-thirds vote HB 4057 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator W. D. Childers, the following remarks by Senator Lewis were ordered spread upon the journal:

Senator Lewis: Mr. President, Senators, we are in the last day and I don't want to take too much time of the Senate, but I do want to make a few comments.

On November 19th, 1974, during the organization session, when you were elected president, I had the privilege of making the nomination speech. I want to read just one part of that speech to show how wise I was at that time, Mr. President. There was a paragraph in there that went like this, speaking of you:

“With the strength, the independence, the integrity of this man, the confidence he exudes, the people of Florida can know that the Senate is in good hands. They can expect their money to be held in trust for them. A wise man once said, ‘To be trusted is a greater compliment than to be loved’. To the next President of the Senate, people of Florida, we in the Senate are paying the highest compliment possible, for it is right and proper we give him what he has earned—our complete trust.”

Mr. President, we are in the closing day of your term. The reason I take the floor for these comments is because I had that privilege two years ago. It has been, in some cases, a stormy two years. I have read many of the articles that appeared in papers around the state and I respect the right of the press and others to make comments. But, Mr. President, there'll never be a man to serve in that position who will do a better job of holding the trusts of the people, particularly in regard to their money.

We've had a continuous barrage during these last two weeks to “spend, spend, tax, tax”. As the wiser man said, “to be trusted is a greater compliment than to be loved.” And Mr. President, you have taken that to heart. You have attempted to keep taxes down; you have attempted to spend the people's money wisely. And I hope this will be reflected when these two years are analyzed by the people of this state.

Last year we cut back the budget for the first time in 30 years, and this year we've gotten by without new taxes. I don't know what that's going to leave your successors.

The fact is you've lived up to what you believed and I would hope when they are writing that history they're going to say you meant what you said, that you did what you said. You maintained your position of trust with the people of Florida. You upheld the major responsibility you had. It's wonderful for the press and others—the people who have their particular interests come up here and say, “Tax. . . spend it”, but you were able to hold the line.

For this you have my—and I know many others in this Senate—undying thanks for your courage. Never once have you ducked an issue. You said, “The buck stops here”.

I don't ever regret any word I've said about you. Thank you, Mr. President.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4178 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Richard—

HB 4178—A bill to be entitled An act relating to criminal prosecutions; amending s. 775.15(1) and (2), Florida Statutes; providing that a prosecution for a life felony may be commenced at any time; providing that, in the event the death penalty is declared unconstitutional, all capital felonies shall be considered life felonies and prosecution may be commenced at any time; providing an effective date.

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

On motions by Senator Dunn, by unanimous consent HB 4178 was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 4178 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Ware, by two-thirds vote HB 4041 was placed at the end of the Special Order Calendar.

On motions by Senator Glisson, the rules were waived and by two-thirds vote HB 3451 was withdrawn from the Committees on Governmental Operations and Ways and Means and placed on the calendar.

On motion by Senator Glisson, by unanimous consent—

HB 3451—A bill to be entitled An act relating to the emergency telephone number “911” system; amending s. 365.171(4), Florida Statutes, providing that compliance by a local public agency with required implementation of the emergency telephone number “911” system plan developed by the Division of Communications of the Department of General Services is subject to receipt of funds appropriated by the Legislature; providing partial reimbursement of costs under certain circumstances; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3451 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Vogt

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1, 2, 4 and 5 to SB 849 and again requests the Senate to concur.

Allen Morris, Clerk

By Senator Peterson—

SB 849—A bill to be entitled An act relating to milk and milk products; amending s. 502.012, Florida Statutes; providing definitions for acidified sour cream, acidified sour half-and-half, sour cream dressing, sour half-and-half dressing and ultra-pasteurized; redefining other terms; providing an effective date.

Amendment 1—On page 14, line 31, after the period (.) insert: Section 2. Subsection (2) of section 502.042, Florida Statutes, is amended to read:

502.042 Labeling of shelf life.—

(2) All dairy processors shall establish and legibly label on the package or container, in a manner prescribed by rule or regulation of the department, the maximum shelf-life period during which such products may be offered for sale to insure consumers full disclosure of the date beyond which such product may no longer be offered for sale. For purposes of this requirement "legibly label" means to label with conspicuous and easily legible boldface print or type in distinct contrast to the background by color. The department shall periodically review the keeping quality of milk and milk products by scientific shelf-life studies, recognizing the different methods of pasteurization, processing, and packaging, and shall sample periodically the products of the dairy processors to determine if the shelf-life dating used by the processors complies with the minimum standards of quality.

and renumber the subsequent sections

Amendment 2—On page 1 in the title, line 9, after the semicolon insert: amending s. 502.042(2), Florida Statutes, relating to the labeling of shelf life; providing a definition for the term "legibly label";

Amendment 4—In the title, strike line 10 and insert: amending s. 502.042(2), Florida Statutes, relating to the labeling of shelf life; providing a definition for the term "legibly label"; amending s. 502.161, Florida Statutes; redefining the term industry trade products to include all food products having the semblance of milk or a milk product; providing labeling requirements for such products; providing that industry trade products shall comply with certain health standards; requiring a permit for engaging in the manufacture, distribution, or sale of industry trade products; providing an effective date.

Amendment 5—On page 15, lines 1 and 2, strike Section 2 and insert: Section 2. Section 502.161, Florida Statutes, is amended to read:

502.161 Industry trade products.—

(1) DEFINITION.—"Industry trade products" means all food products having any nondairy product which has the semblance of milk or a milk product defined in this chapter but which does not come within the definition of milk, a milk product, or filled milk, or filled milk product.

(2) LABELING.—Industry trade products shall be labeled with a fanciful name or any other descriptive name that accurately describes the product, but in no case shall an "industry trade product" be labeled as an imitation of any product defined in this chapter. An industry trade product which contains a milk-derived ingredient shall not bear on its label the words "nondairy product". An industry trade product which does not contain a milk-derived ingredient shall bear on its label the words "nondairy product" in type of uniform size and prominence, with the size to be at least one-fourth the size of the

largest type on the carton immediately preceding or following the trade name of the food product. No picture or representation of the animal genus bovine or any other picture, symbol, mark, word, design, or representation commonly associated with dairy farming or any other phase of the dairy industry or associated with the production, sale, advertising, distribution, or marketing of milk, milk products, filled milk, or filled milk real dairy products, whether in liquid, powdered, frozen, or any other form, shall be used on any label of any industry trade product, or any advertisement for the sale of any industry trade product. The mere use of the manufacturer's name and symbol on milk, a milk product, filled milk, or a filled milk real dairy product shall not be sufficient to prohibit their use on an industry trade product if such use on milk, milk products, filled milk, or filled milk real dairy product was in effect on or before January 1, 1970.

(3) DISPLAY.—All industry trade products sold in retail food stores shall be physically separated from milk, milk products, filled milk, and filled milk real dairy products as defined in this chapter by a partition or other device or divider in the dairy display case or other display area.

(4) HEALTH STANDARDS.—In the interest of public health, industry trade products shall comply with the standards for the manufacture, sanitation, and health standards of this chapter.

(5) UNLAWFUL LABELING OR ADVERTISING.—It is unlawful for any person to advertise, package, label, sell, or offer for sale, or cause to be advertised, packaged, labeled, sold, or offered for sale, any industry trade product the advertising, packaging, or labeling of which contains any assertion, representation, or statement which is untrue, deceptive, or misleading, which could cause consumers to think they are purchasing a grade A milk, milk product, filled milk, or filled milk product.

(6) PERMITS.—Any person engaged in the manufacture, distribution, or sale of industry trade products within this state shall obtain a permit in accordance with the provisions of s. 502.031.

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

On motions by Senator Peterson, the Senate concurred in House amendments 1, 2, 4 and 5.

SB 849 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Graham	Plante	Trask
Brantley	Hair	Poston	Ware
Childers, D.	Holloway	Saylor	Wilson
Childers, W. D.	Johnston	Sims	Winn
Dunn	Lane, D.	Spicola	Zinkil
Firestone	Lane, J.	Stolzenburg	
Gallen	Myers	Thomas, P.	
Gordon	Peterson	Tobiassen	

Nays—None

Vote after roll call:

Yea—Vogt

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

By Senator Peterson—

SB 559—A bill to be entitled An act relating to plant industry; creating s. 581.182, Florida Statutes; requiring a permit for introduction of citrus plants, citrus plant products, or propagations therefrom from other states, territories, or foreign countries; requiring confiscation and destruction of citrus plants, citrus plant products, or propagations therefrom introduced from other states, territories, or foreign countries without a permit, or any plants propagated thereafter from such materials; creating section 581.183, Florida Statutes; prohibiting

propagation of citrus trees from the Star Ruby variety without prior indexing; providing for the cost of such indexing; requiring confiscation and destruction of trees without compensation; providing a severability clause; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, lines 1-17, strike all of Section 2.

Amendment 2—On page 1 in title, lines 14-20, strike all of said lines and insert: thereafter from such materials; providing a severability clause;

On motions by Senator Peterson, the Senate concurred in House amendments 1 and 2.

SB 559 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Hair	Peterson	Thomas, P.
Brantley	Holloway	Poston	Tobiassen
Childers, D.	Johnston	Saunders	Trask
Childers, W. D.	Lane, D.	Sims	Ware
Dunn	Lane, J.	Spicola	Wilson
Glisson	MacKay	Stolzenburg	Winn
Gordon	Myers	Thomas, J.	Zinkil

Nays—None

Vote after roll call:

Yea—Vogt

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3385 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 3385—A bill to be entitled An act relating to displaced homemakers; providing legislative intent and definitions; requiring the Department of Health and Rehabilitative Services to establish service programs to aid displaced homemakers in becoming financially secure; specifying services to be included in such programs; authorizing the department to enter into contracts and make grants; requiring the department to coordinate such programs with others in existence; requiring that service program positions shall be filled with displaced homemakers; requiring the department to make certain studies of other programs; prohibiting discrimination; providing for appropriations; providing an effective date.

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

On motion by Senator Wilson, the rules were waived and by two-thirds vote CS for HB 3385 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motions by Senator Wilson, by unanimous consent CS for HB 3385 was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Wilson, by two-thirds vote CS for HB 3385 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Dunn	Graham	Lane, D.
Childers, D.	Firestone	Hair	Lane, J.
Childers, W. D.	Gallen	Holloway	McClain
Deeb	Gordon	Johnston	Myers

Poston	Spicola	Trask	Winn
Renick	Stolzenburg	Vogt	Zinkil
Sims	Tobiassen	Wilson	

Nay—1

MacKay

Senator Ware moved that the Senate reconsider the vote by which CS for HB 3385 passed this day.

The Honorable Dempsey J. Barron, President

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

By Senator Myers—

SB 1299—A bill to be entitled An act relating to police officers; amending s. 943.13(2), Florida Statutes; providing that any person employed as a police officer be a citizen of the United States; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 20, insert: new Section 2 and subsequent subsection sections

Section 2. Subsection (2) of section 943.14, Florida Statutes, is amended to read:

943.14 Police training programs; private police schools; certificates and diplomas; exemptions; injunction proceedings.—

(1) The commission shall establish and maintain a police training program with such curriculum, and administered by such agencies and institutions, as it approves, and shall issue a certificate of completion to any person satisfactorily completing the training program established.

(2) The commission shall issue a certificate of compliance to any person satisfactorily complying with the training program established in subsection (1) and the qualifications for employment in s. 943.13. ~~and~~ No person shall be employed as a police officer by any employing agency until he has obtained such certificate of compliance; *except that a written notice of temporary employment authorization may be issued to him by the commission upon evidence from the employing agency that a critical need to employ exists and no approved training program is available in the geographic area or no assigned state training program for a state officer as determined by the commission within a reasonable time. Any person employed as a police officer through temporary employment authorization must enroll in the first training program offered in the geographic area or assigned state training program for a state officer as determined by the commission subsequent to his employment. In no case shall a temporary employment authorization be in force for more than 180 consecutive days and such temporary employment authorization shall not be renewable or transferable.*

Amendment 2—On page 1 in title, line 7, insert after the semicolon: amending s. 943.14(2), Florida Statutes, authorizing temporary employment as a police officer prior to having obtained a certificate of compliance with the required training programs;

On motions by Senator Myers, the Senate concurred in House amendments 1 and 2.

SB 1299 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Graham	Poston	Trask
Childers, D.	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sims	Wilson
Dunn	Lane, D.	Spicola	Winn
Firestone	Lane, J.	Stolzenburg	Zinkil
Gallen	McClain	Thomas, J.	
Gordon	Myers	Tobiassen	

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 107

The Honorable Dempsey Barron
President of the Senate

June 4, 1976

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/SB 107, same being:

A bill to be entitled

An act relating to education; amending s. 229.57, Florida Statutes; providing the purposes of the statewide testing program; directing the Commissioner of Education to implement a program of statewide assessment testing based on minimum performance standards adopted by the State Board of Education; providing for the assessment of special programs; requiring the results of the assessment program to be monitored; providing for technical assistance to districts; providing for the establishment of district assessment programs; requiring the establishment of minimum performance standards by the districts; requiring the attainment of minimum standards at certain grade levels; providing for the awarding of certificates of attendance and differentiated diplomas; amending s. 229.814(1), (3), (4), Florida Statutes, and adding subsection (6) to said section; providing for examinations in subject areas required for high school graduation; requiring school districts and community colleges to develop cooperative plans for providing advanced instruction; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate concur in House Amendments one and two.
2. That the House and Senate adopt the Conference Committee amendments to the House amendments attached hereto and by reference made a part of this report.
3. That the House and Senate pass Committee Substitute for Senate Bill 107 as amended by the House and said Conference Committee amendments.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

1. Requires the commissioner to monitor the results of the statewide testing and provide technical assistance to those districts where deficiencies are identified.
2. Amends s. 229.814, F.S., to provide for subject area examinations in addition to the high school equivalency examination which shall be made available to eligible students. The report further amends this section to require school districts and community colleges to plan cooperatively to provide advanced instruction to students who demonstrate readiness for such activities.

Don C. Childers, Chairman
D. Robert Graham
Philip D. Lewis
Managers on the part of the
Senate

Richard S. Hodes, Chairman
Clark Maxwell
Walter C. Young
Managers on the part of the
House of Representatives

CONFERENCE COMMITTEE AMENDMENTS

Conference Committee Amendment 1 to House Amendment 1—On page 10, line 12 after the period (.) insert: *In developing such plan the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communi-*

cation services or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies.

Conference Committee Amendment 2 to House Amendment 1—On page 15, line 14, strike the period (.) and insert: *and s. 233.0682.*

Conference Committee Amendment 3 to House Amendment 1—On page 17, line 25, insert: new paragraphs (d) and (e) to read:

(d) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent, the school principal and the school advisory committee or other existing parent group of this situation within 30 days of its determination. The commissioner shall further provide technical assistance to the district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(e) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.

Conference Committee Amendment 4 to House Amendment 1—On page 19, lines 8-24, strike all of lines 8 through 24 and insert: *(3) SCHOOL REPORT.—Each school shall report annually on its status of education. Such reports shall be based upon information for the prior school year and shall contain:*

(a) Information on how well the school is meeting its goals and objectives.

(b) Interpretation and analysis of student progress including information on how well students are achieving the minimum performance standards.

(c) Fiscal information including the school budget.

(d) Information on the needs of the school and its students.

(e) Summaries of teacher, student, parent, and community attitudes toward the school.

(f) Any other information and analyses which explain or clarify the status of education.

The principal, with the assistance of teachers, students

Conference Committee Amendment 5 to House Amendment 1—On page 20, line 20, insert a new Section 9 and renumber subsequent sections. Insert new Section 9. to read:

Section 9. Subsections (1), (3), and (4) of section 229.814, Florida Statutes, are amended and subsection (6) is added to said section to read:

229.814 *Secondary Level Examination Program High school equivalency diploma.—*

(1) The State Board of Education shall adopt rules which prescribe performance standards and provide for comprehensive examinations to be administered to candidates for high school equivalency diplomas, and for individual examinations in the subject areas required for high school graduation. These rules shall include, but not be limited to, provisions for fees, frequency of examinations, and procedures for retaking the examination upon unsatisfactory performance.

(3) Each district school board shall offer and administer the high school equivalency diploma examinations and the subject area examinations to all candidates pursuant to rules of the state board.

(4) ~~A candidate must be at least 16 years of age at the time of examination. However, persons who are at least 14 years of age and who have the approval of a parent or guardian may be permitted to take the examination and, upon attaining satisfactory performance, shall be awarded an equivalency diploma. A candidate shall submit an application upon a form prescribed by the state board which provides essential personal data, education and training records, and information regarding residence.~~

(6) Each district school board shall develop, in cooperation with the area community college board of trustees, a plan for the provision of advanced instruction for those students who attain satisfactory performance on the high school equivalency examination or the subject area examinations or who demonstrate through other means a readiness to engage in post-secondary level academic work. The plan shall include provisions for the equitable distribution of generated funds to cover personnel, maintenance and other costs of offering the advanced instruction. Priority shall be given to programs of advanced instruction offered in high school facilities.

Conference Committee Amendment 6 to House Amendment 1—On page 29, lines 1-4, strike all of lines 1 through 4 and insert: not to be limited to, mastery of the basic skills and satisfactory performance in functional literacy as determined by the State Board of Education, and the completion of the minimum number of credits required by the district school board. Each district shall develop procedures for the remediation of those students who are unable to meet such standards. Based on these standards each district shall provide for the awarding of certificates of attendance and may provide for differentiated diplomas to correspond with the varying achievement levels or competencies of its secondary students.

Conference Committee Amendment 7 to House Amendment 1—On page 32, lines 11 and 12, strike "232.24, and 233.0682," and insert: and 232.24,

Conference Committee Amendment 1 to House Amendment 2—On Page 2 in title, line 4, before "amending" insert: amending s. 229.814(1), (3), (4), Florida Statutes, and adding Subsection (6) to said section; providing for examinations in subject areas; requiring school districts and community colleges to develop cooperative plans for providing advanced instruction;

Conference Committee Amendment 2 to House Amendment 2—On page 3 in title, line 9, strike "233.0682,"

Conference Committee Amendment 3 to House Amendment 2—On page 3 in title, lines 12-14, strike "State Board of Education regulations respecting a comprehensive vocational education program,"

On motion by Senator D. Childers the Conference Committee Report was adopted and—

CS for SB 107—A bill to be entitled An act relating to education; creating s. 229.55, Florida Statutes, providing a short title and legislative intent; amending s. 229.551, Florida Statutes, providing for coordination and management of all aspects of a system of accountability in lieu of the currently provided for plan for effecting constructive educational change; providing duties of the Commissioner of Education; creating s. 229.555, Florida Statutes, providing for educational planning and a comprehensive management information system; amending s. 229.561(2)(d) and (e), Florida Statutes, and amending the introductory paragraph of said section; providing legislative intent with respect to allocation of funds for educational research and development; eliminating the required annual report with respect to the Commissioner of Education's 2-year plan for educational research and development; creating s. 229.565, Florida Statutes; providing educational evaluation procedures; providing for the establishment of minimum program standards; amending s. 229.57, Florida Statutes, providing for a statewide student assessment testing program in lieu of current provisions with respect to educational accountability; creating ss. 229.575, and 229.58, Florida Statutes; providing reporting procedures; providing for district and school advisory committees; amending s. 229.814(1), (3), (4), Florida Statutes, and adding subsection (6) to said section; providing for examinations in subject areas; requiring school districts and community colleges to develop cooperative plans for providing advanced instruction; amending s. 228.071(4), Florida Statutes, requiring a district school board or the board for the Florida School for the Deaf and the Blind to describe its community school program when making a community school grant application; amending s. 230.22(1), Florida Statutes, deleting certain authority with respect to school advisory councils; amending s. 230.33(5), Florida Statutes, deleting certain provisions with respect to school program plans; amending s. 230.2311, Florida Statutes, providing legislative intent with respect to the pro-

vision of basic skills in the public education system; requiring use of prescriptive techniques to meet individual pupil needs with special assistance to pupils not reaching minimum reading requirements; requiring periodic evaluation of certain pupils by the district school board; amending s. 230.2313(4) and (5), Florida Statutes, removing language which requires inclusion of student services programs in a school district's comprehensive plan; creating s. 232.245, Florida Statutes, requiring each district school board to establish a pupil progression program based on individual pupil performance; requiring establishment of standards for graduation from high school; amending s. 236.02(7), Florida Statutes, providing for conformity with this act in lieu of currently required comprehensive educational plans; amending s. 237.34, Florida Statutes, providing for cost accounting and reporting in lieu of current provisions relating to a comprehensive information, accounting, and reporting system; repealing ss. 228.165, 229.813, 232.24, and 237.35, Florida Statutes, relating, respectively, to annual report of progress, departmental report of educational needs, promotion of pupils, and program information and audit; directing certain actions by the Division of Statutory Revision and Indexing of the Joint Legislative Management Committee; providing for other matters relative to the foregoing; providing an effective date.

—passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—28

Mr. President	Gordon	Myers	Stolzenburg
Childers, D.	Graham	Plante	Thomas, J.
Childers, W. D.	Holloway	Poston	Thomas, P.
Dunn	Johnston	Renick	Trask
Firestone	Lane, D.	Scarborough	Ware
Gallen	Lane, J.	Sims	Winn
Glisson	McClain	Spicola	Zinkl

Nays—None

Votes after roll call:

Yeas—Hair, Peterson, Tobiasen, Vogt and Wilson

Senator Graham moved that the Senate reconsider the vote by which HB 3451 passed this day.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, further amended and passed as further amended—

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

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 1, 2, 3, & 4, lines 30 and 31, 1-31, and 1-31, and 1-8, strike all thereof and insert: Section 1. Subsection (1) of section 120.54, Florida Statutes, is amended, subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) of said section are renumbered as subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14),

(15), and (16), respectively, and new subsections (2) and (3) are added to said section, to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (8), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, and the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it. ~~If the agency determines that this is not possible, the reasons why the costs of the proposed rule cannot be estimated shall be stated in the notice.~~ The notice shall contain the location where the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.

(a) Except as otherwise provided in this paragraph, the notice shall be mailed to the committee, to all persons named in the proposed rule, and to all persons who have made requests of the agency for advance notice of its proceedings at least 14 days prior to such mailing. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed. Notice of intent by an educational unit to adopt, amend, or repeal any rule not described in subsection (8) shall be made:

1. By publication in a newspaper of general circulation in the affected area;
2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified. Such publication, mailing, and posting of notice shall occur at least 14 days prior to the intended action.

(b) The notice shall be published in the Florida Administrative Weekly not less than 21 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee.

(2)(a) Every agency, prior to the adoption, amendment, or repeal of any rule, shall prepare information on its proposed action by preparing an economic impact statement using professionally accepted methodology, with quantification of data to the extent practicable, giving effect to both short-term and long-term consequences. The economic impact statement shall include the following information:

1. A description of the action proposed, the purpose for taking the action, the legal authority for the action and the plan for implementing such action.
2. A determination of the least-cost method for achieving the stated purpose.
3. A comparison of the cost-benefit relation of the action to nonaction.
4. A determination whether the action represents the most efficient allocation of public and private resources.
5. A determination of the effect of the action on competition.
6. A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(3) A member of the Legislature, the Governor, or any member of the Cabinet may request an agency to prepare an economic impact statement upon any existing rule. A member of the Legislature may request an agency to prepare an economic impact statement upon any proposed legislation which has a direct relationship to the agency. The agency, upon such request within a reasonable time and within existing resources

shall furnish the requesting party with an economic impact statement in accordance with subsection (2).

Amendment 2—On page 4, lines 27 and 28, strike *whether the estimate of economic impact meets the requirements of subsection (1)*,

Amendment 3—On page 5, lines 21-29, strike all thereof and renumber following sections.

Amendment 4—On page 1 in title, lines 3-26, strike all thereof and insert: A bill to be entitled An act relating to state agencies; amending s. 120.54(1) and (10), Florida Statutes, and adding new subsections (2) and (3) to said section; requiring agencies to estimate the economic impact of proposed rules and to set forth the estimate in the notice of intended action with respect to each such rule; requiring every agency, prior to the adoption, amendment, or repeal of any rule, to prepare an economic impact statement along specified lines; authorizing specified elected officials to request economic impact statements from agencies; repealing chapter 76-1, Laws of Florida, the "Florida Economic Impact Disclosure Act of 1975"; providing a severability clause; providing an effective date.

House Amendment 5 to House Amendment 1—On page 4 of amendment 1, line 8, insert: 6. A conclusion as to the economic impact of the proposed agency action on preserving an open market for employment.

and renumber sub-section 6. as 7.

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

Senate Amendment 1 to House Amendment 1—On page 4, lines 10-11, strike the word "substantially" and insert: directly

On motions by Senator Myers, the Senate concurred in House amendment 1 as amended and House amendments 2, 3, 4 and 5 and requested the House to concur in the Senate amendment.

CS for SB 949 passed as further amended and the action of the Senate with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Plante	Thomas, P.
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Scarborough	Ware
Dunn	Lane, J.	Sims	Winn
Firestone	Mackay	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Hair, Tobiassen and Wilson

On motion by Senator Myers, the Senate reconsidered the vote by which CS for SB 949 passed.

On motion by Senator Myers, the Senate reconsidered the vote by which the Senate concurred in Amendment 1 as amended.

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

Senate Amendment 2 to House Amendment 1—On page 4, strike line 18, and on page 5 strike lines 1 through 6

On motion by Senator Myers, the Senate reconsidered the vote by which the Senate concurred in House Amendment 4.

Senator Myers moved the following amendment to House Amendment 4 which was adopted:

Senate Amendment 1 to House Amendment 4—On page 1, line 10, after the semicolon insert: requiring the legislature to consider the economic impact of prepared legislation prior to enactment;

On motions by Senator Myers, the Senate concurred in House Amendment 1 as further amended and House Amendment 4 as amended and the House was requested to concur in the Senate amendments to the House amendments.

On motion by Senator Graham, the Senate reconsidered the vote by which the Senate concurred in House Amendment 3.

On motion by Senator Graham, the Senate refused to concur in House Amendment 3 and the House was requested to recede.

CS for SB 949 passed as further amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Tobiassen
Childers, D.	Holloway	Plante	Trask
Childers, W. D.	Johnston	Poston	Ware
Deeb	Lane, D.	Renick	Winn
Firestone	Lane, J.	Saylor	Zinkil
Gallen	Lewis	Scarborough	
Gordon	McClain	Spicola	

Nays—None

The Honorable Dempsey J. Barron, President

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

By the Committee on Judiciary-Civil and Senator Gallen—

CS for SB 738—A bill to be entitled An act relating to legal services for state agencies; amending s. 16.01, Florida Statutes; creating s. 16.055, Florida Statutes; specifying persons to whom the Attorney General may give official opinions; creating s. 16.55, Florida Statutes; authorizing the Attorney General to initiate, maintain, prosecute lawsuits to enforce antitrust laws; creating s. 16.57, Florida Statutes; authorizing the Attorney General to initiate civil litigation, with the approval of the Governor and Cabinet, when no state agency is vested with the authority to enforce such right; providing exceptions and authorizing the Attorney General to file under certain statutes; providing procedure for Attorney General to initiate civil litigation when a state agency is vested with authority; amending s. 20.11, Florida Statutes; providing that the Department of Legal Affairs may provide legal services to a state agency only upon written request of the head of such agency; creating s. 542.13, Florida Statutes; providing a trust fund for the purpose of funding investigation, prosecution, and enforcement of the provisions of state or federal antitrust laws; providing for the allocation of recovered funds; repealing s. 16-101, Florida Statutes, which provides that the Attorney General shall be the reporter for the Supreme Court; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 6, line 7, strike "Ten" and insert: six

Amendment 3—On pages 6 & 7, lines 22-31 on page 6 and 1 & 2 on page 7, strike all of subsections (3) and (4)

Amendment 4—On page 6, line 3, insert after the second word "fund": from which the legislature may appropriate funds

Amendment 5—On page 5, lines 26-29, re-insert struck through language

Amendment 6—On page 5, line 3, strike "119, 286,"

Amendment 7—On page 5, lines 5 & 6, strike the Attorney General is authorized to enforce chapters 119 and 286.011, F.S.

On motions by Senator Gallen, the Senate concurred in House amendments 2, 3, 4, 5, 6 and 7.

CS for SB 738 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Hair	Poston	Tobiassen
Childers, D.	Holloway	Renick	Trask
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lane, D.	Sims	Winn
Firestone	Lane, J.	Spicola	Zinkil
Gallen	McClain	Stolzenburg	
Glisson	Myers	Thomas, J.	
Graham	Plante	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Vogt

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 refused to recede from House Amendments 1 & 2 to SB 1008, and again requests the Senate to concur.

Allen Morris, Clerk

By Senators Graham, Zinkil, J. Thomas, P. Thomas, Winn, Gallen and Barron—

SB 1008—A bill to be entitled An act relating to mental health; providing legislative intent with respect to treatment programs for certain involuntarily hospitalized patients who have been found to be incompetent to stand trial; authorizing and directing the Department of Health and Rehabilitative Services to provide secure and separate facilities for treatment of such patients; providing conditions and limitations; providing for security services; declaring a public emergency; providing that the department shall have sole responsibility for the provision of such facilities; providing for rules and specifying departmental authority; providing an appropriation; adding s. 394.461(4), Florida Statutes; requiring separate housing facilities for the criminally insane; requiring early transfer from state hospitals; providing an effective date.

Amendment 1—On pages 1 & 2, strike all of lines 24-31 on page one; all of lines 1-7 on page two; and all of lines 11-19 on page two.

Renumber subsequent sections accordingly.

Amendment 2—In the title on page 1, line 18-22, strike adding s. 394.461(4), Florida Statutes; requiring separate housing facilities for the criminally insane; requiring early transfer from state hospitals;

On motions by Senator Zinkil, the Senate concurred in House amendments 1 and 2.

SB 1008 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Hair	Plante	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Dunn	Lane, D.	Scarborough	Winn
Firestone	Lane, J.	Sims	Zinkil
Gallen	MacKay	Spicola	
Glisson	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Vogt

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

By Senator Zinkil—

SB 92—A bill to be entitled An act relating to the "Florida Uniform Disposition of Traffic Infractions Act"; amending s. 318.13(5), Florida Statutes, to include traffic infraction enforcement officers within the definition of "officer" for the purposes of said act; creating s. 318.141, Florida Statutes, to authorize sheriff's departments or police departments of chartered municipalities to employ individuals, who meet certain qualifications, as traffic infraction enforcement officers; prescribing the duties of such officers; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 25, insert:

(2) Such traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of an accident investigation team at the scene of a vehicle accident or in other types of traffic infraction enforcement under the direct and immediate supervision of a fully qualified law enforcement officer.

Renumber subsequent subsection (2) to (3)

On motion by Senator W. D. Childers, the Senate concurred in the House amendment.

SB 92 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

By Senator W. D. Childers and others—

SB 895—A bill to be entitled An act repealing Chapter 76-3, Laws of Florida, prior to its effective date, which act related to ad valorem taxation, amended s. 196.199(4) by deleting reference therein to s. 196.199(2)(a) and by changing from June 1, 1971, to June 1, 1975 the date upon which certain leasehold interests of nongovernmental lessees of governmental property became subject to taxation, provided in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor, provided that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor by certain governmental lessors or sublessors, provided for payment of certain 1974 and future taxes, and provided that certain entities are deemed to be governmental authorities; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all following the enacting clause and insert:

Section 1. Subsections (2), (3), (4), (5) and (6) of section 196.199, Florida Statutes, are amended and subsections (6) and (7) are redesignated to read:

196.199 Exemptions for property owned by governmental units:

(2) Property owned by the following governmental units but used by nongovernmental lessees shall only be exempt from taxation under the following conditions:

(a) Leasehold interests in property of the United States, of the state or any of its several political subdivisions, or of municipalities, agencies, authorities and other public bodies corporate of the state shall be exempt from ad valorem taxation only when the lessee serves or performs a governmental, municipal, or public purpose or function, as defined in s. 196.012(5). In all such cases, all other interests in the leased property shall also be exempt from ad valorem taxation. *The provisions of this paragraph shall not apply to leasehold interests created, extended, or renewed after April 14, 1976.*

(b) *Leasehold interests in property of the United States, of the state or any of its several political subdivisions, or of municipalities, agencies, authorities and other public bodies corporate of the state created, extended or renewed after April 14, 1976, shall be exempt only in those instances in which the lessee serves or performs governmental, municipal, or public purposes or functions as defined in § 196.012(5) and:*

1. *The lessee is engaged in a phase of aeronautics within the meaning of 49 U.S.C. § 1301, the Federal Aviation Act of 1958, as amended.*

2. *The lessee is engaged in a phase of the maritime industry which utilizes docks, wharves, marine terminals, ship-building, dry docking, repair and other related facilities directly involved in the handling of vessels or cargo within the boundaries of a public port authority.*

(c) *The exemption provided by this subsection shall not apply to those portions of a leasehold estate which are used predominantly for a private, commercial purpose and serve no governmental, municipal or public purpose.*

(d) ~~4b~~ Any governmental property leased to an organization which uses the property exclusively for literary, scientific, religious, or charitable purposes shall be exempt from taxation.

(3) Nothing herein or in § 196.001 shall require a governmental unit or authority to impose taxes upon a leasehold estate created, *extended or renewed prior to April 15, 1976, December 31, 1971* if the lease agreement creating such leasehold estate contains a covenant on the part of such governmental unit or authority as lessor to refrain from imposing taxes on the leasehold estate during the term of the leasehold estate, but any such covenant shall not prevent taxation of a leasehold estate by any such taxing unit or authority other than the unit or authority making such covenant.

(4) ~~(a)~~ Property owned by the United States, by the state, or by any political subdivision, municipality, agency, or authority or other public body corporate of the state which becomes subject to a leasehold interest of a nongovernmental lessee or other possessory interest, other than that described in paragraph (b) of subsection (2), after April 14, 1976 ~~on or~~ after June 1, 1975, and the leasehold interest of such a lessee, shall be subject to ad valorem taxation unless the lessee is an organization which uses the property exclusively for literary, scientific, religious or charitable purposes.

(5) *Leasehold interests created or renewed after April 14, 1976 shall not be exempt pursuant to this section unless an application for exemption has been approved by the board of tax adjustment. The application for exemption shall be filed at any time with the property appraiser who shall find whether the lessee serves or performs a governmental, municipal, or public purpose. Within sixty days after filing with the property appraiser, the board of tax adjustment shall approve or modify the finding of the property appraiser and shall either grant or deny the requested exemption. If the exemption is granted, it shall remain valid for the time of the lease unless the lessee changes its use. The advertising requirements set forth in s. 196.194 shall apply to all requests for exemption authorized under this section.*

(6)~~(5)~~ No exemption granted before June 1, 1976, 1971, shall be revoked by this chapter if such revocation will impair any existing bond agreement.

(7)~~(6)~~ Property which is originally leased for 99 years or more, exclusive of renewal options, shall be deemed to be "owned" for the purposes of this section.

(8)~~(7)~~(a) Any and all of the aforesaid taxes on any leasehold described in this section shall not become a lien on same or the property itself, but shall constitute a debt due and shall be recoverable by legal action or by the issuance of tax executions that shall become liens upon any other property in any county of this state of the taxpayer who owes said tax.

(b) Nonpayment of any such taxes by the lessee shall result in the revocation of any occupational license of such person or the revocation, upon certification hereunder by the [property appraiser] to the Department of State, of the corporate charter of any such domestic corporation or the revocation, upon certification hereunder by the [property appraiser] to the business in Florida, as appropriate, which such license, charter or authority is related to the leased property.

Section 2. Chapter 76-3, Laws of Florida, is hereby repealed.

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

Senators J. Lane, Spicola, MacKay, W. D. Childers and Dunn offered the following amendment to House Amendment 1 which was moved by Senator J. Lane and adopted:

Senate Amendment 1 to House Amendment 1—On pages 1-5, strike lines 1-18 on page 1, lines 1-14 on page 2, lines 1-18 on page 3, lines 1-18 on page 4 and lines 1-12 on page 5 and insert: Section 1. Subsections (2), (3), (4) and (5) of section 196.199, Florida Statutes, are amended, subsections (5), (6) and (7) are redesignated and new subsections (5) and (9) are added to read:

196.199 Exemptions for property owned by governmental units:

(2) Property owned by the following governmental units but used by nongovernmental lessees shall only be exempt from taxation under the following conditions:

(a) Leasehold interests in property of the United States, of the state or any of its several political subdivisions, or of municipalities, agencies, authorities and other public bodies corporate of the state shall be exempt from ad valorem taxation only when the lessee serves or performs a governmental, municipal, or public purpose or function, as defined in s. 196.012(5). In all such cases, all other interests in the leased property shall also be exempt from ad valorem taxation.

(b) *The exemption provided by this subsection shall not apply to those portions of a leasehold estate which are used predominantly for a private, commercial purpose and serve no governmental, municipal or public purpose.*

(c)~~(b)~~ Any governmental property leased to an organization which uses the property exclusively for literary, scientific, religious, or charitable purposes shall be exempt from taxation.

(3) Nothing herein or in s. 196.001 shall require a governmental unit or authority to impose taxes upon a leasehold estate, created, *extended or renewed prior to April 15, 1976, December 31, 1971*, if the lease agreement creating such leasehold estate contains a covenant on the part of such governmental unit or authority as lessor to refrain from imposing taxes on the leasehold estate during the term of the leasehold estate, but any such covenant shall not prevent taxation of a leasehold estate by any such taxing unit or authority other than the unit or authority making such covenant.

(4)~~(a)~~ Property owned by ~~the United States, by the state, or by any political subdivision~~, municipality, agency, authority or other public body corporate of the state which becomes subject to a leasehold interest or other possessory interest of a nongovernmental lessee other than that described in paragraph (a) of subsection (2), after April 14, 1976 subsection ~~(2)(a)~~ above on or after June 1, 1971, and the leasehold interest of such a lessee, shall be subject to ad valorem taxation unless the lessee is an organization which uses the property exclusively for literary, scientific, religious or charitable purposes.

(5) *Leasehold interests in governmental property shall not be exempt pursuant to this subsection unless an application for exemption has been filed on or before March 1 with the property appraiser. The property appraiser shall review the application and shall make findings of fact which shall be presented to the board of tax adjustment at its convenience whereupon the board shall take appropriate action regarding the application. If the exemption in whole or in part is granted, or established by judicial proceeding, it shall remain valid for the duration of the lease unless the lessee changes its use, in which case the lessee shall again submit an application for exemption. The requirements set forth in s. 196.194 shall apply to all applications made under this subsection.*

(6)~~(5)~~ No exemption granted before June 1, 1976, 1971, shall be revoked by this chapter if such revocation will impair any existing bond agreement.

(7)~~(6)~~ Property which is originally leased for 99 years or more, exclusive of renewal options, shall be deemed to be "owned" for the purposes of this section.

(8)~~(7)~~(a) Any and all of the aforesaid taxes on any leasehold described in this section shall not become a lien on same or the property itself, but shall constitute a debt due and shall be recoverable by legal action or by the issuance of tax executions that shall become liens upon any other property in any county of this state of the taxpayer who owes said tax.

(b) Nonpayment of any such taxes by the lessee shall result in the revocation of any occupational license of such person or the revocation, upon certification hereunder by the [property appraiser] to the Department of State, of the corporate charter of any such domestic corporation or the revocation, upon certification hereunder by the [property appraiser] to the business in Florida, as appropriate, which such license, charter or authority is related to the leased property.

(9) *If the provisions of any clause, sentence, subsection or section of this act or the application thereof to any person, county, county officer, or circumstance are held invalid, the invalidity thereof shall not affect or nullify any other provisions of the act and any such invalid provisions are declared severable and the Legislature declares that it would have passed the act without any of the invalid provisions.*

Section 2. Chapter 76-3, Laws of Florida, is hereby repealed.

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

Amendment 2—On page 1 in the title, strike lines 4-24 and insert: An act relating to ad valorem taxation; amending section 196.199(2), (3), (4) and (5), Florida Statutes, creating subsection (6) of said section, and redesignating subsections (6) and (7) as subsections (7) and (8); providing for exemption to nongovernmental lessees of governmentally owned property under certain circumstances; providing for review of exemption applications by boards of tax adjustment; providing that exemptions granted before June 1, 1976 shall not be revoked if revocation will impair existing bond agreements; repealing Chapter 76-3, Laws of Florida; providing an effective date.

Senators J. Lane, Spicola, MacKay, W. D. Childers and Dunn offered the following amendment to House Amendment 2 which was moved by Senator J. Lane and adopted:

Senate Amendment 1 to House Amendment 2—On page 1, strike lines 1-11 and insert: A bill to be entitled An act relating to ad valorem taxation; amending section 196.199(2), (3), (4) and (5), Florida Statutes, creating new subsections (5) and (9) of said section, and redesignating subsections (5), (6) and (7) as subsections (6), (7) and (8); providing for exemption to nongovernmental lessees of governmentally owned property under certain circumstances; providing for review of exemption applications by boards of tax adjustment; providing that exemptions granted before June 1, 1976 shall not be revoked if revocation will impair existing bond agreements; repealing Chapter 76-3, Laws of Florida, which act related to ad valorem taxation, amended s. 196.199(4) by deleting reference therein to s. 196.199(2)(a) and by changing from June 1, 1971, to June 1, 1975, the date upon which certain leasehold interests of nongovernmental lessees of governmental property became subject to taxation, provided in the

case of governmental property leased or subleased to a non-governmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor, provided that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor by certain governmental lessors or sublessors, provided for payment of certain 1974 and future taxes, and provided that certain entities are deemed to be governmental authorities; providing for severability; providing an effective date.

On motions by Senator W. D. Childers, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 895 passed as further amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Senator Scarborough presiding

The Honorable Dempsey J. Barron, President

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

By Senators Spicola and Brantley—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 16, strike Section 2 and insert the following: Section 2. Subsections (4) and (5) of section 98.051, Florida Statutes, 1974 Supplement, are amended to read:

98.051 Registration books for permanent registration system; when open.—

(4) The books shall close at 5 p.m. on the 30th 45th day before each state and local election and on the 30th day before each national election for President and Vice President of the United States and remain closed for 5 days after the election, during which time no registration shall be accepted and after which time they shall be open for registration. However, when the books are closed for the primaries, registration shall be accepted for the general election.

(5)(a) No person shall register or alter in any way his existing registration at any time other than during the period provided for registration of electors. In computing the 45 or 30-day period, the election day is excluded, but all other holidays and Sundays are to be included. Registration shall be conducted on weekdays only and should the 45th or 30th day preceding an election fall on Sunday or a holiday, then the registration books shall close at 5 p.m. on the day preceding.

(b) When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close

all books to further registration for such district, municipal, or special election 30 45 days prior to the election date or immediately in the event the date of the election is less than 30 45 days *(away), but the books shall remain open and registrations shall be accepted for all other purposes.

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

Amendment 2—On page 1, line 14, insert the following after the semi-colon: amending s. 98.051(4) and (5), Florida Statutes, 1974 Supplement, providing that the closing date for registration for state and local elections shall be the same as that for national presidential elections; prohibiting any person from altering his existing registration except during a period provided for the registration of electors;

On motions by Senator Spicola, the Senate refused to concur in House Amendments 1 and 2, and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 8089 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crabtree—

HB 3089—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 673.122(1)(b), Florida Statutes, relating to accrual of a cause of action on demand instruments, providing that the provisions of the statute of limitations shall control over the provisions of said paragraph; providing an effective date.

—was read the first time by title. On motion by Senator Johnston, the rules were waived and the bill was placed on the calendar. Senator Johnston requested unanimous consent to take up the bill out of order which was not granted.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4210 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing—

HB 4210—A bill to be entitled An act relating to the administration of the beverage law; amending s. 561.20(2)(a), Florida Statutes, and adding paragraph (c) thereto, removing certain statutory language relating to the exemption on seating capacity and minimum size requirements granted to certain restaurants which serve alcoholic beverages which are part of publicly-owned or leased airports; exempting certain alcoholic beverage vendors operating in municipally owned or leased airports from the quota alcoholic beverage license limitations; providing for the issuance of "Special Airport Licenses" and prohibiting transfer of such licenses; providing an exception; exempting Special Airport Licenses from certain requirements of law or rules promulgated thereunder; amending s. 561.22, Florida Statutes, providing exception to attribution rules concerning exporters and exporting; providing that prohibition against a license being issued to an exporter as a vendor and to a vendor as an exporter shall apply only to prohibit the same individual, copartnership, firm, association or corporation from being issued, holding or operating under both a vendor's and an exporter's license; providing restrictions on any individual, copartnership, firm, association or corporation operating as an exporter of alcoholic beverages under license of this state which is interested in, or affiliated or connected with, directly or indirectly, any other such entity operating as a vendor; providing for reverse severability; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar. On motion by Senator J. Lane, by two-thirds vote HB 4210 was withdrawn from the Committee on Rules and Calendar. Senator J. Lane requested unanimous consent to take up the bill out of order which was not granted.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for SB 1384.

Allen Morris, Clerk

On motion by Senator Ware CS for SB 1384 was returned to the House as requested.

The Honorable Dempsey J. Barron, President

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

By Senator Spicola and others—

SB 1274—A bill to be entitled An act relating to water resources; amending s. 373.069(3), Florida Statutes; transferring certain areas within certain water management districts to other water management districts; revising the boundaries of certain water management districts; creating s. 373.0691, Florida Statutes; providing for the assumption, by the district receiving the transferred area, of all contractual obligations with respect to a transferred area; providing for the transfer, to the district receiving the transferred area, of all property interests therein, and of all equipment, vehicles, and other personal property and records owned, located and used by a district solely within a transferred area; amending s. 373.0693 (1), (6), Florida Statutes and adding subsections to said section; authorizing each water management district governing board to change the boundaries of basins within its district; providing for the formation of the Manasota, Oklawaha, Big Cypress, St. Johns, and Okeechobee Basins; authorizing designation of transitional board members; amending s. 373.0697, Florida Statutes; authorizing basin ad valorem taxes; amending s. 373.073, Florida Statutes; providing for the appointment of members of the governing board of a water management district; providing residence requirements for members of the governing boards; amending s. 373.109, Florida Statutes; exempting governmental entities from such fees; amending s. 373.171(1), (2), (5), Florida Statutes; authorizing governing boards to regulate, and establish rules concerning, the use of water; amending s. 373.1961, Florida Statutes, relating to providing assistance to water supply authority; directing Southwest Florida Water Management District to assist the West Coast Regional Water Supply Authority; creating s. 373.217, Florida Statutes; providing that Part II of the Florida Water Resources Act of 1972 provides the exclusive authority for requiring permits for the consumptive use of water and authorizing transportation thereof; amending s. 373.223(2), Florida Statutes; providing that the governing board or the department may authorize a consumptive use permit holder to transport and use ground or surface water across county boundaries; amending s. 373.229(3), Florida Statutes; changing hearing requirements for consumptive use permits; amending s. 373.503(2), (3), Florida Statutes; authorizing and prescribing the manner of taxation within the districts; prohibiting special laws or general laws of local application pertaining to the allocation of any portion of the millage authorized for water management purposes; amending s. 373.506, Florida Statutes; authorizing the district board to borrow money to pay the expenses of operation or to meet emergencies; providing for the assumption of certain contractual obligations of the Southwest Florida Water Management District by the St. Johns River Water Management District; requiring the submission of budgets and expenditures by districts and basins to certain governmental bodies; repealing sections 3, 14, Ch. 61-691, Laws of Florida, relating to the organization and membership of the Southwest Florida Water Management District governing board and to the boundaries of such district; repealing s. 373.509, Florida Statutes, which subjects land within water management districts to taxes, based on the benefits derived from the works of the district; repealing s. 373.513, Florida Statutes, which provides for the determination of such benefit by the district board; repealing s. 373.519, Florida Statutes, which provides a hearing for any landowner in the district objecting to the determination of benefits by the board; repealing s. 373.523, Florida Statutes, which provides for consideration of such objections by the district board; repealing s. 373.526, Florida Statutes, relating to court review procedures; repealing s. 373.529, Florida Statutes, which provides for the determination by the district board of the proportion of total benefits to be used to determine the tax rate to apply in arriving at the amount of tax; repealing s. 373.533, Florida Statutes, which provides for readjustment of benefits; repealing s. 373.549,

Florida Statutes, which provides for extension of district boundaries; repealing s. 373.606, Florida Statutes, which authorizes the creation of subdistricts within major districts; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 15, 16, 18 and 19, strike all underlining

Amendment 2—On page 22, line 16, after the word “subsections” insert: (7),

Amendment 3—On page 25, line 16, strike *in the Ridge Basin and*

Amendment 4—On page 10, lines 8-20, strike all of said lines and insert: Osceola County line; thence westerly along the Orange-Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence North along the range line to the intersection with the northerly right-of-way line of State Road 528 also known as the Bee Line Expressway; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528 A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the northeast

Amendment 5—On pages 19 & 20, lines 27-31, & 1-7, strike all of said lines and insert: South, Range 29 East; thence Easterly along the section lines to the westerly right-of-way line of U.S. Highway 441; thence southerly along the westerly right-of-way line to the intersection with the northerly right-of-way line of State Road 528A; thence easterly along the northerly right-of-way line to the intersection with the northerly right-of-way line of State Road 528, also known as the Bee Line Expressway; thence easterly along the northerly right-of-way line of State Road 528 to the intersection with the range line between Township 23 South, Range 31 East and Township 23 South, Range 32 East; thence Southerly along the Range line between Ranges 31 and 32 East to the Orange-Osceola County

Amendment 6—On page 24, line 1-16, strike all of (9) (and renumber subsequent subsections)

Amendment 8—On page 28, line 6-22, strike all of said lines

Amendment 9—On page 25, line 12, after the word “basin” strike the period (.) and insert: prior to 11:59 p.m. on December 31, 1979.

Amendment 10—On page 25, line 28, after the period, insert: *Provided, however, the Basin may not be enlarged to include the area included within the initial boundaries of the Big Cypress Basin prior to 11:59 p.m. on December 31, 1979.*

Amendment 11—On page 22, line 25, insert after the period: *No subdistrict or basin in the St. Johns Water Management District other than established by this act shall become effective until approved by the Legislature.*

On motions by Senator Spicola, the Senate concurred in House amendments 1, 2, 3, 4, 5, 6, 8, 9, 10 and 11.

SB 1274 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Brantley	Gallen	Hair	Myers
Childers, D.	Glisson	Holloway	Peterson
Deeb	Gordon	Johnston	Plante
Dunn	Graham	Lane, J.	Poston

Renick	Sims	Tobiassen	Ware	Thomas, J.	Trask	Ware	Zinkil
Sayler	Spicola	Trask	Winn	Tobiassen	Vogt	Winn	
Scarborough	Thomas, J.	Vogt					

Nays—4

Childers, W. D. Lane, D. Stolzenburg Zinkil

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 again refused to concur in Senate Amendments 1, 2 & 3 to:

By the Committee on Criminal Justice and Representative Lehman and others—

CS for HB 2599—A bill to be entitled An act relating to criminal penalties; amending s. 893.13(1)(a), Florida Statutes, providing that the sale, delivery or possession of in excess of 100 pounds of cannabis is a felony of the second degree; providing an effective date.

—and requests the Senate to recede.

Allen Morris, Clerk

On motions by Senator Zinkil, the Senate receded from Amendments 1, 2 and 3.

CS for HB 2599 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4119 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 4119—A bill to be entitled An act relating to the Department of General Services; providing legislative intent; providing an appropriation for certain purposes; providing that the cash balance in the Supervision Trust Fund as of June 30, 1976, shall be deposited into general revenue; providing an effective date.

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

On motion by Senator J. Lane, by unanimous consent HB 4119 was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 4119 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Glisson	Lane, J.	Poston
Childers, D.	Graham	Lewis	Renick
Childers, W. D.	Hair	McClain	Sayler
Dunn	Holloway	Myers	Scarborough
Firestone	Johnston	Peterson	Spicola
Gallen	Lane, D.	Plante	Stolzenburg

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to SB 524, again requests the Senate to concur.

Allen Morris, Clerk

By Senator W. D. Childers—

SB 524—A bill to be entitled An act relating to gill nets; amending s. 370.08(7), Florida Statutes; providing that gill nets may be gathered or taken in or taken up by power on the open waters of the Gulf of Mexico or the Atlantic Ocean; providing an effective date.

Substitute Amendment 1—On page 1, line 23, after the period insert: Provided further that all netting is prohibited within 1 mile of an inlet.

On motion by Senator W. D. Childers, the Senate again refused to concur in the House amendment, and the House was again requested to recede. The action, with the bill and amendment, 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 with amendments—

By Senator Gordon and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 7, lines 8-13, strike all of lines 8-13 and insert: (4) INVESTMENTS SUBJECT TO AN AGGREGATE LIMITATION OF 5 PERCENT OF THE NET WORTH OF THE INVESTING ASSOCIATION.—Up to 5 percent of the net worth of the investing association may be used to invest in or purchase bonds or other evidences of indebtedness of the State of Israel;

Amendment 2—On page 1 in the title, line 12, strike capital reserves and surplus and insert: the net worth

On motions by Senator Gordon, the Senate concurred in House amendments 1 and 2.

SB 1344 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

By Senator Poston—

SB 963—A bill to be entitled An act relating to vehicle dimension control; adding s. 316.196(7), Florida Statutes; providing a maximum width for vehicles used in regularly scheduled local transit service operated by a city transit system; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 11, after the colon (:) insert: Section 1. Subsection (1) of section 316.196, Florida Statutes, is amended to read:

316.196 Maximum width, height, length.—

(1) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this chapter; however, the total outside width of buses shall not exceed 102 inches, exclusive of safety equipment.

(and renumber the subsequent sections)

Amendment 2—On page 1 in the title, line 4, after the semi-colon (;) insert: amending s. 316.196(1), Florida Statutes; providing for maximum allowable width of buses;

On motions by Senator Poston, the Senate concurred in House amendments 1 and 2.

SB 963 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments, by the required constitutional three-fifths vote of the membership of the House—

By the Committee on Rules and Calendar and Senators Ware and Gallen—

CS for SJR's 619 and 1398—A joint resolution proposing an amendment to Section 18, Article I of the State Constitution, to authorize the Legislature to nullify any rule or regulation promulgated by the executive branch and to provide for suspension of such rule as provided by law.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 26 after the word "ground" insert: ; however, by a majority vote of the governor and cabinet the suspension may be deferred until acted upon by the legislature

Amendment 2—On page 2, line 6, after the word "government" insert: and providing a procedure for the deferral of any such nullification

Amendment 3—On page 1 in title, line 8, after the word "branch" insert: and providing for deferral with respect to such nullification

On motions by Senator Ware, the Senate concurred in House amendments 1, 2 and 3.

CS for SJR's 619 and 1398, as amended passed by the required constitutional three-fifths vote of the membership and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—6

Dunn	Graham	Myers	Poston
Firestone	Johnston		

On motion by Senator Ware, the Senate reconsidered the vote by which CS for SJR's 619 and 1398 as amended passed this day.

On motion by Senator Ware, the Senate reconsidered the vote by which the Senate concurred in House Amendment 2.

Senator Ware moved the following amendment which was adopted:

Amendment 1 to House Amendment 2—On page 2, line 6, before the period insert: which rule or regulation is without or in excess of delegated legislative authority

On motion by Senator Ware, the Senate concurred in House Amendment 2 as amended.

CS for SJR's 619 and 1398 as further amended failed to pass by the required constitutional three-fifths vote of the membership. The vote was:

Yeas—20

Childers, W. D.	Lewis	Scarborough	Ware
Deeb	McClain	Sims	Wilson
Gallen	Peterson	Thomas, J.	
Glisson	Plante	Tobiassen	
Lane, D.	Saunders	Trask	
Lane, J.	Sayler	Vogt	

Nays—11

Dunn	Graham	Myers	Stolzenburg
Firestone	Holloway	Poston	Winn
Gordon	Johnston	Renick	

Vote after roll call:

Yea—Hair

Senator Plante moved that the Senate reconsider the vote by which CS for SJR's 619 and 1398 failed to pass.

The Honorable Dempsey J. Barron, President

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

By Senator Ware—

SB 853—A bill to be entitled An act relating to community development; adding subsection (3) to s. 163.603, Florida Stat-

utes, to provide exemptions from the application of the New Communities Act of 1975; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 31, strike Section 2 and insert new Sections 2, 3, and 4 to read:

Section 2. Paragraph (b) of subsection (3) of section 163.425, Florida Statutes, is amended to read:

163.425 Community redevelopment agency.—

(3)

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of the majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside or are engaged in business, which shall mean owning a business or practicing a profession or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged within the area of operation of the agency (which shall be coterminous with the area of operation of the county or municipality) and are otherwise eligible for such appointments under this part.

Section 3. Subsection (3) of section 163.420, Florida Statutes, is created to read:

163.420 Exercise of powers in carrying out community redevelopment project and related activities.—

(3) Any county or municipality may delegate the power to formulate a redevelopment plan to a community redevelopment agency created hereunder, provided that the power of final approval shall be reserved to the governing body of said county or municipality.

Section 4. The provisions of section 1 of this act shall take effect July 1, 1976. The provisions of sections 2 and 3 of this act shall take effect upon becoming law.

Amendment 2—In the title, page 1, line 7, insert after the semi-colon: amending paragraph (b) of subsection (3) of section 163.425, Florida Statutes, to clarify the requirements for membership in a community redevelopment agency; creating subsection (3) of section 163.420, Florida Statutes, to clarify the delegation of powers to such agency from counties or municipalities;

Amendment 3—On page 1, line 21, insert a new section 2 and renumber subsequent subsections: Section 2. Subsection (1) of section 163.385, Florida Statutes, is amended to read:

163.385 Issuance of bonds.—

(1) Every county or municipality shall have power to issue bonds from time to time in its discretion to finance the undertaking of any community redevelopment project under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment project. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of community redevelopment projects under this part; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source in aid of any community redevelopment projects of the county or municipality under this part and by a mortgage of any such community redevelopment projects, or any part thereof, title to which is in the county or municipality.

Amendment 4—In title, page 1, strike line 4 and insert: An act relating to the Community Redevelopment Act; amending

s. 163.385(1), Florida Statutes, authorizing counties and municipalities to bond community redevelopment projects based upon the anticipated value of the completed project;

On motions by Senator Ware, the Senate concurred in House amendments 1, 2, 3 and 4.

SB 853 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

By Senators Gallen and Poston—

SB 527—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, Florida Statutes, to provide that the employer pay three-fourths of the contribution with respect to each justice, judge, state attorney, or public defender who is a member of the Elected State Officers' Class; giving any member who is eligible to be a member of the Elected State Officers' Class who is not a member of such class the right, for a limited period, to transfer to such class; to provide that Public Defenders may elect to participate in the Elected State Officers' Class; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 8, line 21, strike Section 2. This act shall take effect July 1, 1976. and insert:

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the System.—

(1) **COMPULSORY PARTICIPATION.**—

(a) ~~(1) COMPULSORY PARTICIPATION.~~—The provisions of this law shall be compulsory as to all officers and employees who are employed on or after December 1, 1970, of an employer other than those referred to in paragraph (2)(b), and each officer or employee, as a condition of employment, shall become a member of the system as of his date of employment, except that a person who is retired from any state retirement system and is re-employed on or after December 1, 1970, shall not be permitted to renew his membership in any state retirement system except as provided in s. 121.091(4)(e), for a person who recovers from disability, and s. 121.091(9)(d), for a person who is elected to public office.

(b) After June 30, 1976, the compulsory participation provisions of paragraph (a) shall not be construed to require participation in the Florida Retirement System by a member of an existing system who is reemployed after terminating his employment, or who otherwise interrupts his employment under an existing system, provided he leaves his accumulated contributions on deposit under the existing system. Such member shall continue to have membership in the existing system upon reemployment or resumption of employment, and shall not be permitted to become a member of the Florida Retirement System, except by transferring to the Florida Retirement System as authorized by s. 121.051(2)(a), Florida Statutes, or s. 121.052(1), Florida Statutes, or by being reemployed after terminating his employment and receiving a refund of his accumulated contributions made to the existing system.

(2) OPTIONAL PARTICIPATION.—

(a)1. Any officer or employee who is a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between April 15, 1971, and June 1, 1971, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. Any officer or employee who was a member of an existing system on December 1, 1970, and who did not elect to become a member of this system shall continue to be covered under the existing system subject to the provisions of s. 121.045. A person who has retired under any state retirement system shall not be eligible to transfer to the Florida Retirement System created by this chapter subsequent to such retirement.

2. Any member transferring from the existing system under chapter 238 shall retain his rights to survivor benefits under said chapter through November 30, 1975, or until fully insured for disability benefits under social security, whichever is the earliest date, and thereafter no such rights shall exist.

3. Any officer or employee who is a member of an existing system on April 15, 1972, and who was eligible to transfer to this system under the provisions of subparagraph 1., but who elected to remain in the existing system, may elect, if eligible under the Social Security Act, Section 418(d)(6)(F), United States Code, to become a member of this system at any time between April 15, 1972, and June 30, 1972, inclusive, by notifying his employer in writing of his desire to transfer membership from an existing system to this system. Such transfer shall be subject to the following conditions:

a. All persons electing to transfer to the Florida Retirement System under subparagraph 3. shall be transferred on July 1, 1972, and shall thereafter be subject to the provisions of the Florida Retirement System retroactively to November 30, 1970, and at retirement have their benefits calculated in accordance with the provisions of s. 121.091.

b. Social security coverage incidental to such elective membership in the Florida Retirement System shall be effective November 30, 1970, and all amounts required from a member for retroactive social security coverage shall, at the time such election is made, be deducted from the individual account of the member and the difference between the amount remaining in the individual account of such member and the total amount which such member would have contributed had he become a member of the Florida Retirement System on November 30, 1970, shall be paid into the system trust fund and added to his individual account prior to July 1, 1975, or by his date of retirement, if earlier. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

c. There is appropriated out of the system trust fund into the Social Security Contribution Trust Fund the amount required by federal laws and regulations to be contributed with respect to social security coverage for the years after November 30, 1970, of the members of an existing system who transfer to the Florida Retirement System in accordance with subparagraph 3. and who qualify for retroactive social security coverage. The amount paid from this appropriation with respect to the employees of any employer shall be charged to the employing agency. There shall be credited against this charge the difference between the matching contributions actually made for the affected employees from November 30, 1970, to June 30, 1972, and the amount of matching contributions that would have been required under the Florida Retirement System.

d. The net amounts charged the employing agencies for employees transferring to the Florida Retirement System under subparagraph 3. shall be paid to the system trust fund prior to July 1, 1975. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

e. The administrator shall request such modification of the state's agreement with the Social Security Administration, or any referendum required under the Social Security Act governing social security coverage, as may be required to implement the provisions of this law. Retroactive social security coverage for service with an employer prior to November 30, 1970, shall not be provided for any member who was not covered under the agreement as of November 30, 1970.

4. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member

of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between September 1, 1974, and November 30, 1974, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1974. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1975, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System of Florida under chapter 238 to the Florida Retirement System on January 1, 1975, shall retain his rights to survivor benefits under chapter 238 from January 1, 1975, through December 31, 1979, or until fully insured for disability benefits under the Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

5. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between September 1, 1976 and November 30, 1976, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1976. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1977, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system, subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System under chapter 238 to the Florida Retirement System on January 1, 1977 shall retain his rights to survivor benefits under chapter 238 from January 1, 1977 through December 31, 1979 or until fully insured for disability benefits under the federal Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

Section 3. Subsection (9) of section 121.091, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of subsection. See s. 121.091(9), F. S., 1974 Supp., for present text.)

121.091 Benefits payable under the system.—

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person. Any person retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, subject to the following limitations:

1. Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation does not exceed \$5,000 each calendar year, whichever limitation permits the longest employment.

2. Any person to whom the limitation in subparagraph 1. applies, who will exceed the limitation, shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefit for the remainder of the calendar year during which he continues employment in excess of the limitation in subparagraph 1. Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation

in excess of the limitation of subparagraph 1., the division shall suspend his retirement benefit until he has repaid to the retirement trust fund all benefits received after the limitation was reached, plus interest at 10 percent compounded annually from the date of receipt to date of repayment.

3. The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made for the compensation received by such retiree with respect to such employment.

4. Notwithstanding the provisions of subparagraph 1., no retired person may be employed by an employer under the system within 1 calendar month of retirement, without having his retirement benefits suspended for the duration of such employment.

5. The limitations of this subsection on employment after retirement shall apply also to any retired person holding an elective public office, either by election or appointment, effective with the first term of office that commences on or after July 1, 1976.

(b) The limitations of paragraph (a) on employment after retirement shall apply to any employment, regardless of the category of funds from which compensation is paid. Any contract or agreement between an employer under this system and a retired person in which the retired person agrees to provide his personal services for a fee or payment shall be deemed to be employment for the purposes of paragraph (a), and shall be subject to the limitations thereof, even though for all other purposes the retired person would be considered a private or independent contractor and such contract would not constitute employment.

Section 4. Subsection (4) of section 121.046, Florida Statutes, is amended to read:

121.046 Merger of the Judicial Retirement System into the Florida Retirement System Act.—

(4) Any member of the Judicial Retirement System who elects to transfer to the Florida Retirement System, and every Supreme Court Justice, District Court of Appeal Judge, or Circuit Judge who is elected or appointed to judicial office on or after July 1, 1972 who is not already a member of the Judicial Retirement System when elected or appointed to such office, shall be subject to the provisions of chapter 121 and of this act which are not in conflict or inconsistent with the provisions of Art. V of the State Constitution, and any retired member on temporary judicial assignment shall continue to receive his retirement benefits in accordance with the provisions of s. 121.091 and such other compensation as may be authorized by s. 25.073, and Art. V, of the State Constitution.

Section 5. Section 122.16, Florida Statutes, is amended to read:

122.16 Employment after retirement.—

(Substantial rewording of section. See s. 122.16, F.S., for present text.)

122.16 Employment after retirement.—

(1) Any person who is retired under this chapter, except under the disability retirement provisions of ss. 121.091 and 122.34 may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person. Any person retired under this chapter, except under the disability retirement provisions of ss. 121.091 and 122.34 may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, subject to the following limitations:

(a) Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation does not exceed \$5,000 each calendar year, whichever limitation permits the longest employment.

(b) Any person to whom the limitation in paragraph (a) applies who will exceed the limitation shall give timely notice in writing to his employer and to the division of this fact and

shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefit for the remainder of the calendar year during which he continues employment in excess of the limitation in paragraph (a). Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of paragraph (a) the division shall suspend his retirement benefit until he has repaid to the retirement trust fund all benefits received after the limitation was reached, plus interest at 10 percent compounded annually from date of receipt to date of repayment.

(c) The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made for the compensation received by such retiree with respect to such employment.

(d) Notwithstanding the provisions of paragraph (a), no retired person may be employed by an employer under the system within 1 calendar month of retirement, without having his retirement benefits suspended for the duration of such employment.

(e) The limitations of this subsection on employment after retirement shall apply also to any retired person holding an elective public office, either by election or appointment, effective with the first term of office that commences on or after July 1, 1976.

(2) The limitations of subsection (1) on employment after retirement shall apply to any employment, regardless of the category of funds from which compensation is paid. Any contract or agreement between an employer under the system and a retired person in which the retired person agrees to provide his personal services for a fee or payment shall be deemed to be employment for the purposes of subsection (1), and shall be subject to the limitations thereof, even though for all other purposes the retired person would be considered a private or independent contractor and such contract would not constitute employment.

Section 6. Section 238.181, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 238.181, F.S., for present text.)

238.181 Retired member may be substitute teacher; conditions.—

(1) Any person who is retired under this chapter, except the disability provisions of s. 238.07, may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person. Any person retired under this chapter, except the disability retirement provisions of s. 238.07, may be employed as a substitute teacher in any public school system participating in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, without limiting or restricting his retirement benefits in any way. However, should such retired person enter a contract with a school system to provide substitute teaching services, he shall be subject to the limitations of paragraph (a). Such person may be employed in any other type of employment with an employer that participates in a state administered retirement system, subject to the following limitations:

(a) Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation does not exceed \$5,000 each calendar year, whichever limitation permits the longest employment.

(b) Any person to whom the limitation in paragraph (a) applies who will exceed the limitation shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefit for the remainder of the calendar year during which he continues employment in excess of the limitation in paragraph (a). Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of paragraph (a), the division shall suspend his

retirement benefit until he has repaid to the retirement trust fund all benefits received after the limitation was reached, plus interest at 10 percent compounded annually from date of receipt to date of repayment.

(c) The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made for the compensation received by such retiree with respect to such employment.

(d) Notwithstanding the provisions of paragraph (a), no retired person may be employed by an employer under the system within 1 calendar month of retirement, without having his retirement benefits suspended for the duration of such employment.

(e) The limitations of this subsection on employment after retirement shall apply also to any retired person holding an elective public office, either by election or appointment, effective with the first term of office that commences on or after July 1, 1976.

(2) The limitations of subsection (1) on employment after retirement shall apply to any employment, regardless of the category of funds from which compensation is paid. Any contract or agreement between an employer under the system and a retired person in which the retired person agrees to provide his personal services for a fee or payment shall be deemed to be employment for the purposes of subsection (1), and shall be subject to the limitations thereof, even though for all other purposes the retired person would be considered a private or independent contractor and such contract would not constitute employment.

Section 7. Subsection (11) of section 121.091, Florida Statutes, 1974 Supplement, is created to read:

121.091 Benefits payable under the system.—

(11) *REINSTATEMENT AFTER RETIREMENT.*—*Any person who has retired and subsequently receives a benefit under any state supported retirement system and elects to return to employment with a covered agency within 1 year after retirement, may have his membership in that state supported Retirement System reinstated upon his repayment of the said benefits plus 6.5 percent interest compounded annually thereafter until date of payment into the Retirement Trust Fund.*

Section 8. Subsection (19) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(19) "Prior service" under this chapter means:

(a) *Service of any member means that service for which the member had credit under one of the existing systems and received a refund of his contributions upon termination of employment. Prior service shall also include that service between December 1, 1970, and the date the system becomes noncontributory for which the member had credit under the Florida Retirement System and received a refund of his contributions upon termination of employment. After the date the Florida Retirement System becomes noncontributory, prior service shall also include that service for which the member had credit under the noncontributory provisions upon termination of employment.*

(b) *Service with an employer under another system prior to an employee's membership in the Florida Retirement System during which service the employee was not a member of an existing retirement system and did not make any retirement contributions, provided such service would have otherwise been creditable under the Florida Retirement System.*

(c) *Service as described in paragraph (b) for which no contributions were made due to the fact that the employee made a written rejection of the Florida Retirement System. If such person withdraws his rejection he may purchase retirement credit for all his service during the period of rejection, provided such service would have otherwise been creditable under the Florida Retirement System.*

Section 9. Paragraph (a) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(a)1. Any officer or employee who is a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between April 15, 1971, and June 1, 1971, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. Any officer or employee who was a member of an existing system on December 1, 1970, and who did not elect to become a member of this system shall continue to be covered under the existing system subject to the provisions of s. 121.045. A person who has retired under any state retirement system shall not be eligible to transfer to the Florida Retirement System created by this chapter subsequent to such retirement. *Any officer or employee who prior to July 1, 1947 filed a written rejection of membership in a state retirement system and who continues employment without participating in the Florida Retirement System, may withdraw his rejection in writing and, if otherwise eligible, participate in the Florida Retirement System, and purchase prior service in accordance with this chapter.*

2. Any member transferring from the existing system under chapter 238 shall retain his rights to survivor benefits under said chapter through November 30, 1975, or until fully insured for disability benefits under social security, whichever is the earliest date, and thereafter no such rights shall exist.

3. Any officer or employee who is a member of an existing system on April 15, 1972, and who was eligible to transfer to this system under the provisions of subparagraph 1., but who elected to remain in the existing system, may elect, if eligible under the Social Security Act, [42 U.S.C. s. 418(d) (6)(F)], to become a member of this system at any time between April 15, 1972 and June 30, 1972, inclusive, by notifying his employer in writing of his desire to transfer membership from an existing system to this system. Such transfer shall be subject to the following conditions:

a. All persons electing to transfer to the Florida Retirement System under subparagraph 3. shall be transferred on July 1, 1972, and shall thereafter be subject to the provisions of the Florida Retirement System retroactively to November 30, 1970, and at retirement have their benefits calculated in accordance with the provisions of s. 121.091.

b. Social security coverage incidental to such elective membership in the Florida Retirement System shall be effective November 30, 1970, and all amounts required from a member for retroactive social security coverage shall, at the time such election is made, be deducted from the individual account of the member and the difference between the amount remaining in the individual account of such member and the total amount which such member would have contributed had he become a member of the Florida Retirement System on November 30, 1970, shall be paid into the system trust fund and added to his individual account prior to July 1, 1975, or by his date of retirement, if earlier. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

c. There is appropriated out of the system trust fund into the Social Security Contribution Trust Fund the amount required by federal laws and regulations to be contributed with respect to social security coverage for the years after November 30, 1970, of the members of an existing system who transfer to the Florida Retirement System in accordance with subparagraph 3. and who qualify for retroactive social security coverage. The amount paid from this appropriation with respect to the employees of any employer shall be charged to the employing agency. There shall be credited against this charge the difference between the matching contributions actually made for the affected employees from November 30, 1970, to June 30, 1972, and the amount of matching contributions that would have been required under the Florida Retirement System.

d. The net amounts charged the employing agencies for employees transferring to the Florida Retirement System under subparagraph 3. shall be paid to the system trust fund prior to July 1, 1975. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

e. The administrator shall request such modification of the state's agreement with the Social Security Administration, or

any referendum required under the Social Security Act governing social security coverage, as may be required to implement the provisions of this law. Retroactive social security coverage for service with an employer prior to November 30, 1970, shall not be provided for any member who was not covered under the agreement as of November 30, 1970.

4. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member of an existing system, except any officer or employee of any non-profit professional association or corporation, may elect, if eligible, to become a member of this system at any time between September 1, 1974, and November 30, 1974, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1974. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1975, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system, subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System of Florida under chapter 238 to the Florida Retirement System on January 1, 1975, shall retain his rights to survivor benefits under chapter 238 from January 1, 1975, through December 31, 1979, or until fully insured for disability benefits under the Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

Section 10. Subsection (2) of section 121.081, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 121.081(2), F.S., for present text.)

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming various types of prior service are:

(a) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(b) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him during the period of service being claimed, on all salary received during such period, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until the full payment is made to the Retirement Trust Fund.

(c) For service performed after the Florida Retirement System becomes noncontributory for the member, and for which the member had credit under the Florida Retirement System at date of termination of employment, the member shall not be required to make any contributions in order to receive prior service credit, but such credit shall not be granted until the member has been reemployed for 12 continuous months.

(d) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 9 percent of all salary received during such period or 9 percent of \$100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975,

and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(e) Any officer or employee who possesses 40 years of creditable service, who has paid contributions into the Florida Retirement Trust Fund and leaves such contributions in the Florida Retirement Trust Fund, who retires under the provisions of s. 112.05, who is subsequently reemployed by an employer covered by the Florida Retirement System, and who is entitled to receive a benefit from the state-administered retirement system of which he was a member prior to his retirement under s. 112.05, shall receive creditable service for his period of reemployment and until his date of retirement, provided that:

1. He shall contribute to the Florida Retirement Trust Fund 4 percent of all compensation received during said period until January 1, 1975, plus 4 percent interest on contributions until July 1, 1975.

2. He shall pay interest of 6.5 percent compounded annually thereafter until date of repayment. For prior service performed after the Florida Retirement System became non-contributory for members, and for which service the member will be given credit upon subsequent retirement, the member shall not be required to make any contributions in order to receive prior service credit, provided that such reemployment has been continuous for 3 years.

3. The above amount shall be matched by the employer and paid into the Florida Retirement Trust Fund. All retirement benefits effective after January 1, 1975, will be paid in their entirety by the employer covered by the Florida Retirement System for entitlement of the member until the time of retirement.

Section 11. Subsection (2) of section 121.23, Florida Statutes, is amended to read:

121.23 Disability retirement and special risk membership applications; Retirement Commission; powers and duties; judicial review.—The provisions of this section shall apply to all proceedings respecting applications for disability retirement, reexamination of retired members receiving disability benefits, and applications for special risk membership in the Florida Retirement System.

(2) *If* ~~Unless~~ the member does not accept ~~accepts~~ the decision of the administrator as final and binding, he shall have 60 days from the date he receives by certified mail a written explanation of the administrator's decision in which to request be entitled to a hearing before the State Retirement Commission pursuant to subsection 120.57(1). *If he does not request a hearing within 60 days of the notification of the administrator's decision, he shall not be entitled to a hearing before the State Retirement Commission, and the decision of the administrator shall be final and binding.* For the purpose of the said hearings, the commission shall be an agency head as defined by subsection 120.52(3).

(a) The Retirement Commission shall have the authority to issue orders as a result of an appeals hearing that shall be binding on all parties to the dispute. The Retirement Commission may order any action that it deems appropriate.

(b) The administrator and the Retirement Commission shall have the power to administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing authorized by law. Any person who fails to appear in response to a subpoena, answer any question, or produce any evidence pertinent to any hearing or who knowingly gives false testimony therein is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083 or s. 775.084.

Section 12. Subsection (1) and paragraph (b) of subsection (4) of section 121.101, Florida Statutes, 1974 Supplement, are amended to read:

121.101 Cost-of-living adjustment of benefits.—

(1) The purpose of this section is to provide cost-of-living adjustments commencing January 1, 1971, to the monthly benefits payable to certain retirees who are 65 years old or older or who have been approved for disability retirement benefits and elect normal or early retirement benefits, or who retire on disability, or to their beneficiaries, as provided herein.

(4) On July 1, 1971, and each July 1 thereafter through July 1, 1973, the administrator shall adjust the benefit of all re-

tirees who, as of the date of adjustment, have attained age 65 or who have retired on account of disability and the benefit of all beneficiaries of deceased members who would have attained age 65 as of the adjustment date. The amount of benefit payable to such person for the 12-month period commencing on the adjustment date, shall be the greater of C and D when:

(a) C is the member's base benefit; and

(b) D is the sum of the member's initial benefit and a percentage of the member's standard benefit, such percentage to be equal to the percentage change in the average cost-of-living index over the period between the date of retirement and date of adjustment, ignoring changes in the cost-of-living index which are greater than 3 percent for any year after June 30, 1970. If a retiree or beneficiary of a deceased retiree qualifies for a cost-of-living adjustment within 12 months subsequent to the member's date of retirement, the percentage change in the average cost-of-living index used in the calculation of his initial adjustment shall be determined by interpolation from the average cost-of-living index for the two nearest adjustment dates. On and after July 1, 1974, the adjustment to retirement benefits provided in this subsection shall be applied only when a retiree first qualifies for and receives his cost-of-living adjustment and shall be considered his initial adjustment. *Any retiree who has been approved for disability retirement benefits and elects normal or early retirement benefits in lieu thereof shall be entitled to cost-of-living adjustments as if he had elected disability retirement benefits.* After the initial adjustment has been applied to a retiree's retirement benefit, all subsequent cost-of-living adjustments shall be made as provided in subsections (5), (6), and (7).

Section 13. Section 112.0516, Florida Statutes, is created to read:

112.0516 Public pension plans; refunds; vested right.—

(1) All public retirement plans, whether state, county, municipal or special district, shall provide that, if any officer or employee leaves the service of the employing jurisdiction, he shall be entitled to a 100 percent refund of all contributions paid by him, less any benefits he has been paid. At the discretion of the body which promulgates the laws pertaining to the retirement fund, such contributions shall be refunded with or without interest.

(2) All public pension plans, whether state, county, municipal or special district, shall provide that any officer or employee who has been a member of the retirement trust fund for at least 10 years may, upon termination of employment, elect to leave his accrued contributions and any contributions made by the employer on his behalf in the retirement trust fund until such time as that officer or employee reaches the required age to retire. Such officer or employee shall be entitled to retire and receive a benefit from that pension or retirement plan. This shall not restrict any retirement trust fund from providing vesting of rights for its members for a period shorter than 10 years of membership in that retirement trust fund.

(3) All public retirement plans in existence on the effective date of this act shall have until July 1, 1979 to comply with the requirements of s. (1) and (2).

Section 14. Subsection (9) of section 110.022, Florida Statutes, is renumbered as subsection (10) and a new subsection (9) is added to said section to read:

110.022 Powers and duties of Department of Administration in personnel matters.—The Department of Administration, through the Division of Personnel, shall have the following powers and duties in connection with personnel matters:

(9)(a) *To adopt and implement, through the appropriate personnel offices and officers in the several state agencies, a program of preretirement planning for employees. As used in this subsection, a "program of preretirement planning" means an educational program which seeks to create an awareness of possible problems inherent with retirement and to offer means for planning so as to avoid such problems. Such a program should relate, but not be limited, to the following subject areas: finances and income; psychological and emotional adjustment; general health and nutrition; housing and living arrangements; transportation; consumer protection; legal problems; reemployment and job hunting; and leisure time and cultural activities.*

(b) *The program mandated pursuant to the provisions of this subsection shall be adopted and implemented within the*

currently authorized fiscal and personnel resources of the department and the several state agencies and shall be designed so as to avoid future additional costs to the state.

(c) *It is the intent of the Legislature that the program mandated herein be carried out in conjunction with the preretirement program under the Aging and Adult Services Program Office of the Department of Health and Rehabilitative Services without duplication of cost or service.*

Section 15. This act shall take effect July 1, 1976.

House Amendment 2—In the title, lines 16-17, strike "providing an effective date." and insert: amending s. 121.051(1), Florida Statutes, to provide that after June 30, 1976, the compulsory participation requirements of said section shall not be construed to require participation in the Florida Retirement System by a member of an existing system who returns to employment following a break in service, provided such member leaves his contributions on deposit with the existing system; amending s. 121.051(2)(a), Florida Statutes, reopening the Florida Retirement System to members of certain existing retirement systems and extending survivor benefits for members transferring from the Teachers Retirement System of Florida to the Florida Retirement System; amending s. 121.091(9), Florida Statutes, 1974 Supplement, eliminating certain restrictions on the employment of a person who has retired under the Florida Retirement System; authorizing such reemployment for 600 hours per year with a monetary earnings limit per year, without suspension of benefits; prohibiting reemployment after retirement within 1 month with any employer within the system; providing that a retired person holding public office is subject to the same reemployment limitations as any other member of the system and also applying these limitations to retired persons who are independent contractors; amending s. 121.046(4), Florida Statutes, to provide these same reemployment restrictions to members of the Judicial Retirement System; amending s. 122.16, Florida Statutes, to apply these same reemployment limitations to members of the State and County Retirement System; amending s. 238.181, Florida Statutes, to apply these same reemployment limitations to the retirement system for school teachers; creating subsection (11) of s. 121.091, Florida Statutes, 1974 Supplement, relating to reinstatement of membership in the Florida Retirement System after retirement; amending s. 121.021(19), Florida Statutes, expanding the definition of "prior service" for the Florida Retirement System to permit the purchase of retirement credit for employment during which no contributions were made, under certain circumstances, and to permit purchase of service when no contributions were made due to a written rejection of the system; amending s. 121.051(2)(a), Florida Statutes, authorizing certain employees who had rejected membership in the Florida Retirement System to withdraw such rejection and participate in the system; amending s. 121.081(2), Florida Statutes, providing the interest rate at which prior service must be purchased for certain prior employment under which no contributions were made; providing for the purchase of creditable service by certain officers or employees who possess 40 years of creditable service; amending s. 121.12(2), Florida Statutes, relating to disability retirement and special risk membership applications; limiting a member of the system to 60 days from the time he is notified in writing of the administrator's decision on such applications to appeal the decision to the State Retirement Commission; amending s. 121.101(1) and (4)(b), Florida Statutes, 1974 Supplement, providing for cost-of-living adjustments for persons who elect normal or early retirement in lieu of disability retirement; creating s. 112.0516, Florida Statutes; providing for refund of contributions; allowing vesting of rights; adding a new subsection (9) to s. 110.022, Florida Statutes, providing for adoption and implementation of a program of preretirement planning for state employees; providing limitations; providing legislative intent; providing an effective date.

Senators Gallen and Scarborough offered the following amendment to House Amendment 1 which was moved by Senator Gallen and adopted:

Senate Amendment 1 to House Amendment 1—On page 28, line 12, strike Sections 13 and 14 and insert: Section 13.—Subsection (20) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(20) "Military service" of any member means actual "war-time service" in the Armed Forces of the United States, as defined by the Veterans' Administration, or in the armed forces of an ally of the United States, as defined by the division, not to exceed 4 years if credit for such service has not been granted under any other federal or state system, as provided in s. 121.111. Retirement under the provisions of any federal military retirement system shall not be considered credit for military service which would operate to deny any member the full 4-year credit for military service under the Florida Retirement System.

Renumber remaining section.

Senators Gallen and Scarborough offered the following title amendment to Amendment 2 which was moved by Senator Gallen and adopted:

Senate Amendment 1 to House Amendment 2—On page 3, in title, strike lines 14 through 23 and insert: expanding the term "military service" to include service in the armed forces of an ally of the United States, as defined by the Division of Retirement of the Department of Administration; providing that retirement under a federal military retirement system does not count against the 4-year credit allowable for military service under the Florida Retirement System;

Senator Gallen moved that the Senate concur in House Amendments 1 and 2 as amended.

Senator Sims moved as a substitute motion that the Senate proceed to consideration of bills on the special order calendar and the motion failed.

The motion by Senator Gallen was adopted and the Senate concurred in House Amendments 1 and 2 as amended.

On motion by Senator Stolzenburg, further consideration of SB 527 as amended was deferred.

SPECIAL ORDER

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

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 2003 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Childers, D.	Johnston	Peterson	Trask
Firestone	Lane, D.	Plante	Vogt
Gallen	Lane, J.	Poston	Winn
Glisson	Lewis	Renick	Zinkil
Gordon	MacKay	Scarborough	
Graham	McClain	Thomas, J.	
Holloway	Myers	Thomas, P.	

Nays—4

Childers, W. D.	Sims	Stolzenburg	Tcbiassen
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Votes after roll call:

Yeas—Hair and Spicola.

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

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 4015 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Holloway	Plante	Tobiassen
Childers, W. D.	Johnston	Poston	Trask
Deeb	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Saunders	Winn
Glisson	Lewis	Scarborough	
Gordon	MacKay	Spicola	
Graham	Myers	Thomas, J.	

Nays—6

McClain	Sims	Ware	Wilson
Sayler	Stolzenburg		

Consideration of HB 3996 and HCR 3260 was deferred.

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

—was read the second time by title.

Senator Sayler moved the following amendment:

Amendment 1—On page 1, line 17, strike everything after the enacting clause; and insert: Section 1. Section 112.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 112.08, F. S., for present text.)

112.08 Group insurance for public officers and employees.—Every local government unit is hereby authorized to provide and pay, out of its available funds, for all or part of the premium for life, health, accident, hospitalization or annuity insurance, or all of any kinds of such insurance, for the officers and employees of the unit and their dependents in regard to health, accident and hospitalization insurance, upon a group insurance plan, and, to that end, to enter into contracts with insurance companies or professional administrators to provide such insurance. Before entering any contract for insurance, the governmental units shall advertise for competitive bids and such contract shall be let upon the basis of such bids, provided, however, the governmental unit may undertake simultaneous negotiations with those companies who have submitted reasonable and timely bids and which are found by the governmental unit to be fully qualified and capable of meeting all servicing requirements. Each county, municipality, school board, local governmental unit and special taxing district of the state may self-insure any plan for health, accident and hospitalization coverage subject to approval based on actuarial soundness by the department of insurance. Each shall contract with an insurance company or professional administrator qualified and approved by the department of insurance to administer such plan.

Section 2. Paragraph (b) of subsection (3) of section 112.075, Florida Statutes, is amended to read:

112.075 State officers and employees group insurance program.—

(3) DEPARTMENT OF ADMINISTRATION; POWERS AND DUTIES.—

(b) The department of administration shall be responsible for initiating and supervising the state officers and employees group insurance program authorized by this section, and in carrying out this responsibility the department shall:

1. Determine the benefits that are to be included in the group insurance program;

2. In cooperation with the department of insurance and the department of general services, prepare specifications necessary to implement the program;

3. Through the division of purchasing of the department of general services, and pursuant to the provisions of Part I, chapter 287, contract on a competitive bid basis with an insurance carrier or carriers or professional administrator which the department of insurance determines to be fully qualified, financially sound, and capable of meeting all servicing requirements; or the department may self insure any plan for health, accident and hospitalization coverage subject to approval based on actuarial soundness by the department of insurance. The department shall contract with an insurance company or professional administrator qualified and approved by the department of insurance to administer such plan. Before entering any contract, the department of general services shall advertise for competitive bids, and such contract shall be let upon the basis of such bids, provided, however, the department of administration may undertake simultaneous negotiations with those carriers or professional administrators who have submitted reasonable, timely bids and which companies are found by the department of insurance to be fully qualified and capable of meeting all servicing requirements.

Section 3. Section 112.12, Florida Statutes, is hereby repealed.

Section 4. This act shall take effect January 1, 1977.

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

Amendment 1A—On page 1, lines 2 and 3, strike “and their dependents in regard to health, accident and hospitalization insurance”

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

Amendment 1B—On page 2, line 4, insert: Section 2. Paragraph (h) of subsection (7) of section 112.061, Florida Statutes, is amended to read:

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

(7) TRANSPORTATION.—

(h) No traveler shall be allowed either mileage or transportation expense when he is gratuitously transported by another person, or when he is transported by another traveler who is entitled to mileage or transportation expense. *Provided that a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for his fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.*

(Renumber subsequent sections)

Amendment 1 as amended was adopted.

Senator Trask presiding

Senator Sayler moved the following title amendment:

Amendment 2—On page 1, strike lines 3-14 in their entirety and insert: A bill to be entitled An act relating to public officers and employees; amending s. 112.08, Florida Statutes, permitting certain governmental entities to contract for group insurance based upon competitive bidding; permitting self-insurance for health, accident and hospitalization coverage; providing that such a plan is subject to approval by the department of insurance; providing that such entity shall contract with an approved insurance company or professional administrator to administer such plan; providing that the state officers and employees group insurance contract be based upon competitive bidding; providing that, after receiving bids, negotiations with certain companies may be undertaken; providing that the company contracted with shall be fully qualified; repealing s. 112.12, Florida Statutes; providing an effective date.

Senator D. Childers moved the following amendment to title Amendment 2 which was adopted:

Amendment 2A—On page 1, line 4, insert: amending s. 112.061(7)(h), Florida Statutes; providing that a traveler on a private aircraft may be reimbursed his fare under certain conditions; amending s. 112.075(3)(h), Florida Statutes;

Amendment 2 as amended was adopted.

Senator Scarborough presiding

Senators Glisson, Graham, Trask and MacKay offered the following amendment which was moved by Senator Glisson and adopted:

Amendment 3—Insert new section 4 and renumber: Section 4. Short title.—Sections 5 through 9 of this act may be cited as the “Florida Age Discrimination in Employment Act”.

Section 5. Legislative intent; purpose.—The Legislature finds and declares that in the face of rising productivity and affluence, older workers find themselves disadvantaged, both in their efforts to retain employment and in their efforts to regain employment when displaced from jobs. The setting of arbitrary age limits, irrespective of capability for job performance has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons. In comparison to the incidence of unemployment, especially, long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is high among older workers, whose numbers are great and growing and whose employment problems are grave. In industries affecting commerce, the existence of arbitrary discrimination in employment because of age burdens commerce and the free flow of goods. It is the purpose of this act to promote employment of older persons, based on ability rather than age, and to prohibit arbitrary age discrimination in employment.

Section 6. Definitions.—For the purpose of this act:

(1) “Employer” means the state or any county, municipality, or special district or any subdivision or agency thereof. Provided further this definition shall not apply to any law enforcement agency or firefighting agency in this state.

(2) “Employment agency” means any person, including any agent thereof, regularly undertaking, with or without compensation, to procure employees for an employer, including state and local employment services receiving federal assistance.

(3) “Employee” means an individual employed by any employer.

(4) “Department” means the Department of Commerce.

Section 7. Prohibited activities; exceptions.—

(1) Except as provided in subsection (6), it is unlawful for an employer to:

(a) Fail or refuse to hire or to discharge or mandatorily retire any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment, because of age.

(b) Limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because of age.

(c) Reduce the wage rate of any employee or otherwise alter the terms or conditions of employment in order to comply with this act, unless such a reduction is with the employee's express or implied consent.

(2) Except as provided in subsection (6), it is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of age, or to classify or refer for employment any individual on the basis of age.

(3) Except as provided in subsection (6), it is unlawful for a labor organization to:

(a) Exclude or expel from its membership, or otherwise discriminate against, any individual because of age.

(b) Limit, segregate, or classify its membership, or fail or refuse to refer for employment, any individual in any way which

would limit, deprive, or tend to deprive the individual of employment opportunities or which would otherwise adversely affect his status as an employee or as an applicant for employment, solely because of age.

(c) Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(4) It is unlawful for an employer to discriminate against any employee or applicant for employment, or for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member or applicant for membership, because such employee, applicant for employment, individual, member, or applicant for membership has opposed any practice made unlawful by this section, or because the employee, applicant for employment, individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this act.

(5) Except as provided in subsection (6), it is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such employer, relating to membership in such labor organization or any classification or referral for employment by such labor organization, or relating to any classification or referral for employment by such employment agency, which notice or advertisement indicates any preference, limitation, specification, or discrimination, based on age.

(6) It is not unlawful for an employer, employment agency, or labor organization to:

(a) Take any action otherwise prohibited under subsections (1), (2), (3), or (5) based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business.

(b) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this act.

(c) Discharge or otherwise discipline an individual for good cause.

Section 6. Section 112.051, Florida Statutes, is amended to read:

112.051 Career service system; retirement or transfer of employees aged 65 or older to 70.—

(1) ~~An Any~~ employee of the state who is within the career service system established by chapter 110, or who is protected by any other merit system plan or system providing for tenure, ~~except instructional personnel employed in the public school system, may not be retired by the agency or department in which he is employed solely because of attainment of age 65 on the basis of his age and without specifying charges or other cause for such retirement when such employee has reached 65 years of age. Such employee may be retired if the agency or department specifies charges or other cause for such retirement. The attainment of age 65 or older shall not be considered as such specified cause for retirement. If an employee continues in employment beyond age 65, the agency or department shall not be required to justify such continuation in employment. in accordance with the following conditions:~~

~~(a) Has reached age 65.~~

~~(b) Is eligible for retirement under any state retirement system.~~

(2) ~~Whenever any employee who has attained age 65 is retired by an agency or department, he may appeal the action to the Career Service Commission. The employee shall continue in employment pending the appeal. If the employee continues in employment following the decision of the commission, no further action shall be taken by the agency or department to retire the employee for a period of 1 year following the date of the decision of the commission, unless approved by the commission upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he is no longer able to perform any job within such agency or department. Any department or agency within the career service system shall have discretion to continue persons in employment beyond age 65. However, such department or agency~~

~~shall automatically retire and separate such employee from state employment within 30 days after attainment of age 70, unless:~~

~~(a) Such employee has submitted a request in writing to the state agency in which he is employed at least 60 days before his 70th birthday; and~~

~~(b) Such department has given written notice of consent for continuation of such employment.~~

(3) Any employee who has attained age 65 may be transferred to some job requiring less responsibility and less arduous duties by the agency or department in which he is employed when determination is made that such employee is not able to satisfactorily carry out the full duties of his position. A ~~Such~~ transfer to a different position shall not be subject to appeal by the employee and may be accompanied by an appropriate reduction in pay salary in line with the duties and classification of the position to which the employee is transferred. Such transfer shall be subject to appeal by the employee.

(4) If mutually agreed to by the employee and the agency or department, an employee who has attained age 65 may be reduced to a part-time position for the purpose of phasing the employee out of employment into retirement. Such an arrangement may also be required by the Career Service Commission as part of its decision in any appeal arising out of this section. A reduction to a part-time position may be accompanied by an appropriate reduction in pay.

(5) In the event of such transfer to another position or reduction to a part-time position, the agency or department concerned shall furnish, in writing, to the Division of Personnel of the Department of Administration and to the affected employee in writing the reasons for the transfer or reduction, together with the name and classification of the employee concerned, who shall also be furnished a copy in writing of the notice to the Division of Personnel.

Section 8. Appeal; civil suit authorized.—Any employee of the state who is within the career service system established by chapter 110, Florida Statutes, who is aggrieved by a violation of this act may appeal to the Career Service Commission under the conditions and following the procedures prescribed in ss. 110.061 and 112.051, Florida Statutes. Any person other than an employee who is within the career service system established by chapter 110, Florida Statutes, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

Section 9. Notice to be posted.—Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the department setting forth such information as the department deems appropriate to effectuate the purposes of this act.

Section 10. This act shall take effect on January 1, 1977 except for sections 4 through 9 which will take effect October 1, 1976.

The President presiding

On motion by Senator Saylor, the Senate reconsidered the vote by which Amendment 3 was adopted. The question recurred on Amendment 3 which was adopted.

Senators Glisson and Graham offered the following title amendment which was moved by Senator Glisson and adopted:

Amendment 4—On page 1, line 13, following the semicolon insert: creating the Florida Age Discrimination in Employment Act; prohibiting specified employers, including public employers, employment agencies, and labor organizations from discriminating against persons on the basis of age; providing exceptions; amending s. 112.051, Florida Statutes, providing for retirement, transfer, or reduction to part-time employment of certain state employees; providing for appeal by career service employees; authorizing a private cause of action by persons other than career service employees; requiring employers, employment agencies, and labor organizations to post notices;

On motion by Senator Saylor, by two-thirds vote HB 4063 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Brantley, the rules were waived and the time of convening and adjournment as set by the Committee on Rules and Calendar for this day was modified to reflect 9:00 a.m. until sine die as shown in the Senate calendar.

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

—was read the second time in full.

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

Amendment 1—On page 1, line 7 through line 17 on page 2, strike all *Whereas* clauses

On motion by Senator Trask, HCR 3260 was adopted and certified to the House. The vote on adoption was:

Yeas—32

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

Nays—1

Mr. President

Vote after roll call:

Yea—Hair

On motion by Senator Gordon, by two-thirds vote HB 3639 was placed on the Special Order Calendar and considered at 12:10 p.m.

HB 3639—A bill to be entitled An act relating to condominiums and cooperatives; creating chapter 718, Florida Statutes, entitled the "Condominium Act"; creating chapter 719, Florida Statutes, entitled the "Cooperative Act"; providing legislative intent; providing definition; providing for the creation of condominiums and cooperatives, the contents of condominium declarations and the contents of cooperative documents; providing for the recording of condominium declarations; providing for condominium and cooperative parcels and providing that condominium parcels are to be considered separate parcels of real property; providing a description of the appurtenances to condominiums and cooperatives and providing for the possession and enjoyment of same; prohibiting the separation and partition of the common elements of a condominium; providing for the common elements of a condominium; providing for condominium and cooperative bylaws; providing that the maintenance of common elements with respect to condominiums is a responsibility of the association; regulating leases of recreational facilities or other commonly used areas in condominium and cooperative apartment developments between developers and condominium or cooperative apartment associations which are a mandatory condition of ownership of units in the condominium or cooperative apartment; limiting alterations to a condominium; providing for common expenses and common surplus with respect to condominiums and cooperatives; providing for assessments with respect to condominium and cooperative owners and providing for liens, liability and priorities; providing for the termination of condominiums; providing equitable

relief for condominium owners under certain circumstances; limiting such owners' liabilities; providing for the taxation of condominium parcels; providing for the effect and validity of liens on condominium property; providing for the disposition of sales deposits with respect to condominiums and cooperatives, prior to closing; providing for condominium and cooperative warranties; providing for the transfer of condominium and cooperative association control; providing for the effect of agreements entered into by such associations; providing for obligations of condominium and cooperative owners; providing for the right of the association to amend condominium declarations or cooperative documents; providing rules with respect to special types of condominiums and cooperatives; providing for the conversion of existing improvements by a developer into a condominium or cooperative; providing for phase condominiums and cooperatives; providing that the Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall administer both newly created chapters; requiring the filing of certain condominium or cooperative documents with the division; requiring the disclosure of certain information prior to the sale of a condominium or cooperative; requiring developers of residential condominiums and cooperatives of a certain size to prepare a prospectus or offering circular containing specified information on the units for sale; providing that a good faith effort by a condominium or cooperative developer to comply with the requirements relating to disclosure, so long as the effort is in substantial compliance and there are no material errors or omissions, shall be sufficient; providing for the effect of false or misleading material with respect to a condominium or cooperative which is published; providing for the effect of zoning and building regulations on condominiums and cooperatives; providing penalties and fees; repealing chapter 711, Florida Statutes, which is the current law on condominiums and cooperative apartments; amending s. 199.023(1)(e), Florida Statutes, redefining the term "intangible personal property"; adding subsection (4) to s. 193.023, Florida Statutes, requiring the property appraiser to assess, at fair market value, property serving unit owners of a condominium or cooperative subject to a lease; precluding the consideration of income derived from the lease; providing an effective date.

—was read the third time by title, passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Mr. President

Vote after roll call:

Yea—Hair

HB 3996—A bill to be entitled An act relating to offender rehabilitation and parole; providing a short title; providing definitions; providing legislative intent; providing for a pilot program whereby the terms of institutional confinement, a guaranteed parole date, the terms of parole supervision, and release from parole are agreed to by the Department of Offender Rehabilitation, the Parole and Probation Commission, and an offender; providing for contents of such agreements; providing for approval, rejection, and renegotiation of such agreements; providing for certain rules; providing for reports of offender progress; providing for submission of annual evaluations of the program to the Legislature; requiring the adoption of certain rules by a specified date; providing an effective date.

—was read the second time by title.

Senator McClain offered the following amendments which were adopted:

Amendment 1—On page 1, line 25, strike everything after enacting clause and insert: Section 1. Short title.—

This act shall be known and may be cited as the "Mutual Participation Program Act of 1976."

Section 2. Definitions.—

(1) "Department" means the Department of Offender Rehabilitation.

(2) "Commission" means the Parole and Probation Commission.

(3) "Mutual Participation Program Coordinator" means an individual employed by the department who acts as a coordinator between the department, the commission, and the offender for the purpose of informing all parties of the offender's performance of certain conditions and activities necessary to achieve release on parole.

Section 3. Legislative Intent.—

(1) It is the intent of the Legislature to:

(a) Involve the department and the commission in the program planning with the offender while he is incarcerated leading to the establishment of certain criteria affecting grant of parole and release from parole.

(b) Involve the offender in developing his individual rehabilitation program for the period of incarceration and parole with the department and the commission.

(c) Require establishment of criteria to be used in determining which offenders are eligible for this program; provided that no offender shall be eligible to participate in this program who was sentenced as an habitual felony offender pursuant to s. 775.082, Florida Statutes, or who was convicted of a capital or life felony as provided by s. 775.081, s. 775.082, or s. 775.083, Florida Statutes. Offenders meeting these criteria may be offered the opportunity to participate in the program which will include a parole date.

Section 4. Mutual Participation Act of 1976.—

(1) The department and the commission shall jointly develop a 2-year pilot program establishing a mutual participation program which sets forth for each eligible offender the terms of his institutional confinement, a parole date and terms of parole supervision and release; provided that each offender meets the criteria set forth in this act and any additional criteria established by the department and the commission.

(a) The department and the commission as a portion of the mutual participation program shall require that each eligible offender satisfactorily participate in a correctional work program pursuant to s. 945.06, Florida Statutes, and only through satisfactory completion of this phase of the program shall an offender become eligible to progress to a less restrictive program.

(b) Additional criteria shall be established and required by the commission and the department for participation in the program, including but not limited to vocational counseling and work release programs; provided, that criteria for satisfactory participation in the program shall not include academic classroom instruction at the college level.

(c) The commission shall establish a parole date for each eligible offender based on the satisfactory completion of the program.

(2) The commission shall promulgate rules on criteria used to establish parole dates, conditions precedent to the granting of parole, terms of parole, and release from parole. The department and the commission shall establish such criteria relating to parole supervision which shall include but not be limited to the requirements for participation in vocational or counseling programs available in the community; stipulations related to employment; and other criteria considered necessary for the successful reintegration of the offender into society.

(3) Periodic written reports of the offender's progress in the program shall be submitted to the department and the commission.

Section 5. The department and the commission shall submit to the legislature an annual evaluation of the mutual participation program.

Section 6. The department of offender rehabilitation and the parole and probation commission shall promulgate rules required pursuant to section 4(2) by September 1, 1976.

Section 7. This act shall take effect July 1, 1976.

Amendment 2—On page 5, line 29, insert: Section 7. Section 924.06, Florida Statutes, is hereby amended to read as follows:

924.06 Appeal by defendant.—

(1) A defendant may appeal from:

(a) A final judgment of conviction when probation has not been granted under chapter 948; *except as provided in (3) of this section.*

(b) An order granting probation under chapter 948;

(c) An order revoking probation under chapter 948; or

(d) A sentence, on the ground that it is illegal.

(2) An appeal of an order granting probation shall proceed in the same manner and have the same effect as an appeal of a judgment of conviction. An appeal of an order revoking probation may review only proceedings after the order of probation. If a judgment of conviction preceded an order of probation, the defendant may appeal from the order or the judgment or both.

(3) *A defendant who pleads guilty or nolo contendere with no express reservation of the right to appeal shall have no right to a direct appeal. Such a defendant shall obtain review by means of collateral attack.*

Section 8. *If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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. Section 921.242, Florida Statutes, is created to read:

921.242 Appearance of victim to make statement at sentencing hearing; submission of written statement.—

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has pleaded guilty or nolo contendere to any crime, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced to:

(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; or,

(b) Submit a written statement under oath to the office of the state attorney which shall be filed with the sentencing court.

(2) The state attorney or any assistant state attorney shall advise all victims that statements, whether oral or written, shall relate solely to the facts of the case, the extent of any injuries, any financial losses, and any loss of earnings directly resulting from the crime for which the defendant is being sentenced.

Section 10. The court may refuse to accept a negotiated plea and order the defendant to stand trial.

[Renumber subsequent section]

Amendment 3—On page 1, in title, line 20, after the semicolon insert: amending s. 924.06, Florida Statutes, providing that a defendant who pleads guilty or nolo contendere without expressly reserving the right to appeal shall have no right to a direct appeal; creating s. 921.242, Florida Statutes; directing the court to permit the victim of a crime to appear and make a statement at the offender's sentencing hearing or to submit a written statement, when the offender has pleaded guilty or nolo contendere; requiring the state attorney or his assistant to advise victims of the proper content of such statements; authorizing the court to refuse to accept a negotiated plea;

On motion by Senator McClain, by two-thirds vote HB 3996 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Graham, Winn and Zinkil.

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 881 (cs) was withdrawn from the Committee on Commerce and placed on the calendar.

SB 1074 was taken up and on motion by Senator Trask—

HB 881 (cs)—A bill to be entitled An act relating to land sales; amending section 478.23(1), Florida Statutes, deleting the 90 day refund privilege applicable to long distance telephone land solicitations; providing a ten day unconditional refund privilege and a six month inspection refund privilege regardless of method of solicitation; providing an effective date.

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

Senator Trask offered the following amendments which were adopted:

Amendment 1—On page 3, line 1, strike “(d)” and insert: 3.

Amendment 2—On page 3, line 2, after the word “conditional”, strike “10” and insert: 30

Amendment 3—On page 3, line 14, after the word “afore-said”, strike “10” and insert: 30

Senator Trask moved the following amendment:

Amendment 4—On page 3, line 17, strike all of said line and insert: Section 2. Paragraph (a) of section 478.021, Florida Statutes, is amended to read:

478.021 Purpose and definitions.—

(2) When used in this chapter, unless the context otherwise requires:

(a) “Disposition” includes sale, resale, lease, assignment, award by lottery, or any other transaction concerning a subdivision, if undertaken for gain or profit;

Section 3. Subsection (8) is added to section 478.041, Florida Statutes, to read:

478.041 General powers and duties.—

(8) *The division shall adopt uniform accounting methods in accordance with the standards of the Accounting Principles Board of the American Institute of Certified Public Accountants to be used by all applicants for and holders of registrations of subdivided land in the preparation of all financial documents information, and reports required by, and in the transaction of all activities regulated under, the provision of this chapter.*

Section 4. Paragraph (d) of subsection (5) of section 478-041, Florida Statutes, is hereby repealed.

Section 5. Section 478.052, Florida Statutes, is created to read:

478.052 Certain trust and escrow accounts required.

(1) The division shall require every subdivider registered to establish and maintain a trust or escrow account in a financial institution located within the state to assure the payment of refunds as provided under any of the circumstances set forth in subsection (3). The subdivider shall submit to the division

a monthly statement from the appropriate financial institution indicating the status of the account.

(2) The division shall require every subdivider registered to submit quarterly reports indicating that timely payments are made for the satisfaction of any lien, mortgage, or other encumbrance upon subdivided lands or any portion thereof offered by the subdivider. The quarterly report shall include evidence satisfactory to the division of the subdivider's compliance, including an affidavit executed before a notary public, or other person authorized to take oaths, from the holder of the encumbering instrument indicating the subdivider's compliance with the terms of such instrument.

(3) In addition to any requirement for a refund escrow account adopted by the division, the provisions of subsection (1) shall also apply when the division determines:

(a) The encumbering instrument contains release clauses which are inadequate under the division's rules and regulations;

(b) The encumbering instrument does not provide that the purchaser can obtain legal title or other interest contracted for free and clear of such encumbrance upon compliance with the terms and conditions of the purchase or lease;

(c) The registrant has failed to comply with the terms of the encumbering instrument including, but not limited to, failure to make timely payments for the satisfaction of the encumbering instrument; or

(d) The registrant fails to submit the quarterly report to the division as required in subsection (2).

(4) The division shall issue an order to show cause which shall provide for a hearing within 7 days, upon request, for any violation of the provisions of this section.

(5) The division shall adopt rules necessary to carry out the provisions of this section.

Section 6. Section 478.061, Florida Statutes, is amended to read:

478.061 Division to designate place of executive offices.—The executive offices shall be established and maintained in Tallahassee at a place designated by the division, which designated place may be changed in the discretion of the division.

Section 7. Paragraphs (i) and (t) of subsection (1) of section 478.121, Florida Statutes, is amended to read:

478.121 Application for registration.—

(1) The application for registration of subdivided lands shall be filed as prescribed by the division's rules and shall contain such of the following documents and information as may be required by the division:

(i) The name, home address, principal occupation for the past 5 years of every director and officer of the applicant or person occupying a similar status or performing similar functions; and the name and home address of each shareholder holding a 10 percent or more interest in the applicant; which list of shareholders shall also be filed with the Department of State; the extent and nature of any interest in the applicant or the subdivided lands as of a specified date within 30 days of the filing of the application of every person whose interest exceeds a 10 percent interest in the subdivider. The requirements of this subsection shall also apply to registrants filing pursuant to s. 711.802.

(t) A certified statement of the most recent assessed value of the property sought to be registered from the tax assessor of the county in which the property is located.

Section 8. Subsection (6) of section 478.121, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section to read:

478.121 Application for registration.—

(6) *The subdivider shall furnish the purchaser an agreement for deed in recordable form. If the subdivided lands or any portions thereof are subject to agreement for deed, the subdivider or purchaser may record this agreement for deed upon expiration of the refund provision contained in said contract agreement.*

Section 9. Subsection (7) is added to section 478.121, Florida Statutes, to read:

478.121 Application for registration.—

(7) Every subdivider shall provide the division with a financial statement, prepared by a certified public accountant registered in the state, not later than 5 months after the end of the registrant's fiscal year. The subdivider's statement shall be accompanied by the accountant's opinion of the statement. The division shall issue an order to show cause, which shall provide for a hearing within 7 days, upon request, upon the failure of any subdivider to comply with the provisions of this subsection.

Section 10. Subsection (3) of section 478.161, Florida Statutes, is amended to read:

478.161 Revocation; civil penalties.—

(3) In lieu of revocation, the division may impose civil penalties against the holders of registrations for violations of this chapter or rules and regulations relating thereto. No civil penalty so imposed shall exceed \$5,000 \$1,000 for each offense and all amounts collected shall be deposited with the State Treasurer to the credit of the General Revenue Fund. If the holder of such registration fails to pay the civil penalty, the division shall thereupon issue an order to such registrant directing that such registrant cease and desist from further operation until such time as the civil penalty is paid. In order to permit the registrant an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order requiring the payment of a civil penalty shall not become effective until 20 days after the date of said order. If the registrant, during such 20 day period, seeks relief from such order, then such order for payment shall be superseded until the registrant has exhausted his administrative or judicial review. Actions commenced by the division may be brought in the judicial circuit in which the division has its executive offices, or where the violation occurred.

Section 11. Subsection (2) of section 478.171, Florida Statutes, is amended to read:

478.171 Cease and desist orders.—

(2)(a) If the division makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and desist order.

(b) In addition, the division shall issue an order to show cause, which shall provide for a hearing within 7 days, upon request, if the division finds that another state or federal agency has suspended or revoked, or taken similar action against the land sales registration of such person.

(c) Prior to issuing the temporary cease and desist order, the division the board, whenever possible, by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary, the division, whenever possible, by cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

Section 12. Subsection (2) of section 478.191, Florida Statutes, is amended to read:

478.191 Civil remedy.—

(2) In addition to any other remedies, the purchaser, under the preceding subsection, may sue in a court of competent jurisdiction either in law or in equity to recover the consideration paid for the lot, parcel, unit or interest in subdivided lands together with interest at the rate of 9 ½ percent per year from the date of payment, property taxes paid, court costs and reasonable attorney's fees to the prevailing party less the amount of any income received from the subdivided lands upon tender of appropriate instruments of reconveyance made at any time before the entry of judgment.

Section 13. Subsection (1) of section 478.221, Florida Statutes, is amended to read:

478.221 Exemptions.—

(1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter do not apply to offers of dispositions of an interest in land:

(a) By a purchaser of subdivided lands for his own account in a single or isolated transaction;

(b) Pursuant to court order;

(c) By any government or government agency;

(d) As cemetery lots or interest;

~~(e) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust or real estate;~~

~~(e)(f)~~ Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

~~(f)(g)~~ A subdivision as to which the plan of disposition is to dispose to 10 or fewer persons;

~~(g)(h)~~ Offers or dispositions of securities currently registered with the Department of Banking and Finance;

~~(h)(i)~~ Offers or dispositions of any interest in oil, gas or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the Department of Banking and Finance; and

~~(i)(j)~~ Any offer or disposition constituting a single sale or offer to sell to a person when the sale and purchase price is \$50,000 or more.

Section 14. Subsections (4) and (5) are added to section 478.221, Florida Statutes, to read:

478.221 Exemptions.—

(4) A registrant or other person may obtain an exemption advisory opinion from the division stating whether or not, in the opinion of the division director, a particular method of sale or offer is exempt from the provisions of this chapter. Any opinion request should be accompanied by the required fee as provided by the division and comprehensive statement of facts and applicable law under which the petitioner believes the method to be exempt. Such statement shall:

(a) Describe the advertising and promotional media and methods used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision.

(b) Describe the area and states in which newspapers and periodicals are distributed, or in which broadcasts of radio or television stations are received, or to which mailings, or other promotional materials are directed.

(c) State whether any of the holders of an ownership interest in the land, or the developer of any principals in the holder or developer, are directly or indirectly involved in any other subdivision for which they have filed an application for registration with or have requested an exemption order, determination, or advisory opinion from the division. If so, the statement shall identify the subdivision by name, location, and the division registration and advertising number or numbers. If any of the above-mentioned persons are involved in any other subdivision for which they plan to file an application for registration or for which they plan to request an exemption order, determination, or advisory opinion, the statement shall identify such subdivision by name and location and shall state the proposed number of lots in that subdivision.

(5) Whenever the director determines on the basis of the facts presented and any other relevant information reasonably calculated to protect the public interest or prospective purchasers that an exemption is indicated, a letter stating that no action may be taken by the division may be issued. Any letter so issued by the division director stating that action may not be taken shall not bind the division with regard to future action relating to such matters. Any such letter issued by the division director shall not affect any right which any purchaser may have under this act.

Section 15. Paragraphs (f) and (g) of subsection (1) of section 478.24, Florida Statutes, is redesignated paragraph (g), and a new paragraph (f) is added to said subsection to read:

478.24 Public offering statement.—

(1) A public offering statement shall disclose fully and accurately the physical characteristics of the subdivided lands offered and shall make known to prospective purchasers all

unusual and material circumstances or features affecting the subdivided lands. The proposed public offering statement submitted to the division shall be in a form prescribed by its rules and shall include the following, unless otherwise provided by the division:

(f) *Notice of any local or state land use regulation or plan and notice of any moratorium, the duration of which is 180 days or more, imposed by executive order, law, ordinance, regulation, or proclamation adopted by any governmental body or agency when the moratorium prohibits or restricts the development or improvement of property which would otherwise not be prohibited or restricted by applicable law, and the effect thereof on the proposed use of the property;*

(g) *A statement that the developer must provide the purchaser with a recordable agreement for deed and a statement as to what effect recording of the agreement for deed will have in providing the purchaser with legal protection.*

Section 16. Legislative intent.—

(1) It is expressly recognized by this Legislature that the sale of land by installment land sales contracts has a great and vital impact on Florida's economy, and that such land sales constitute a major industry within this state, employing many citizens, attracting thousands of visitors and new residents, and contributing countless dollars to the total annual gross income of the state. The Legislature also recognizes that the manner of conducting this type of business, including sales, financing, advertising and promotional methods, is of direct concern not only to those engaged in the business but to the purchasers and public as well.

(2) Further, the need to halt false, misleading, and fraudulent methods used in the conduct of said business, as well as the continued disclosure of such methods and their severe impact upon the land sales industry and upon the economic and political climate of the state directly reflects and evidences a recognition of the probable detrimental effects of default by companies engaged in this industry.

(3) It is therefore the intent of the Legislature to provide safeguards regulating the financial operations entered into by companies and persons regulated under the provisions of the Uniform Land Sales Practices Act, thus preventing unsound financing techniques which could detrimentally affect not only remote land purchasers, but the land sales industry, the public, and the state's economic well-being.

Section 17. Subsection (3) is added to section 478.23, Florida Statutes, to read:

478.23 Prohibitions on dispositions of interests in subdivisions.—

(3) *No person may offer or dispose of or participate in an offering or disposition of any evidence of indebtedness secured by a mortgage or deed of trust of real estate through any means of advertising unless such offering is registered with and approved by the division. The provisions of this subsection shall not apply to the offer or disposition of such evidences of indebtednesses which are offered to not more than 20 purchasers provided a person shall only avail itself of this exemption one time within any 12-month period. In addition, the provisions of this subsection shall not apply to the bona fide sale, transfer, or delivery of such evidences of indebtednesses by or to a bank, savings and loan association, trust company, insurance company or real estate investment trust.*

Section 18. Section 478.34, Florida Statutes, is created to read:

478.34 Advisory council; creation; function.—

(1) There is created an advisory council composed of seven members, of which three members shall be citizens from the land development industry, and four members shall be citizens representing the consumer public. Members of the advisory council shall be appointed by the chairman of the Board of Business Regulation to serve at his pleasure.

(2) The advisory council shall advise the division in land sales problems, and when possible, shall arbitrate controversies between consumers and developers.

(3) The council, upon majority vote, may recommend to the division that it take administrative action against any per-

son violating or about to violate the provisions of chapter 478, or the division rules, or engaging in unethical or misleading acts or sales promotions. The council may, in addition, recommend promulgation of rules necessary to enforce, interpret, and implement this chapter.

Section 19. For the purpose of the adoption of rules by the division, this act shall take effect upon becoming a law; for all other purposes, this act shall take effect October 1, 1976, provided, however, that section 6 of this act shall take effect July 1, 1976.

Senator Trask offered the following amendments to Amendment 4 which were adopted:

Amendment 4A—On page 7, line 2, insert: Where attorneys fees are awarded under this section, the trial judge shall award the sum of reasonable costs incurred in the action plus a reasonable legal fee for hours actually spent on the case as sworn to in an affidavit.

Amendment 4B—On page 3, line 15, insert: after the period, a new subsection (6):

(6) Subsection (3)(b) shall only apply to encumbering instruments executed subsequent to the effective date of this act.

Amendment 4 as amended was adopted.

Senator Firestone moved the following amendment which was adopted:

Amendment 5—On page 1, line 15, insert: Section 1. Section 478.062, Florida Statutes, is created to read:

478.062 Southeastern Florida office.—The division shall establish and maintain branch offices at a place central to the southeastern portion of the state and in the Tampa Bay area for the purpose of handling complaints in those portions of the state.

(Renumber subsequent sections)

Senator Trask offered the following title amendments which were adopted:

Amendment 6—On page 1, line 8, after the word "a", strike "ten" and insert: thirty

Amendment 7—On page 1, line 11, strike all of said line and insert: amending s. 478.021(2)(a), Florida Statutes, including the resale of interests in subdivided lands within the definition of "disposition" for purposes of the regulation of subdivided lands by the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; adding subsection (8) to s. 478.041, Florida Statutes, requiring the Division of Florida Land Sales and Condominiums of the Department of Business Regulation to adopt certain uniform accounting methods to be used by all applicants for and holders of registrations of subdivided lands; repealing s. 478.041(5)(d), Florida Statutes, relating to subdivider escrow accounts; creating s. 478.052, Florida Statutes, providing that the Division of Florida Land Sales and Condominiums shall require every subdivider registered by the division to establish and maintain certain trust or escrow accounts to assure the payment of refunds as provided in certain circumstances; providing for monthly reports to the division indicating the status of such accounts; providing that the division shall require from all registrants quarterly reports indicating the payment and satisfaction of any mortgages, liens, or other encumbrances; requiring the division to issue an order to show cause for violations; providing for the adoption of rules; amending s. 478.061, Florida Statutes, providing for executive offices of the Division of Land Sales and Condominiums of the Department of Business Regulation to be established and maintained in Tallahassee; amending s. 478.121(1)(i), Florida Statutes, requiring applicants to the Division of Florida Land Sales and Condominiums for registration of subdivided lands to disclose the home address of its directors and officers and to disclose the name and home address of each of its shareholders holding a 10 percent or more interest; requiring applicants to provide the Department of State with such list of shareholders; providing for applicability to registrants pursuant to s. 711.802, Florida Statutes; adding paragraph (t) to s. 478.121(1), Florida Statutes, requiring disclosure of the most recent assessed value of the

property sought to be registered with the division; adding a new subsection (6) to s. 478.121, Florida Statutes, requiring subdividers to provide the purchaser a recordable agreement for deed, recordable at the option of the purchaser or developer upon expiration of the refund period within the contract; adding subsection (7) to s. 478.121, Florida Statutes, requiring subdividers to provide the Division of Florida Land Sales and Condominiums of the Department of Business Regulation with an annual financial statement; requiring the division to issue an order to show cause against any subdivider who fails to comply with the requirement; amending s. 478.161(3), Florida Statutes, increasing the amount imposed as civil penalties by the Division of Florida Land Sales and Condominiums; providing for the levy of individual fines upon each offense; providing for venue in the judicial court in which the division has its executive offices, or where the violation occurs; amending s. 478.171(2), Florida Statutes, requiring the Division of Business Regulation to issue order to show cause against persons who have been the subject of certain actions; amending s. 478.191(2), Florida Statutes; providing for civil remedies and recovery damages by parties in certain cases; amending s. 478.221(1), Florida Statutes, deleting the exemption from registration under the Florida Uniform Land Sales Practices Law for evidences of indebtedness in land secured by a mortgage or deed of trust of real estate; adding subsections (4) and (5) to s. 478.221, Florida Statutes; providing for the issuance of exemption advisory opinions by the Division of Florida Land Sales and Condominiums of the Department of Business Regulation upon petition by registrants or other persons in certain cases; adding a new paragraph (f) to s. 478.24(1), Florida Statutes, requiring public offering statements submitted to the Division of Florida Land Sales and Condominiums to contain notice of any local or state land use regulations or plans and notice of any moratorium which prohibits or restricts the development of improvement of property which would otherwise not be prohibited or restricted; adding a paragraph (g) to s. 478.24(1), Florida Statutes, requiring the public offering statement to include a statement providing that developers provide the purchaser with a recordable agreement for deed and a statement of its effect in providing legal protection to the purchaser; providing intent; adding subsection (3) to s. 478.23, Florida Statutes, requiring the registration and approval, prior to advertisement, of certain offerings and dispositions of evidences of indebtedness secured by mortgage or deed of trust of real estate; providing for exemptions; creating s. 478.34, Florida Statutes, providing for the creation of an advisory council; providing for appointment; providing an effective date.

Senator Firestone moved the following title amendment which was adopted:

Amendment 8—On page 1, line 4, after the semicolon insert: creating s. 478.062, Florida Statutes; requiring the division to establish an office in southeastern Florida;

On motion by Senator Trask, by two-thirds vote HB 881(cs) as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1074 was laid on the table.

The motion by Senator Plante that the Senate reconsider the vote by which CS for SJR's 619 and 1398, as amended, failed to pass this day, was taken up and adopted. The Senate reconsidered the vote and—

CS for SJR's 619 and 1398—A joint resolution proposing an amendment to Section 18, Article I of the State Constitution, to authorize the Legislature to nullify any rule or regulation promulgated by the executive branch and providing for de-

ferred with respect to such nullification and to provide for suspension of such rule as provided by law.

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

That the following amendment to Section 18 of Article I of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1976:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 18. Administrative penalties.—No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law. *Any administrative rule of any agency of the executive branch may be nullified by concurrent resolution of the Legislature on the ground that the rule is without or in excess of delegated legislative authority and may be suspended as provided by law on the same ground; however, by a majority vote of the governor and cabinet the suspension may be deferred until acted upon by the Legislature. Failure of the Legislature to disapprove the suspension at the next regular session shall automatically reinstate the rule.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 18

Proposing an amendment to the State Constitution to authorize the Legislature to nullify or suspend any rule or regulation promulgated by the executive branch of state government and providing a procedure for the deferral of any such nullification which rule or regulation is without or in excess of delegated legislative authority.

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

Yeas—25

Mr. President	Lane, D.	Scarborough	Vogt
Brantley	Lane, J.	Spicola	Ware
Childers, D.	Lewis	Stolzenburg	Wilson
Childers, W. D.	McClain	Thomas, J.	Zinkil
Deeb	Peterson	Thomas, P.	
Gallen	Plante	Tobiassen	
Glisson	Saylor	Trask	

Nays—9

Dunn	Graham	Myers	Winn
Firestone	Holloway	Renick	
Gordon	Johnston		

Vote after roll call:

Yea—Sims

LOCAL CALENDAR

HB 3682—A bill to be entitled An act relating to the City of Naples, Collier County; amending section 1.2 of Article I of chapter 59-1598, Laws of Florida, as amended, changing the boundaries of the city; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3682 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Vogt Wilson Winn Zinkil
Ware

Nays—2

Deeb Thomas, J.

HB 3717—A bill to be entitled An act relating to the Pensacola Downtown Improvement Board; amending sections 5(1) and (3), 6, 8(3), (10), (12), and (16), and 9 of chapter 72-655, Laws of Florida, and adding subsection (17) to section 8; prohibiting ex-officio board members from voting; removing certain eligibility requirements for membership on the board; reducing the quorum requirement for the transaction of business; authorizing the adoption of capital improvement budgets at any time; clarifying language relating to the taxable status of property owned by the board; empowering the board to exchange revenue certificates for property; removing the requirement that the city council approve the borrowing of money by the board and expanding the board's power to borrow; clarifying language relating to the approval of taxes imposed by the board by the electorate; authorizing the board to issue tax supported bonds; removing provisions which limit the millage which may be imposed by the board; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3717 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3728—A bill to be entitled An act relating to the City of Marianna, Jackson County; amending sections 5(5)-(7), 9(1) and 14 of chapter 73-548, Laws of Florida, as the same was previously amended by chapter 75-436, Laws of Florida, extending the expiration dates for the terms of certain initial members of the board of the Marianna Downtown Development Authority; reducing the time periods in which the registration lists are to remain open and in which the city clerk may accept ballots after passage of the ordinance defining the downtown area for purposes of the referendum held to approve chapter 73-548, Laws of Florida, as amended by chapter 75-438, Laws of Florida, and as amended by this act; providing that the referendum shall be for the approval of the 1973 act as amended by chapter 75-436, Laws of Florida, and as amended by this act; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 3728 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3775—A bill to be entitled An act relating to the City of St. Petersburg; declaring certain waters and bodies of water

within the city to be salt water; prohibiting the use of nets or seines, excepting hand cast nets, for the purpose of taking fish within said waters and bodies of water; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 10, after "corks," insert: "The department of natural resources may by rule grant exceptions to this provision if circumstances warrant."

Senator Sayler moved the following title amendment which was adopted:

Amendment 2—On page 1, line 9, after the semicolon insert: providing for exceptions;

On motion by Senator Deeb, by two-thirds vote HB 3775 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3777—A bill to be entitled An act relating to Pinellas County; repealing Chapter 69-1487, Laws of Florida, which authorized and empowered the Board of County Commissioners of Pinellas County, Florida, to purchase goods, supplies or materials for county purposes or use, when the amount to be paid therefor by the county does not exceed two thousand five hundred dollars (\$2,500.00), without the necessity of advertising any notice or calling for bids regarding said purchase; repealing Section 5 of Chapter 29436, Laws of Florida, 1953, which required that all purchases in excess of \$1,000.00 or such other amount requiring published notice of sealed bids as is fixed by the laws of the State of Florida, shall be made pursuant to the Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3777 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3778—A bill to be entitled An act relating to consumer protection in Pinellas County; providing a short title; declaring legislative intent; providing for territory embraced; providing for the repeal of conflicting laws; specifically repealing chapter 73-602, Laws of Florida as amended by chapter 75-490, Laws of Florida; providing for the retention of jurisdiction of actions accruing under chapter 73-602, Laws of Florida, and transferring such jurisdiction to the enforcing authorities created herein; providing definitions; establishing the Board of Consumer Affairs and Appeals; providing for procedures and records; providing for powers and jurisdiction of the board; establishing the Department of Consumer

Affairs; providing powers and duties of the department; establishing operating procedures of the department; establishing a procedure for service of process; establishing procedures governing hearings; providing for stay of proceedings; providing for the effective date of board orders; providing for judicial review; providing a means of enforcement of orders; providing for enforcement of subpoenas; providing penalties for violations of orders; prohibiting the obstruction of investigators and providing penalties therefor; providing a statute of limitations; providing for the effect of other rights and remedies; providing for severability of provisions; providing for an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3778 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3779—A bill to be entitled An Act relating to Pinellas County; amending Chapter 75-485, Special Laws of Florida, 1975, which amended Chapter 74-577, Special Laws of Florida, 1974, by amending Section 6 of Chapter 75-485, Special Laws of Florida, 1975, to extend the deadline for implementation of a Countywide 911 System from December 31, 1976 to July 1, 1977; providing an effective date.

—was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

Amendment 1—On page 1, lines 14 and 15, strike "75-485, Special Laws of Florida, 1975," and insert: 74-577, Laws of Florida, as amended by chapter 75-485, Laws of Florida,

Amendment 2—On page 1 in title, strike all of lines 4 through 9 and insert: An act relating to Pinellas County; amending section 6 of chapter 74-577, Laws of Florida, as amended by chapter 75-485, Laws of Florida; extending the deadline for implementation of a countywide emergency telephone number system from December

On motion by Senator Deeb, by two-thirds vote HB 3779 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3780—A bill to be entitled An act relating to Pinellas County; amending section 15, chapter 73-594, Laws of Florida, as amended by chapter 74-584, Laws of Florida, to correct a scrivener's error in the effective date of said act; providing for the approval, ratification and confirmation of all prior acts of the Pinellas County Planning Council undertaken pursuant to the provisions of chapter 73-594, Laws of Florida, as amended

by chapter 74-584, Laws of Florida; amending section 3(1)(i) of chapter 73-594, Laws of Florida, as amended, providing for an appointee by the Pinellas County Legislative Delegation to membership on the Pinellas County Planning Council; amending section 4(2) of chapter 73-594, Laws of Florida, establishing a meeting place by majority vote; repealing section 4(3) of chapter 73-594, Laws of Florida, establishing certain meetings to be held at various localities in Pinellas County; adding subsection (12) to section 5 of chapter 73-594, Laws of Florida, as amended, providing for review and recommendation on proposed annexation within Pinellas County by the Pinellas County Planning Council; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3780 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3781—A bill to be entitled An act relating to Pinellas County; amending section 4 (2) and (4) of chapter 63-1790, Laws of Florida, authorizing the sale of beer or wine in the county by certain vendors for off the premises consumption after 1:00 p.m. on Sundays; limiting to the sale of liquor the restriction that alcoholic beverages sold after 1:00 p.m. on Sunday and before 2:00 a.m. on Monday be sold for consumption on the premises; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3781 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3782—A bill to be entitled An act relating to Pinellas County; authorizing the School Board to establish a trust fund to provide property and liability insurance coverage; exempting the School Board from any requirement to contract with private companies; providing the extent of coverage; waiving immunity to the extent of coverage and funds available; authorizing the School Board to adopt and promulgate rules and regulations and employ personnel; providing that the salaries and expenses be paid from the trust fund; authorizing the purchase of reinsurance; requiring the School Board to appropriate money to the trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3782 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, D.	Deeb	Firestone
Brantley	Childers, W. D.	Dunn	Gallen

Glisson	Lewis	Saunders	Tobiassen
Gordon	MacKay	Sayler	Trask
Graham	McClain	Scarborough	Vogt
Hair	Myers	Sims	Ware
Holloway	Peterson	Spicola	Wilson
Johnston	Plante	Stolzenburg	Winn
Lane, D.	Poston	Thomas, J.	Zinkil
Lane, J.	Renick	Thomas, P.	

Nays—None

CS for HB 3783—A bill to be entitled An act relating to Pinellas County; providing that each special act relating exclusively to the Town of Belleair, the City of Dunedin, the City of Gulfport, the Town of Indian Shores, the City of Seminole, or the City of South Pasadena shall become an ordinance of the municipality to which such act relates; providing certain exceptions; repealing chapter 4658, Laws of Florida, 1897, relating to the Town of Clear Water Harbor; repealing chapter 5102, Laws of Florida, 1901, which authorizes the City of Clearwater to issue bonds for the purchase of a school; repealing chapter 6046, Laws of Florida, 1909, repealing charter; repealing chapter 6674, Laws of Florida, 1913, relating to the 1909 charter of the City of Clearwater; repealing chapter 7137, Laws of Florida, 1915, relating to the incorporation of the Town of Clearwater; repealing chapter 8167, Laws of Florida, 1919, relating to tick eradication; repealing chapter 8924, Laws of Florida, 1921, relating to the City of Clearwater; repealing chapter 17645, Laws of Florida, 1935, and all other laws pertaining to the Gulf Beach Sanitary District; repealing chapter 20068, Laws of Florida, 1939, relating to the creation of the Pinellas County Port Authority; repealing chapter 20120, Laws of Florida, 1939, and all other laws relating to the St. Petersburg Port Authority; repealing chapter 21560, Laws of Florida, 1941, relating to the creation of an auditorium authority for the City of St. Petersburg; repealing chapter 24823, Laws of Florida, 1947, which creates the Belleair Beach Improvement District; repealing chapter 24825, Laws of Florida 1947, which creates the Gulf Beach Erosion Control District; repealing chapter 29435, Laws of Florida, 1953, chapter 31173, Laws of Florida, 1955, and chapter 61-1169, Laws of Florida, relating to the Pinellas County Light Industry Council; repealing chapter 30488, Laws of Florida, 1955, relating to the supervisor of registration; repealing chapter 70-898, Laws of Florida, relating to distribution of library funds; repealing chapter 70-524, Laws of Florida, relating to the Tampa Bay Conservation and Development Study Commission; repealing chapter 72-276, Laws of Florida, and chapter 74-581, Laws of Florida, relating to tax reimbursement to the Pinellas County Science Center and the Upper Pinellas Association of Retarded Children, respectively; repealing chapter 73-596, Laws of Florida, which creates the Pinellas County Citizens' Study Commission on Education; repealing chapter 74-582, Laws of Florida, which creates the Pinellas County Library Task Force; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote CS for HB 3783 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3784—A bill to be entitled An act relating to Pinellas County; amending Chapter 75-486, Laws of Florida; amending section 2 to limit arrest powers; adding a new section relating to establishment of areas of responsibility and guidelines; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3784 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3785—A bill to be entitled An act to reduce the burden and delay in purchasing teaching supplies and materials by authorizing moneys to be advanced by county warrant from the operating fund of the District School Board of Pinellas County to individual school's internal accounts in an amount budgeted to the schools for that purpose, and to provide for accounting therefor, monthly and yearly, and auditing thereof; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote HB 3785 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 3920—A bill to be entitled An act relating to Escambia County; amending chapter 74-480, Laws of Florida, as amended, relating to a merit system of personnel administration for the civil service of the county; amending section 3.2(g) by adding and including in the unclassified service all department heads employed by the Board of County Commissioners of Escambia County; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3920 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of House Bills 3921 and 3928 was deferred.

HB 3963—A bill to be entitled An act relating to Escambia County; amending section 8.9 of chapter 74-480, Laws of Florida, as amended, relating to the civil service system, to provide in section 8.9 that holidays, in addition to the specified legal holidays, shall be granted to county employees by the civil service board, upon request of the board of county commissioners; that additional holidays granted shall not be charged to employees' leave time; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3963 was read the third time

by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 3965—A bill to be entitled An act relating to Escambia County, Florida; recodifying and amending Chapter 75-369, Laws of Florida, providing for a system of personnel administration for classified employees of the County of Escambia including noninstructional employees of the District School Board; defining purpose of act, composition of Board; authorizing a staff; identifying classified and unclassified service; defining duties of the board, status of present and future employees; providing for a classification plan; authorizing unlimited number of positions; providing for various leaves and holidays; setting standards for personnel selection; ensuring employees the right to participate in activities of employee organizations; outlining the appointment process; permitting transfers; providing for suspensions and dismissals for cause, investigations and hearings; mandating certain prohibitions; authorizing a pay plan; providing a penalty for violations; requiring reports of personnel actions, annual reports and inspection of public records of the board; requiring the Board of County Commissioners to fund system and provide facilities; limiting political activities on the part of employees; defining certain terms; providing severance and savings clause; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote CS for HB 3965 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SCR 1463—A concurrent resolution authorizing the Department of Transportation to covenant to complete Section I of the proposed 1977 project as a part of the Jacksonville expressway system in Duval County, Florida, and approving such covenant to complete as required by s. 339.12(5)(d), Florida Statutes; providing an effective date.

—was read the second time in full.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 1, strike lines 27 through 31 and strike lines 1 through 15 on page 2 and insert: Section 1. That in accordance with s. 339.12(6)(d), Florida Statutes, the Department of Transportation is hereby authorized to covenant to complete a revenue producing transportation project to be designated as Section I of the 1977 project, a part of the Jacksonville expressway system, which project is to be financed principally from \$35,000,000 State of Florida expressway bonds, series of 1977, issued for and on behalf of the Jacksonville Transportation Authority, and which project consists of: An eastward extension of the J. Turner Butler Boulevard commencing at St. Johns Bluff Road, thence easterly to future Ft.

Caroline Freeway, and thence easterly through San Pablo Interchange and continuing to A-1-A; additional toll lanes at Fuller Warren Bridge Toll Plaza; and, additional toll lanes at Hart Bridge Toll Plaza. In the lease purchase agreement, the Department of Transportation shall provide for the expeditious repayment of any and all costs incurred by the department as a result of the covenant to complete authorized herein. The agreement shall provide for such repayment from excess tolls or second gas tax proceeds not required to fulfill the requirements for payment of principal, interest and reserves on the bonds, and for the annual reimbursement from tolls of all operating and maintenance costs of the facilities as provided by the applicable provisions of the State Constitution and existing trust indentures. Funds generated by the sale of State of Florida expressway bonds, series of 1977, as provided for herein shall not be used for either the design, planning, or actual construction of a proposed project in Jacksonville, Florida known as the Dames Point Bridge. Further approval for project additions requested by the authority after public hearing and notice shall be required under s. 339.12(5)(d). The authority shall not consider said project additions to be funded by any contingency set aside in the original project, nor shall the Department of Transportation use any primary funds to cover the cost of such project cost overrun.

On motion by Senator Scarborough, SCR 1463 as amended was adopted, ordered engrossed and then certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

CS for HB 3930—A bill to be entitled An act relating to the Pensacola Civil Service System; amending chapter 63-1775, Laws of Florida, as amended, redefining "unclassified service"; providing that the Administrative Judge rather than the County Judge shall designate certain members of the board; giving the board the powers necessary to carry out administration of the civil service system; providing for election of board, terms of office, and notification of date of election; deleting Municipal Judge and Municipal Judge Pro-tem from unclassified service; providing for retention of status for probationary employees under certain circumstances; increasing the age of automatic membership in the city's pension system at the time of employment from 35 to 45 years; prohibiting discrimination in recruitment, employment, training, promotion, etc; deleting reference to the municipal judge in compensation of officers and employees; providing for certification of payroll and efficiency standards; providing procedure and time allowed for adoption of rules of the board; provides the right to the executive committee to solicit funds; providing for termination of persons committing certain acts regarding false statements and gifts; providing that the board shall be responsible for examining applicants for employment or promotion; providing procedure for filling vacant positions; deleting certain provisions relating to entrance examination requirements; decreasing period for which entrance eligible lists shall stand from 2 years to 1 year; requiring that requests for hearing on demotions shall be in writing; providing that persons demoted may return to the position occupied prior to demotion under certain circumstances; providing that persons resigning to seek public office may make written application to the board to have his name placed at the top of the preferred eligible list; specifying which time periods relating to disciplinary action, charges preferred or confirmed, and hearings shall be either in calendar days or workdays; providing that requests for list of witnesses shall be by the accused employee or his attorney; providing that hearings shall be reported in writing if demanded by the accused employee or City Manager; providing for prompt hearings and extension of hearing date; providing that persons charged with a crime in the County or Circuit Court shall waive right to compensation under certain circumstances; providing that requests for rehearing shall be answered within 30 rather than 15 calendar days; providing for mandatory dis-

ability retirement and determination of disability; repealing laws in conflict with this act; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote CS for HB 3930 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Dunn 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 3168 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 3168—A bill to be entitled An act making it unlawful for any person, firm or corporation to fish or cause to be fished any type of net or seine, except common cast net, from the beaches bordering the Atlantic Ocean in Flagler County, Florida, and providing for the enforcement of said act and penalties for violation thereof, and providing an effective date.

—was read the first time by title. On motion by Senator Dunn, the rules were waived and HB 3168 was placed on the local calendar.

On motion by Senator Dunn, by unanimous consent HB 3168 was taken up out of order. On motions by Senator Dunn, by two-thirds vote HB 3168 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HCR 3297 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin—

HCR 3297—A concurrent resolution commending Mrs. John Coffeen for her generous contribution to the citizens of West Florida.

—was read the first time in full. On motion by Senator W. D. Childers, the rules were waived and HCR 3297 was placed on the calendar.

On motion by Senator W. D. Childers, by two-thirds vote HCR 3297 was read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1, has reconsidered the passage, further amended and passed HB 3345, as further amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Ogden and others—

HB 3345—A bill to be entitled An act relating to the Jacksonville Electric Authority; amending section 3 of chapter 75-407, Laws of Florida, entitled "An act relating to the Jacksonville Electric Authority; amending subsection (2) of section 10 of chapter 67-1569, Laws of Florida, as amended, to exempt from bid provisions the procurement of supplies, materials, and services when reasonably procurable only through negotiation, and to permit the procurement of materials and supplies from electric utilities provided the purchase price is less than the most recent contract price of the authority; amending section 5 of chapter 74-516, Laws of Florida, entitled "An act relating to the Jacksonville Electric Authority; amending chapter 67-1569, Laws of Florida, as amended; providing for notice of and public hearing on the fixing of rates by the authority; authorizing contracts not to exceed a twenty (20) year term for the procurement of fuel but requiring prior approval of the council of the city for certain contracts; amending the contracting and purchasing procedures of the authority to permit acceptance of multiple low bids and dissimilar low bids under certain conditions; exempting from bid provisions the procurement of fuel when reasonably procurable only through negotiation; exempting from bid provisions products and services necessary for nuclear powered generation facilities; exempting from bid provisions the procurement of fuel in the spot market; requiring approval of the purchases under bid exemptions by the chief purchasing officer of the City of Jacksonville; providing a termination for the amendments to the contracting and purchasing procedures of the authority; providing an effective date, by extending provisions as contained in chapter 74-516, Laws of Florida, due to expire October 1, 1975 to October 1, 1976; providing for additions to bidding exemptions; providing a termination for said additions to bidding exemptions; providing an effective date." and amending section 5 of chapter 74-516, Laws of Florida, entitled as aforesaid, by extending provisions, as contained in chapters 75-407 and 74-516, Laws of Florida, as amended, due to expire October 1, 1976 to October 1, 1977; providing a termination for the amendments to chapter 67-1569, Laws of Florida, as amended, effected by chapter 75-407 and 74-516, Laws of Florida, as amended; providing an effective date.

House Amendment 1—On page 3, line 11, insert: Section 3. Subsection (1) of Section 10 of Chapter 67-1569, Laws of Florida, as amended, is amended to read as follows:

Section 10. Awards of contract.

(1) All construction, reconstruction, repairs or work of any nature made by the authority, where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor and materials, shall exceed four thousand

(\$4,000.00) dollars except construction, reconstruction, repairs or work done by employees of the authority, or by labor supplied under agreement with federal government or state government, with supplies and material purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder or lowest responsible bidders if the authority determines that simultaneous contracts for variable portions or all of particular work will be accomplished more responsibly commensurate with the lawful purposes of the authority than if performed by one bidder or that such work is incapable of performance by one bidder, upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. *The authority shall keep a current list of responsible bidders and whenever there shall be an award of contract, the bidder must come from this list.* No contract shall be entered into for construction, or improvement, or repair of the electric system, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority, and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of authority to construct, repair or improve the electric system, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the authority, or otherwise than by contract.

And renumber subsequent sections accordingly.

House Amendment 2—On page 2, line 21, insert between “as amended;” and “providing”: amending certain bidding procedures;

On motions by Senator Scarborough, the Senate concurred in the House amendments.

HB 3345 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motions by Senator Brantley, the rules were waived and by two-thirds vote SB 488, House Bills 644, 2645, 671, 2657, 669, 2476, 3315 and 2957, claim bills, were withdrawn from the Committee on Ways and Means and by two-thirds vote placed on the calendar as a special and continuing order.

On motion by Senator Brantley, the rules were waived and by two-thirds vote HB 3925, a claim bill, was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the calendar as a special and continuing order.

On motions by Senator Brantley, the rules were waived and by two-thirds vote House Bills 2960, 2965, 3406, 180, 2567, SB 285, House Bills 2968, 277, 276, SB 657, House Bills 2378, 1432, Senate Bills 1413, 733, House Bills 1056, 400 and SB 100, claim bills, were withdrawn from the Committee on Ways and Means and by two-thirds vote placed on the calendar as a special and continuing order.

CLAIM BILLS

SB 488—A bill to be entitled An act relating to Palm Beach County; directing the Board of County Commissioners of Palm Beach County to compensate William P. Wallace for medical and other expenses incurred as the result of an injury caused through the negligent operation of the drawspan of the Lantana Bridge Over Intracoastal in Lantana, Palm Beach County; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 7, strike “and other”

Amendment 2—On page 2, lines 3-9, strike all of lines 3, 4, 5, 6, 7, 8, and 9.

Amendment 3—On page 2, line 20, strike “\$417.06” and insert: \$177.06

On motion by Senator D. Childers, by two-thirds vote SB 488 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Johnston	Renick	Trask
Brantley	Lane, D.	Saunders	Vogt
Childers, D.	Lane, J.	Scarborough	Wilson
Childers, W. D.	MacKay	Sims	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Myers	Thomas, J.	
Gordon	Peterson	Thomas, P.	
Graham	Poston	Tobiassen	

Nays—None

Vote after roll call:

Yea—Hair

HB 644—A bill to be entitled An act for the relief of Otho B. Clark; providing an appropriation to compensate him for losses incurred during the course of his employment with the Department of Natural Resources; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 644 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Myers	Thomas, P.
Brantley	Hair	Peterson	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Firestone	Lane, D.	Scarborough	Wilson
Gallen	Lane, J.	Sims	Winn
Glisson	MacKay	Spicola	
Gordon	McClain	Thomas, J.	

Nays—None

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

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2645 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Childers, D.	Dunn	Glisson
Brantley	Childers, W. D.	Firestone	Hair

Holloway	Myers	Scarborough	Trask
Johnston	Peterson	Sims	Vogt
Lane, J.	Plante	Stolzenburg	Wilson
Lewis	Poston	Thomas, J.	Winn
MacKay	Renick	Thomas, P.	Zinkil
McClain	Saunders	Tobiassen	

Nays—None

HB 671—A bill to be entitled An act for the relief of Rebecca Jean Leach; providing an appropriation to compensate her for personal injury and loss of personal property as the result of an accident caused through malfunction of the drawbridge at Highland View, Gulf County; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 671 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

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

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 669—A bill to be entitled An act for the relief of Robert E. Manual; providing an appropriation to compensate him for loss of personal property as the result of an accident caused through malfunction of the drawbridge at Highland View, Gulf County; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 669 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 2476—A bill to be entitled An act for the relief of Robert L. Crowder; providing an appropriation to compensate

him for court costs and attorney's fees; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 1, line 30, and on page 2, line 6, strike the figures "\$2,500" and insert: \$2,170

Amendment 2—On page 1, line 21, strike the figures "\$2,500" and insert: \$2,170

On motion by Senator Lewis, by two-thirds vote HB 2476 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

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

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 3315 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

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

—was read the second time by title.

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

Amendment 1—On page 2, line 15, strike the figures "\$7,200" and insert \$4,000

Amendment 2—On page 2, line 26, strike the figures "\$7,200" and insert: \$4,000

On motion by Senator P. Thomas, by two-thirds vote HB 2957 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dunn	Holloway	MacKay
Brantley	Firestone	Johnston	McClain
Childers, D.	Glisson	Lane, J.	Myers
Childers, W. D.	Hair	Lewis	Peterson

Plante	Scarborough	Thomas, P.	Wilson
Poston	Sims	Tobiassen	Winn
Renick	Stolzenburg	Trask	Zinkil
Saunders	Thomas, J.	Vogt	

Amendment 1—On page 2, line 5, strike "\$20,000" and insert: \$10,193.29

On motion by Senator Tobiassen, by two-thirds vote HB 2965 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Nays—None

Yeas—31

HB 3925—A bill to be entitled An act relating to Escambia County; providing for the relief of Daisey Grimes Huggins for fire damages incurred to her property emanating from a county source; authorizing and empowering the board of county commissioners to investigate said claim; authorizing and empowering the board to settle same by payment out of the county general fund in such amount as it may determine, not to exceed \$4,000.00; providing an effective date.

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

—was read the second time by title.

Nays—None

Senator Tobiassen moved the following amendment which was adopted:

Amendment 1—On page 1, lines 25-31, and on page 2, lines 1-13, strike in its entirety and insert: Escambia County is authorized and directed to appropriate from the Escambia County general fund the sum of \$4,000 payable to Daisey Grimes Huggins to compensate her for her damages.

Section 3. The Board of County Commissioners of Escambia County shall draw a warrant in favor of Daisey Grimes Huggins in the sum of \$4,000 upon the general fund of Escambia County.

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

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3406 was read the third time by title, passed and certified to the House. The vote on passage was:

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

On motion by Senator Tobiassen, by two-thirds vote HB 3925 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Yeas—31

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

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

Nays—None

Nays—None

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

HB 180—A bill to be entitled An act for the relief of Millard E. Futch, James B. McPherson, and Ruben Espinola; providing an appropriation to compensate them for attorney's fees incurred during the appeal of their dismissal by the Division of Beverage of the Department of Business Regulation; providing an effective date.

—was read the second time by title.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 2960 was read the third time by title, passed and certified to the House. The vote on passage was:

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 2, line 9, strike "\$25,000" and insert: \$13,500 and on lines 13, 14, 15, 18, 19, and 20, strike the amount appearing on each such line, and insert: \$4,500

Yeas—31

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

On motion by Senator Spicola, by two-thirds vote HB 180 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Nays—None

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

Nays—None

HB 2965—A bill to be entitled An act relating to Okaloosa County; authorizing and directing the district school board of Okaloosa County to compensate Mrs. Helen O'Barr for injuries sustained due to the negligence of the board; providing an effective date.

HB 2567—A bill to be entitled An act relating to Pasco County, for the relief of John Weidner; directing the District School Board of Pasco County to compensate him for damages

—was read the second time by title.

Senator Tobiassen moved the following amendment which was adopted:

incurred through injuries as a result of an accident on school property in Pasco County; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2567 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SB 285—A bill to be entitled An act relating to Palm Beach County; providing for the relief of William G. Willis; providing an appropriation to compensate him for loss of income and personal injury as a result of an accident caused by the negligence of the Palm Beach County Survey Department; providing an effective date.

—was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 2, line 6, strike the figure "\$21,000" and insert: \$17,500

Amendment 2—On page 2, lines 17-25, strike lines 17 through 25 and insert: the Palm Beach County general fund the sum of \$17,500 payable to William G. Willis to compensate him for his injuries in the following manner: Three payments shall be made annually in as nearly equal amounts as possible.

On motion by Senator Johnston, by two-thirds vote SB 285 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 2968—A bill to be entitled An act relating to Polk County; authorizing, ratifying, and confirming payment made by the Board of County Commissioners of Polk County, to or for the benefit of its injured employee, Emmett F. Varnadoe; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2968 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 277—A bill to be entitled An act for the relief of Jean Hubbird, widow of Joseph William Hubbird, and Joseph William Hubbird, Jr., Rejeana Hubbird and Candis Hubbird, minors; providing an appropriation to compensate them for the death of Joseph William Hubbird; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 277 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 276—A bill to be entitled An act for the relief of Jimmy Carl Smith for injuries received as a result of the negligence of the state; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment:

Amendment 1—On page 2, line 16, strike everything after the comma to the end of line 30.

Senator Gallen moved the following substitute amendment:

Amendment 2—On page 2, strike lines 20 and 21 and insert: beginning July 1, 1976 and continuing for a period of five years for a total of \$150,000 for damages sustained and for

Amendment 2 was adopted by the following vote:

Yeas—20

Childers, D.	Lane, D.	Plante	Thomas, P.
Childers, W. D.	Lane, J.	Renick	Tobiassen
Dunn	Lewis	Saunders	Trask
Gallen	McClain	Spicola	Ware
Graham	Peterson	Thomas, J.	Wilson

Nays—12

Mr. President	Hair	Myers	Stolzenburg
Firestone	Holloway	Poston	Vogt
Glisson	Johnston	Sims	Winn

On motion by Senator Gallen, by two-thirds vote HB 276 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—20

Childers, D.	Lane, D.	Plante	Thomas, P.
Childers, W. D.	Lane, J.	Renick	Tobiassen
Dunn	Lewis	Saunders	Trask
Gallen	McClain	Spicola	Ware
Graham	Peterson	Thomas, J.	Wilson

Nays—12

Mr. President	Hair	Myers	Stolzenburg
Firestone	Holloway	Poston	Vogt
Glisson	Johnston	Sims	Winn

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 3966 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin (by request)—

HB 3966—A bill to be entitled An act relating to the City of Jacksonville; authorizing and directing the city to provide an appropriation to compensate Robert and Bettye Young, on account of the injuries sustained by their minor son, Robert A. Young; providing an effective date.

Proof of publication of the required notice was attached.

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

On motions by Senator Scarborough, by unanimous consent HB 3966 was taken up out of order, and by two-thirds vote was read the second time by title.

Senator Scarborough moved the following title amendment which was adopted:

Amendment 1—On page 1, strike all of lines 4 and 5 and insert: An act relating to the District School Board of Duval County; authorizing and directing the district school board to provide

On motion by Senator Scarborough, by two-thirds vote HB 3966 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yeas—Graham and Spicola

Claim Bills, continued

SB 657—A bill to be entitled An act for the relief of Tam Cato; providing an appropriation to compensate him for a permanent disability as a result of an accident during his employment with the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote SB 657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Childers, D.	Hair	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Dunn	Lane, J.	Renick	Trask
Firestone	Lewis	Saunders	Vogt
Gallen	MacKay	Scarborough	Wilson
Glisson	McClain	Sims	
Gordon	Myers	Stolzenburg	
Graham	Peterson	Thomas, J.	

Nays—1

Mr. President

Votes after roll call:

Yea—Spicola
Nay—Brantley

HB 2378—A bill to be entitled An act for the relief of Kermit Ellis; providing an appropriation to compensate him for the loss of the sight of one eye; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2378 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Dunn	Lane, J.	Sims	Ware
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, J.	
Graham	Peterson	Thomas, P.	
Hair	Plante	Tobiassen	

Nays—3

Mr. President Stolzenburg Zinkil

Vote after roll call:

Nay—Brantley

HB 1432—A bill to be entitled An act for the relief of George W. Adams; providing an appropriation to compensate him for damages caused by the negligence of the Game and Fresh Water Fish Commission; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 1432 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—15

Childers, D.	Johnston	Poston	Thomas, J.
Childers, W. D.	Lane, J.	Renick	Thomas, P.
Dunn	MacKay	Saunders	Wilson
Gallen	McClain	Spicola	

Nays—13

Mr. President	Lewis	Stolzenburg	Zinkil
Deeb	Myers	Trask	
Firestone	Plante	Vogt	
Gordon	Scarborough	Winn	

Votes after roll call:

Yeas—Graham and Tobiassen
Nay—Brantley

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

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1413 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Childers, D.	Gordon	McClain	Stolzenburg
Childers, W. D.	Graham	Peterson	Thomas, P.
Deeb	Holloway	Poston	Tobiassen
Dunn	Johnston	Renick	
Gallen	Lewis	Saunders	
Glisson	MacKay	Spicola	

Nays—10

Mr. President	Plante	Thomas, J.	Zinkil
Lane, J.	Scarborough	Vogt	
Myers	Sims	Wilson	

Vote after roll call:

Nay—Brantley

SB 733—A bill to be entitled An act for the relief of Michael Burbank; providing an appropriation to compensate him for his incarceration resulting from a wrongful conviction; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 733 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—2

Lane, J. Lewis

Votes after roll call:

Yea—Vogt
Nay—Brantley

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

—was read the second time by title. On motion by Senator J. Thomas, by two-thirds vote HB 1056 was read the third time by title and failed to pass. The vote was:

Yeas—14

Deeb	Lane, J.	Spicola	Wilson
Gallen	MacKay	Thomas, J.	Zinkil
Glisson	Plante	Thomas, P.	
Graham	Renick	Ware	

Nays—15

Mr. President	Gordon	McClain	Tobiassen
Childers, D.	Holloway	Myers	Vogt
Dunn	Johnston	Poston	Winn
Firestone	Lewis	Sims	

Votes after roll call:

Nays—Brantley and Childers, W. D.

On motion by Senator Holloway, the Senate reconsidered the vote by which HB 1056 failed to pass.

On motion by Senator J. Thomas, HB 1056 was read by title, passed and certified to the House. The vote on passage was:

Yeas—17

Firestone	Lewis	Spicola	Winn
Gallen	Poston	Stolzenburg	Zinkil
Gordon	Renick	Thomas, J.	
Graham	Saunders	Thomas, P.	
Holloway	Scarborough	Ware	

Nays—15

Mr. President	Dunn	McClain	Tobiassen
Childers, D.	Johnston	Myers	Trask
Childers, W. D.	Lane, J.	Peterson	Vogt
Deeb	MacKay	Sims	

Vote after roll call:

Nay—Brantley

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

—was read the second time by title.

Senator Renick moved the following amendment which was adopted:

Amendment 1—On page 2, line 5 and line 11, strike the figures "\$50,936" and insert: \$50,880.72

On motion by Senator Renick, by two-thirds vote HB 400 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—2

Mr. President Zinkil

Votes after roll call:

Yeas—Spicola and Vogt
Nay—Brantley
Nay to Yea—Zinkil

SB 100—A bill to be entitled An act for the relief of Beatrice Manus; providing an appropriation to compensate her for the death of her husband, Lloyd A. Manus, as a result of injuries sustained in a motor vehicle accident with a Dade County school bus; providing an effective date.

—was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, strike the figures "\$250,000" and insert: \$78,000

Amendment 2—On page 2, line 26, and, page 3, line 2, strike the figures "\$250,000" and insert: \$78,000

On motion by Senator Graham, by two-thirds vote SB 100 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Childers, W. D.	Gordon	McClain	Thomas, J.
Deeb	Graham	Myers	Tobiassen
Dunn	Holloway	Peterson	Trask
Firestone	Lane, D.	Renick	Ware
Gallen	Lane, J.	Saunders	Wilson
Glisson	Lewis	Spicola	Winn

Nays—8

Mr. President	Hair	Poston	Vogt
Childers, D.	Johnston	Sims	Zinkil

Vote after roll call:

Nay—Brantley

CONFERENCE COMMITTEE REPORT ON CS FOR HB 2812

The Honorable Dempsey J. Barron
President of the Senate

June 3, 1976

The Honorable Donald L. Tucker
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Senate Amendments 1 and 3 to Committee Substitute for House Bill 2812, same being:

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.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from Amendments 1 and 3 to CS/HB 2812
2. That the Senate and House of Representatives adopt the Conference Committee Amendments to CS/HB 2812 attached hereto, and by reference made a part of this report.

Tom McPherson, Chairman Henry Saylor
William G. James John Vogt
Herbert F. Morgan Lori Wilson

REPORT ON CONFERENCE COMMITTEE

AMENDMENTS TO CS FOR HB 2812

The conferees enumerated a list of changes made in the House bill and also of improvements to the current financial disclosure law. According to the chairman, "Florida will have perhaps the strongest disclosure law in the 50 states."

1. The definition of "advisory body" was strengthened, so that only boards spending \$5,000 or less are exempted from the ethics for public officers provisions of the law.
2. Any public official who benefits financially from breaching the public trust is liable for the money.
3. Judges, justices, state attorneys, and public defenders were brought into the ethics law. The conferees hope that the court will choose to remain under the law after this further expression of legislative intent.
4. In addition to persons required to file under current law, the new classifications of management personnel created by the reorganization of the Department of Health and Rehabilitative Services were included in the law.
5. The required disclosure by public officials was strengthened in the following ways:
 - a. Income would be reported if it exceeds \$1,000. The current law used a percentage threshold rather than a dollar amount. The intent of the current law was clarified that income of a spouse or minor child need not be reported. Income was defined, correcting an ambiguity in current law.

b. The threshold for reporting secondary sources was changed from \$1,500 to \$2,000. Chairman McPherson pointed out that the proposed constitutional amendment requires *no* secondary source disclosure, which is a significant weakness in that proposal.

c. The definition of what real property shall be disclosed was clarified and strengthened by adding a dollar threshold.

d. Debt disclosure was strengthened in three ways:

1. Debts exceeding \$1,000 must be disclosed. Current law only requires reporting of debts greater than net worth.
2. Debts with a preferential rate of interest must be disclosed. Currently, only the *difference* between the going rate and the preferential rate must be reported.
3. Credit card, etc. purchases were exempted, as the reporting person would have difficulty determining if at any time during the year the threshold had been reached.

6. The requirement that the Secretary of State use certified mail to send out disclosure forms was deleted, to save cost to the state.

7. The appointment of members of the Commission on Ethics was changed to 3 by the Governor, 3 by the Speaker, and 3 by the President. Currently, the Governor appoints 4, the Speaker 2, the President 2, and one is not provided for. This change was the result of a recent Attorney General's opinion that the commission is a part of the legislative, rather than the executive, branch of government. Power to remove commissioners was taken away from the Chief Justice as a result of the decision of the court that the ethics law did not apply to the court. Chairman McPherson pointed out that in 10 of the states having a disclosure law, *all* appointments are delegated to the legislative branch.

8. The commission was given the authority to make procedural rules. The above-noted Attorney General's opinion would have the effect of eliminating that power.

9. Records relating to a complaint to the commission remain confidential until after probable cause is established. This would protect public officials from frivolous complaints.

10. A severability clause was added to protect each separate section of the bill.

11. The bill will become effective whether or not the proposed constitutional amendment is adopted in November, thus substantially strengthening the law. If the amendment is adopted, many more public officials—who control moneys and make final determinations on personal and property rights of citizens—will be covered and will be required to file more meaningful disclosure than without the passage of the bill.

Senator Lori Wilson, stated that had the Governor not wanted the Legislature to change the proposed Sunshine Amendment's provisions, he should not have repeatedly used the phrase "until changed by law."

Conference Committee Amendment 1—Be It Enacted by the Legislature of the State of Florida:

Strike everything after the enacting clause and insert:

Section 1. 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 \$5,000 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 2. Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable for all financial benefits obtained by such actions.

Section 3. 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: each judge, each justice, each state attorney, and each public defender.

Section 4. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3) and (5) of section 112.3145, Florida Statutes, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(b) "Specified employee" means:

1. 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.

2. 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.

3. 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 program director, assistant program director, district administrator, assistant district administrator, deputy district administrator, division director, assistant division director, deputy director, the executive assistant or administrative assistant of any such director or administrator, and the 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.~~

4. 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.

5. 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.

6. 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.

7. Each employee of the Commission on Ethics.

8. 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.

(2)(a) *In order to qualify as a candidate* a person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he files, his *other* qualifying papers.

(c) State officers, specified employees, and persons seeking to qualify as candidates for state office shall file their statements of financial interests with the Secretary of State. Local officers ~~and persons seeking to qualify as candidates for local office~~ shall file their statements of financial interests with the Clerk of the Circuit Court of the county in which they are principally employed or are residents.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to

qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of \$1,000 ~~5 percent of the gross income~~ received during the disclosure period by the person in his own name *reported as income on the person's income tax return*, or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income *nor the sources of income of a spouse or minor child.* ~~The person reporting shall list such sources in descending order of value with the largest source first.~~

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and [from which he] received [an amount which was] in excess of 10 percent of his gross income during the disclosure period and which exceeds \$2,000 ~~\$1,500~~. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, ~~owned in which a reporting person directly or indirectly holds an interest by the person reporting when the value of such interest in the real property is person owns~~ in excess of 10 ~~5~~ percent of the value of such person's total assets or \$10,000 whichever is less ~~real property~~, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets or \$10,000 whichever is less. For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

(d) *The name and address of each person or business entity to whom a debt directly incurred by the person reporting is owed, which debt constitutes a total financial liability in excess of \$1,000 at any time during the disclosure period. Credit card, charge account, or installment loan purchases; or indebtedness of a spouse or minor child; or indebtedness on life insurance policies owed to the company of issuance are excluded.*

The source of any debt in excess of \$1,000, directly incurred by the person reporting, on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances shall be disclosed.

(e) ~~(d)~~ A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. ~~For purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the [amount represented by the] difference between the preferential and customary rate charged on the debt.~~

~~(e) Every debt which in sum equals more than the reporting person's net worth.~~

(5) The Secretary of State shall by certified mail, ~~return receipt requested~~, send a copy of the forms required to be filed by this part and by s. 111.011, together with a notice of the filing deadlines, to each state officer and specified employee no later than 30 days prior to the ~~annual or semiannual disclosure filing~~ deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the ~~annual or semiannual disclosure filing~~ deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any state officer, specified employee, or local officer.

Section 5. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—All information required to be furnished by ss. 112.313, 112.3141, and 112.3145 shall be on forms prescribed by the Commission on Ethics. *The commission shall provide each clerk of a circuit court with a sufficient quantity of financial disclosure forms and instructions to meet the needs of all local officers and candidates for local office required to file with said clerk. The agency head of each local agency shall obtain from the clerk a supply of forms and instructions sufficient to meet the needs of all agency personnel subject to the disclosure requirements of this part. Additionally, city and town clerks shall obtain from the Clerk of the Circuit Court a supply of forms and instructions sufficient to supply the needs of candidates for office in their respective municipalities. The commission shall provide the Department of State with a quantity of disclosure forms and instructions sufficient to meet the needs of all state officers, candidates for state office, and specified employees.*

Section 6. 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 governor, 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 7. 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*

commission at least 7 days before the event and made available for distribution on request of any interested persons.

Section 8. 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 9. 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 10. Effective January 15, 1977, the provisions of this act shall change the schedule contained in Article II, Section 8 of the Florida Constitution if that section is adopted by the people at the general election in November, 1976. In the event that said constitutional amendment is not adopted by the people, this bill shall nevertheless become law effective January 15, 1977.

Conference Committee Amendment 2—Strike everything before the enacting clause and insert:

A bill to be entitled

An act relating to ethics in government and financial disclosure; implementing Section 8, Article II of the State Constitution; amending s. 112.312(1), Florida Statutes, redefining the term "advisory body"; providing for liability of public officers or employees for breach of the public trust; re-enacting by reference and expanding s. 112.3145, Florida Statutes, to include certain additional persons and additional items to be disclosed; deleting requirement for certified mail; providing for distribution of forms; providing for method of appointment and removal of members of the Commission on Ethics; amending s. 112-322, Florida Statutes, providing rule making authority; amending s. 112.324, Florida Statutes, providing for confidentiality of certain records; providing severability; providing an effective date.

On motion by Senator Wilson the Conference Committee Report was adopted, and CS for HB 2812 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—25

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

Nays—12

Childers, D.	Glisson	MacKay	Stolzenburg
Dunn	Graham	Scarborough	Ware
Firestone	Lewis	Spicola	Winn

Votes after roll call:

Yeas—Hair and Tobiassen

Explanation of Vote

Our vote in opposition to the conference committee report on CS for HB 2812 does not reflect opposition to full financial disclosure.

The petition drive for a constitutional amendment will allow for a vote of the people of Florida to determine the provisions of financial disclosure to include the filing of income tax returns and financial statements.

The conference committee report is defective in that numerous loopholes will allow circumvention of the realistic full financial disclosure.

George Firestone, 36th District
Sherman S. Winn, 34th District
Guy Spicola, 22nd District
Kenneth H. MacKay, Jr., 6th District

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 575

The Honorable Dempsey Barron
 President of the Senate

June 4, 1976

The Honorable Donald L. Tucker
 Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/SB 575, same being:

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

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from the House Amendments to Committee Substitute for Senate Bill 575.
2. That the House and Senate adopt the Conference Committee Amendments to Committee Substitute for Senate Bill 575 attached hereto and by reference made a part of this report.
3. That the House and Senate pass Committee Substitute for Senate Bill 575, as passed by the Senate, and as amended by said Conference Committee Amendments.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

1. Specifies procedures for suspension, expulsion, corporal punishment, and alternative measures.
2. Amends Section 230.234, Florida Statutes, providing for payment of costs of legal services for officers and employees of school boards.

Senator Curtis Peterson
 Senator Phil Lewis
 Senator Henry B. Saylor
 Managers on the part of the Senate

Representative Mary L. Singleton
 Representative Ralph H. Haben
 Representative Clark Maxwell
 Managers on the part of the House of Representatives

Conference Committee Amendment 1 to CS for SB 575—
 On page 3, lines 15 and 16, strike "*Expulsion hearings shall be governed by the provisions of chapter 120.*" and insert: *Suspension hearings are exempted from the provisions of Chapter 120. Expulsion hearings shall be governed by the provisions of s. 120.57 (2).*

Conference Committee Amendment 2 to CS for SB 575—
 On page 5, line 5, strike *chapter 120* and insert: *s. 120.57(2)*

Conference Committee Amendment 3 to CS for SB 575—
 On page 5, lines 26 and 27, strike "immediately be reported in writing" and insert: be reported in writing within twenty-four (24) hours

Conference Committee Amendment 4 to CS for SB 575—
 On page 5, strike all of lines 29-31 and on page 6, line 1 strike: "require immediate suspension." and insert: A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension.

Conference Committee Amendment 5 to CS for SB 575—
 On page 6, lines 6 and 7, strike "immediate notice in writing to the student's parent or guardian and to the superintendent" and insert: notice in writing to the student's parent or guardian and to the superintendent within twenty-four (24) hours

Conference Committee Amendment 6 to CS for SB 575—
 On page 6, lines 14 and 15, strike "use of profane or obscene language,"

Conference Committee Amendment 7 to CS for SB 575—
 On page 7, lines 6-11, strike all of subsection (1) and renumber subsequent sections

Conference Committee Amendment 8 to CS for SB 575—
 On page 7, lines 17 and 18, strike "teacher or principal" and insert: adult

Conference Committee Amendment 9 to CS for SB 575—
 On page 8, lines 6-20, strike all language and insert: 230.234 Legal services for employees.—The school boards of the several districts are authorized to provide legal services for officers and employees of said boards who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities provided that in any case where the officer or employee pleads guilty or nolo contendere or is found guilty to any such action, the officer or employee shall reimburse the board for any legal services which the board may have supplied pursuant to this section. ~~may be sued in tort for accidents which occur while employees are on duty.~~ Each determination of the school board to expend funds for legal defense of an officer or employee shall be made at a public meeting with notice pursuant to s. 120.53(1)(d), Florida Statutes. The providing of such legal services under the conditions described above is declared to be a district school purpose for which district school funds may be expended.

On motion by Senator Peterson the Conference Committee Report was adopted, and CS for SB 575 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Mr. President	Childers, D.	Dunn	Gallen
Brantley	Childers, W. D.	Firestone	Glisson

Gordon	MacKay	Saunders	Tobiassen
Graham	McClain	Sayler	Trask
Holloway	Myers	Sims	Vogt
Johnston	Peterson	Spicola	Ware
Lane, D.	Plante	Stolzenburg	Winn
Lane, J.	Poston	Thomas, J.	Zinkil
Lewis	Renick	Thomas, P.	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Peterson, 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 the Committee on Education and Senator MacKay and others—

CS for SB 1064—A bill to be entitled An act relating to the State University System; directing the Division of Universities of the Department of Education to undertake a program to eradicate sex discrimination in the granting of faculty salaries; providing for reversion of certain funds not committed prior to February 15, 1977; requiring annual reports by the Commissioner of Education; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for SB 1064.

Allen Morris, Clerk

On motion by Senator Saunders, CS for SB 1064 was returned to the House as requested.

On motion by Senator Brantley, the Senate recessed at 3:15 p.m. to reconvene at 4:00 p.m.

The Senate was called to order by the President at 4:00 p.m. A quorum present—39:

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

On motions by Senator Wilson, the Senate conferees on SB 798 were discharged, and the House was again requested to recede from the House amendments to SB 798.

The Honorable Dempsey J. Barron, President

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

By Senator Scarborough—

SB 505—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.13(1), Florida Statutes; providing for use of dealer tags on motor vehicles while in inventory and for sale; correcting a cross-reference; providing an effective date.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 505.

Allen Morris, Clerk

On motion by Senator Scarborough, SB 505 was returned to the House as requested.

The Honorable Dempsey J. Barron, President

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

By the Committee on Commerce and Senator Scarborough—

CS for SB 1257—A bill to be entitled An act relating to private investigative agencies, watchman, guard and patrol services; amending s. 493.01, Florida Statutes; redefining watchman, guard or patrol agency; limiting the scope of certain investigations and including service of court process for hire within the regulatory authority of the Department of State; adding s. 493.02(3), Florida Statutes; providing for access to criminal justice information and criminal justice intelligence information; amending ss. 493.03, 493.04, Florida Statutes; requiring certain persons to fulfill experience requirements; providing an exemption from application fee and experience requirements; requiring termination of employee who is denied license; requiring a Class "G" licensee to keep license in his possession and prohibiting issuance of such license except to an employee; amending s. 493.06, Florida Statutes; authorizing additional fees; amending s. 493.07(1)(a), Florida Statutes; requiring examination of certain records in investigations of applicants; amending s. 493.09(2), Florida Statutes; exempting Class "E" licensees from insurance requirements; amending s. 493.10(1), Florida Statutes; providing for expiration of licenses; amending s. 493.12, Florida Statutes; providing for license renewal and fees; requiring Class "F" and "G" licensees to fulfill health and training requirements; amending s. 493.18, Florida Statutes; providing for a trust fund; amending s. 493.21(3)-(5), Florida Statutes, and adding subsection (6) to said section; providing an exception to requirement that employee's weapon be encased in view; providing for temporary Class "G" license; providing for the firearm a Class "G" licensee is authorized to carry; amending s. 493.23(3), Florida Statutes; increasing advisory council membership; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for SB 1257.

Allen Morris, Clerk

On motion by Senator Scarborough, CS for SB 1257 was returned to the House as requested.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 586

The Honorable Dempsey J. Barron
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on House amendments to CS/SB 586, same being:

A bill to be entitled an act relating to medical practice and medical liability insurance; amending s. 627.351(8)(d), Florida Statutes, enlarging the scope of the coverage pro-

vided by the temporary joint underwriting plan and making the plan available for all health care providers; amending s. 627.351(8)(e), Florida Statutes, removing the provision requiring the Joint Underwriting Association to cancel the current policies of those who fail to pay premium contingency assessments and providing instead that the association pay no further claim on previous policies for which the policyholder fails to pay such assessments; amending s. 627.351(8)(f), Florida Statutes, removing the requirement that the temporary joint underwriting plan provide policy service through one or more insurers; amending s. 627.351(8)(h), Florida Statutes, providing that records of the JUA will not be available to the public during processing of a claim; creating s. 627.351(8)(i), Florida Statutes, defining "health care provider"; amending s. 395.18, Florida Statutes, providing that all hospitals and certain other health care facilities shall establish a risk management program; providing that two or more health care facilities may combine their risk management programs; requiring each health care facility to show financial responsibility for purposes of compensating certain patient injuries; directing the Department of Insurance to adopt rules to implement this act; requiring the Department of Insurance to provide for an annual audit of the procedures of certain hospitals; directing the Department of Health and Rehabilitative Services to contract for the development and operation of an information system to collect and evaluate data from medical incident reports and to use such data in the licensing and certification of health care facilities and services; requiring the Department of Health and Rehabilitative Services and the Department of Insurance to submit annual evaluative reports to the Governor and the Legislature, beginning in 1978; providing for the establishment of a medical incident committee; prescribing the composition of said committee; requiring health care professionals, agents and employees of health care facilities, and health care providers to report injury or adverse incidents to a patient to the risk manager; providing penalties for failure to report; providing for investigation of such incidents and injuries by the risk manager; providing criteria for determining if injury has occurred and for the amount of compensation to be offered the patient; providing for conveyance of the offer to the patient by the risk manager; providing limitations on subsequent claims arising out of the same injury if the patient accepts the benefits offered; providing that the finding of the committee that a compensable injury has occurred or an offer of compensation shall not be construed as an admission of negligence or guilt; providing an exception; providing immunity for certain actions in relation to resolving an incident; excluding certain documents, reports, findings and other evidence from admission in any civil action; providing an exception; requiring a physician to show financial responsibility as a prerequisite to staff privileges; providing a minimum amount of financial responsibility; requiring physicians and health care facilities to agree to certain items; providing certain procedures and requirements for medical incident committee after receiving report of compensable injury; providing for report to appropriate licensing boards; providing for allocation of damages among parties liable; providing penalties; providing for introduction of evidence on collateral sources in actions; providing for itemized verdicts; providing for alternative methods of payment of damage awards; providing for the standard of care and breach of standard of care by health care providers; providing for remittitur or additur to damage award by court; providing for severability; providing an effective date.

having met, and after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

1. That the House recede from its amendments 1 and 2.
2. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
3. That the Senate and the House of Representatives pass Committee Substitute for Senate Bill 586 as amended by said Conference Committee amendments.

Kenneth H. MacKay, Jr.
Chairman
Lew Brantley
David C. Lane

John R. Forbes,
Chairman
Richard H. Langley
David L. Lehman

Pat Thomas
Managers on the part of the
Senate

Paul B. Steinberg
Managers on the part of the
House of Representatives

Conference Committee Amendment 1—On page 4, line 30, strike everything after the enacting clause and insert: Section 1. Subsection (5) of section 627.352, Florida Statutes, as created by chapter 75-9, Laws of Florida, is amended to read:

627.352 Medical Liability Insurance Commission.—

(5) On or before January 1, 1977 ~~1976~~, the commission, in cooperation and consultation with appropriate state and federal agencies, the medical and legal professions, the insurance industry and representatives of the general public, shall prepare and submit to the Governor and the legislature its report and recommendations.

(a) The goal of the plan shall be to recommend a medical liability insurance system which can be operated at reasonable cost for the purpose of providing prompt, equitable compensation to those sustaining medical injury.

(b) Primary consideration shall be given, but not limited to, establishing an insurance system which can be underwritten by private insurers on a self-supporting basis using actuarially sound rates.

(c) If the commission finds that no insurance system meeting the goal of the plan can be underwritten by private insurers on a self-supporting basis using actuarially sound rates, it shall specify the needed changes in the statutes to create a viable market for medical liability insurance, or self-insurance.

(d) The comprehensive report shall include recommendations to the legislature for reducing the incidence of medical injuries, including establishing standards of care and procedures for peer review; reducing the cost of prosecuting and defending claims and administering the insurance mechanism, changes in existing law governing the eligibility of injured persons for compensation and the amount of compensation, including limitations on the time within which claims may be brought and the elements of loss for which compensation may be recovered and any other matters or procedures which the commission considers relevant to the medical liability insurance problem.

(e) The commission is authorized and encouraged to make interim reports to the Governor, the President of Senate, and the Speaker of the House of Representatives concerning specific legislative proposals, which need immediate consideration.

Section 2. Section 395.18, Florida Statutes, is amended to read:

395.18 Internal risk management program.—

(1) Every hospital licensed pursuant to this chapter, *ambulatory surgical center as defined in paragraph (d), health maintenance organization certificated under part II of chapter 641, or other facility providing in-house patient care including, but not limited to, nursing homes licensed under chapter 400 and other similar facilities, that has in excess of 300 beds,* as a part of its administrative functions, shall establish an internal risk-management program which shall include the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients through the cooperative efforts of all personnel; and

(c) The analysis of patient grievances which relate to patient care and the quality of medical services.

(d) *As used in this section, "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care and in which the patient is admitted to and discharged from said facility within the same working day and is not part of the hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.*

(e) *The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the health care facility to report injuries and adverse incidents to the hospital risk manager; and*

(f) *The development and implementation of a program designed to provide compensation to certain persons who are determined to have sustained a compensable injury pursuant to the provisions of section 3 of this act; provided that the programs required by this subsection shall be commenced in hospitals upon the effective date of this act but shall not be required in other health care facilities until one year after the effective date of this act.*

(2) *The risk management program shall be carried out either through a person on the administrative staff of a hospital, as part of his administrative duties, by a committee of the responsibility of the governing board of the health care facility, hospital board of trustees or directors, or by the medical staff in a manner deemed appropriate; Where practical, two or more health care facilities may combine their risk management activities. Regardless of the method selected to carry out the program, one or more individuals shall be designated "risk manager" for the purposes of this chapter.*

(3) *In addition to the programs mandated by this act, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending risk management programs to health care providers' offices and assuming of provider liability by a health care facility for acts or omissions occurring within the facility.*

Section 3. Medical incident committee; reports, screening, criteria, etc.—

(1) In order to implement the requirements of s. 395.18(1)-(f), Florida Statutes, each health care facility shall obtain insurance coverage, shall adequately self-insure, or shall show financial responsibility by any other means set forth by rule or otherwise approved by the Department of Insurance which is in keeping with the intent of this section for purposes of compensating certain patient injuries as provided herein.

(2) The Department of Insurance shall promulgate rules and regulations to implement the requirements of this act and carry out its purposes including rules providing for an annual audit of the procedures at every hospital licensed under chapter 395. The audit shall cover both the financial aspects of the compensation system as provided in this act and the management of the medical incident reporting and risk management system. The Department of Health and Rehabilitative Services shall contract with a public or private entity to develop and operate an information system to collect, store, retrieve, and evaluate data from medical incident reports and shall consider the data from such reports in licensure and certification of health care facilities and services. The Department of Insurance and the Department of Health and Rehabilitative Services shall compile statistics on the operation of the program statewide and jointly render an annual report evaluating the program's implementation and recommendations for change, if any, to the governor and the Legislature on January 1 of each year with the first report due on January 1, 1978.

(3) Each health care facility shall establish a medical incident committee composed of the chief of the medical staff or his representative and one additional person designated by him, the presiding member of the facility's governing board or his representative, and one additional person designated by the facility's governing board. The department of insurance may provide by rule for the composition of a medical incident committee other than as provided herein in the event that any health care facility or group of facilities adequately demonstrates an undue hardship in constituting a committee as provided herein due to a reasonable absence of a sufficient number of health care providers or administrative personnel, or for other good cause shown, provided that any such rules shall be in keeping with the spirit and intent of this subsection. The facility's designated risk manager as defined in s. 395.18 shall serve as staff to the medical incident committee and shall carry out any functions and exercise any powers assigned or delegated to him by the medical incident committee. In the event the committee cannot achieve a majority vote on any matter under consideration pursuant to this act, a fifth mem-

ber shall be added to the committee by unanimous vote of the membership. In the event the committee is unable to agree on a fifth member within forty-eight hours of the initial determination that such fifth member is needed, the committee shall immediately apply to the chief judge of the judicial circuit in which the health care facility is located for the appointment of the fifth member. The committee shall reconvene upon the appointment of the fifth member and shall reach a decision with all deliberate speed.

The department of insurance shall promulgate uniform rules providing procedures for the conduct of all meetings and other activities of medical incident committees. Any medical incident committee may adopt its own guidelines and procedures; however, upon obtaining from the department of insurance advance approval for such guidelines and procedures. The purpose of this provision is to allow flexibility and innovation, so long as any proposed guidelines and procedures are consistent with the purposes of this act.

(4)(a) The physician and health care facility shall enter an agreement that each will be bound by the findings and determinations of the facility's medical incident committee on all issues within its responsibility as provided in this act and subject to arbitration and judicial review as provided in this section. Issues which may be decided by the committee include findings of negligence and determinations that compensation shall be paid to injured patients and the amount of such compensation.

(b) The physician and health care facility may agree to consent to a unified defense if both are joined in any civil action for medical malpractice unless there would be a clear conflict of interest for a unified defense.

(c) The physician and health care facility shall agree not to negotiate or attempt to secure a release from liability from a patient for an injury sustained in the health care facility without the approval of the committee.

(5) Whenever it appears to a health care professional or any agent or employee of a health care facility that an injury or adverse incident to a patient may have occurred, he shall immediately report the incident to the risk manager or his designee. Any such person who knowingly fails to make such a report shall be subject to discipline by the medical incident committee and other appropriate committees or agencies of the hospital. A professional health care provider who fails to report an incident of which he has knowledge under circumstances which amount to fraudulent withholding of facts involving a patient within his responsibility shall be reported to his appropriate licensing board, which shall thereupon investigate his continuing fitness to practice.

(6) Upon receiving notice from any source that an injury or adverse incident may have occurred, the risk manager shall immediately investigate the incident. At the conclusion of his investigation, he may convene the medical incident committee for purposes of determining whether a compensable injury has occurred and, if so, what compensation, if any, is to be offered to the patient. The committee shall consider the following criteria in determining whether a compensable injury has occurred:

(a) Whether the injury was the proximate result of a breach of an accepted standard of care;

(b) Whether the injury was in excess of or different from the condition for which the patient was being treated; and

(c) Whether the injury was within the necessary or reasonably foreseeable results or consequences of medical care and treatment.

Provided, these criteria shall be considered as guidelines for the committee in reaching a decision and shall not be considered binding. The committee is vested with a broad range of discretion in determining the amount of compensation, if any, which is to be offered pursuant to this section. The committee shall not be bound by formal rules of evidence, it being intended that the committee is to exercise its best reasonable judgment in order to fairly and reasonably recognize the fact of an injury and, when justified by the facts and circumstances, to provide an adequate compensatory remedy to the patient.

(7) If the committee determines that a compensable injury has occurred, it may determine the amount of compensation, if any, that is to be offered to the patient. In determining such

amount, which may be paid in cash or through services rendered, the committee shall consider the following guidelines:

- (a) Restorative medical, nursing and hospital services;
- (b) Rehabilitative services, including prosthetic devices;
- (c) Payment for wage loss and other economic loss;
- (d) Payment of death benefit;
- (e) Payment of funeral expenses.

If treatment and services are provided without charge to the patient, itemized billing records shall be maintained by the facility, and the provider if applicable, showing the reasonable and customary charges which would be billed to the patient if he were paying for the treatment and services, as well as any payment or reimbursement received by the facility or the provider for the rendering of such treatment and services.

(8) If it is determined that compensation is to be offered, the risk manager or his designee shall convey this information to the patient or, if the patient is legally incompetent or is incapacitated, to his legally competent representative. In conveying such offer to the patient, the risk manager or his designee shall advise the patient or his representative, in writing, of the extent of compensation offered and the tort and contract right limitations involved should he accept compensation when tendered. The Department of Insurance shall prescribe the form to be used for election by the patient to either accept or refuse the tendered compensation. Such form shall set forth sufficient information to fully and fairly inform the offeree of the nature and extent of the offer and of all restrictions and conditions which such offer is subject to pursuant to this act and the terms of the offer. Such form shall include a written endorsement to or on the form, executed by the patient or his legal representative, evidencing the acceptance or rejection of the benefits offered by or through the medical incident committee. If the patient elects to accept such benefits a written waiver of rights shall be executed and acknowledged by the patient or by his legal representative.

(9) In the event the patient accepts the benefits offered by the committee, the following conditions and limitations shall apply to any subsequent claim in tort or contract arising out of the same injury:

(a) Filing of the claim must occur within 24 months from the time that compensation is offered; provided that such time limit does not exceed the period of time stated in s. 95.11(4).

(b) If the patient has received compensation in the form of money, medical treatment, rehabilitative services or other services free of charge, such money, or the value of such treatment and services, as evidenced by the party's or facility's billing records, exclusive of amounts paid for by any collateral source of indemnity, shall be deducted from the amount of damages awarded and shall be paid to the party or the facility which provided the treatment and service. The party or facility providing the treatment and services shall have a lien on the award in that amount, except for amounts already paid to it by collateral sources of indemnity.

(c) The amount of general damages which may be awarded to the claimant shall be limited to \$250,000.

(10) For purposes of any malpractice action in tort or contract against any health care facility offering compensation or against any physician whose alleged negligence resulted in an offer of compensation, no finding by the committee that a compensable injury has occurred and no offer or acceptance of compensation shall be construed as an admission of negligence or guilt on the part of the hospital, any employee, physician, or member of the hospital staff unless the individual against whom negligence is alleged admits to it in writing. The risk manager, members of the medical incident committee, and any person reporting a medical incident shall be immune from all liability, civil or criminal, for any action in reporting, investigating, or resolving an incident pursuant to this section, provided that they acted in good faith, and without negligence. All reports, findings, and the actions of the committee, the department of insurance, or the appropriate state regulatory or licensing boards shall not be admissible in evidence in any civil action arising out of a medical incident, unless the court determines, in an in camera proceeding, that the evidentiary value of the information sought to be admitted clearly outweighs the public policy on which the foregoing evidentiary

exclusion is founded. Furthermore, the fact that compensation was offered or provided shall not be admissible into evidence in any civil action for damages arising out of a medical incident.

Section 4. Actions by Medical Incident Committee; Findings of negligence; assessment of compensation, etc.

(1) Upon receiving an incident report which indicates that a compensable injury may have occurred which may result in any allocations of liability by the medical incident committee, the risk manager shall immediately notify any persons or parties involved in such incident of their potential liability. All of such persons or parties shall be furnished with copies of the incident report and all other reports or documents relating to the incident, as well as reasonable notice and opportunity to be heard at any meetings in which payment or allocation of liability is discussed.

(2) In the event the committee determines that a compensable medical injury has occurred and that compensation is to be offered to the injured patient, it shall determine whether, and to what extent, there is a reasonable probability that such injury was proximately caused by a breach of an accepted standard of care of a physician as set forth in section 12 of this act. If the committee determines probable liability on the part of the physician, it shall determine the extent to which such liability was the proximate cause of the injury and may assess the physician for that portion of the total amount of compensation being offered which is equivalent to the physician's degree of responsibility. In any proceedings by the committee to determine if a physician was negligent and, if so, whether the physician's negligence was the proximate cause of a compensable injury, the committee shall give prompt notice to the physician's insurer, if any, and allow the insurer to participate in the deliberations and determinations of the committee. The physician's insurer shall, subject to review as provided herein, be bound by the final determination of the committee on issues of liability for a breach of an accepted standard of care and on the amount of any compensation assessed against the physician. If the physician or his insurer declines to make payments assessed by the committee, the committee may, with the approval of the health care facility's governing board, make payments from the health care facility's self-insurance or from other funds available to the facility, in which event the health care facility shall have a lien against the physician to the extent of the committee's assessment unless the assessment is reversed by appeal pursuant to this section.

(3) In the event a physician or health care facility disagrees with a finding by the medical incident committee that said physician or health care facility breached an accepted standard of care or disagrees with the amount of any assessment levied against the physician or health care facility, the disagreement shall be submitted to binding arbitration pursuant to Chapter 682, Florida Statutes, and subject to review as provided therein; provided, the standards of appellate review shall be the same as those used in reviewing the decisions of a circuit court in civil actions, the provisions of s. 682.20, Florida Statutes, notwithstanding.

(4) In the event the committee determines that a physician breached an acceptable standard of care pursuant to this act, a full report of such determination shall be made to the board of medical examiners or other appropriate licensing agency. If the board or agency receives three such reports concerning a given physician within a twelve-month period, it shall conduct an investigation into the fitness of said physician to practice pursuant to the appropriate chapter of these Statutes.

(5) Nothing in this act except the provisions of section 3(4)(c) shall preclude a health care facility or physician from obtaining a total or partial release from liability from any patient who sustained or may have sustained a medical injury, regardless of whether compensation is tendered or accepted. Any such release shall be binding on the patient unless it can be shown that it was obtained by fraud or duress or that the patient was not adequately informed as to his rights and remedies prior to executing such release.

(6) In any case in which compensation is paid to a patient and negligence is determined by the medical incident committee to be the proximate cause of the patient's injury, the committee shall be responsible for determining the percentage of fault attributable to any of the parties involved. In the event that a claimant brings a civil action for medical malpractice allegedly occurring in a health care facility, there shall be no

allocation of damages by the trier of fact among defendants, if there is more than one party defendant. If the trier of fact determines that liability exists on the part of any party, it shall only determine the fact of liability and the amount of damages to be awarded to the claimant. If more than one defendant is found liable, the medical incident committee at the health care facility where the injury occurred shall make an allocation of damages among the parties, which shall be binding, subject to the provisions for arbitration and appeal set forth above.

(7) The health care facility's insurance or self-insurance shall be responsible to the same extent for payments of compensation upon a finding and assessment by the committee as the physician and his insurer. The committee may assess the health care facility's self-insurance or insurance for compensating any injured patient whose injury is determined by the committee to have resulted from any cause other than the negligence of a physician. If a health care facility or its insurer refuses to pay compensation awarded by the committee, the Department of Insurance may levy a fine of up to \$1,000 against the hospital and take other disciplinary measures as appropriate and as prescribed by rule and regulation of the department.

Section 5. Paragraphs (d), (e), (f), and (h) of subsection (8) of section 627.351, Florida Statutes, are amended and paragraph (i) is added to said subsection to read:

627.351 Insurance risk apportionment plan.—

(8)

(d) The temporary joint underwriting plan shall function for a period not exceeding 3 years from the date of its adoption by the Department of Insurance, and if still in existence at the end of such 3-year period, it shall automatically terminate. The plan shall provide coverage for claims arising out of the rendering of or failure to render medical care or services and in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities ~~professional liability or malpractice coverage in a standard policy form for all health care providers as defined in paragraph (i) hospitals licensed under chapter 395, physicians licensed under chapter 458, osteopaths licensed under chapter 450, podiatrists licensed under chapter 461, dentists licensed under chapter 466, nurses licensed under chapter 464, and nursing homes licensed under chapter 400, or professional associations of such persons.~~ The plan shall include, but not be limited to:

1. Rules for the classification of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for insureds who are retired, semiretired, the estates of deceased insureds, or part-time professionals.

4. Protection in an amount to be determined by the Insurance Commissioner, and for those hospitals licensed under chapter 395 whose policies have been canceled since April 1, 1975, that have not been able to otherwise secure coverage in the standard market [the plan] shall provide continuous coverage at the limits available in the plan from the above date.

5. Rules to implement the orderly dissolution of the plan at its termination.

The Insurance Commissioner may, in his discretion, require that insurers participating in the Joint Underwriting Association offer excess coverage.

(e) In the event an underwriting deficit exists at the end of any year the plan is in effect, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the annual premium payment paid by such policyholder to the association for that year. The association shall pay no further claims on any policy for which the ~~cancel the policy of any~~ policyholder who fails to pay the premium contingency assessment.

1. Any deficit sustained under the plan shall first be recovered through the premium contingency assessment. Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound.

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. "Premiums" as used herein shall mean premiums for the lines of insurance defined in paragraphs 624.605(1)(b), (j), and (p), including premiums for such coverage issued under package policies.

(f) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan. *In the event no insurer is able and willing to provide such services, the Joint Underwriting Association is authorized to perform any and all such services in an identical manner as though it were an authorized insurer.*

(h) All books, records, documents, or audits relating to the Joint Underwriting Association or its operation shall be open to public inspection, *except that a claim file in the possession of the Joint Underwriting Association shall not be available for review during the processing of that claim.*

(i) As used in this section:

1. "Health care provider" means hospitals licensed under chapter 395, physicians licensed under chapter 458, osteopaths licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, chiropractors licensed under chapter 460, naturopaths licensed under chapter 462, nurses licensed under chapter 464, nursing homes licensed under chapter 400, clinical laboratories registered under chapter 483, physicians' assistants certified under chapter 458, physical therapists and physical therapist assistants licensed under chapter 486, health maintenance organizations certificated under part II of chapter 641, ambulatory surgical centers as defined in subparagraph 2., and blood banks, plasma centers, industrial clinics, and renal dialysis facilities or professional associations, partnerships, corporations, joint ventures or other associations for professional activity by health care providers.

2. "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day and is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part II of chapter 641 or ambulatory surgical center as defined in subparagraph 2.

Section 6. Section 627.353, Florida Statutes, is amended to read:

627.353 Limitation of liability and patient's compensation fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(a) "Fund" means the Florida Patient's Compensation Fund.

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395;
2. Physician licensed or physician's assistant certified under chapter 458;
3. Osteopath licensed under chapter 459;
4. Podiatrist licensed under chapter 461;
5. Health maintenance organization certificated under part II of chapter 641;
6. Ambulatory surgical center as defined in paragraph (c).
7. Professional association, partnership, corporation, joint venture or other association by the individuals set forth in subparagraphs 2., 3., and 4., for professional activity.

(c) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day and is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

(d) "Hospital" means a hospital licensed under chapter 395.

(e) "Health maintenance organization" means any health maintenance organization certificated under part II of chapter 641.

(2) ~~(1)~~ LIMITATION OF LIABILITY.—

(a) All hospitals licensed under chapter 395 shall, unless exempted under paragraph (c), and all health care providers other than hospitals physicians and physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, and podiatrists licensed under chapter 461 may, pay the yearly fee and assessment or a pro-rated assessment in cases where such hospital or health care provider joined the fund after the fiscal year had begun into the patient's compensation fund pursuant to subsection (3) ~~(2)~~ prior to practicing during any year.

(b) Each health care provider [~~Each such~~] licensed hospital, physician, physician's assistant, osteopath, or podiatrist shall not be liable for an amount in excess of \$100,000 per claim for claims covered under subsection (3) arising out of the rendering of medical care or services in this state if, at the time the incident giving rise to the cause of the claim occurred, the health care provider hospital, physician, physician's assistant, osteopath, or podiatrist:

1. Had:

- a. Posted bond in the amount of \$100,000 per claim;
- b. Proved financial responsibility in the amount of \$100,000 per claim to the satisfaction of the board of governors of the fund Insurance Commissioner through the establishment of an appropriate escrow account;
- c. Obtained medical malpractice insurance in the amount of \$100,000 per claim or more, from private insurers or the Joint Underwriting Association established under subsection 627.351(8); or
- d. Obtained self-insurance as provided in s. 627.355, providing coverage in an amount of \$100,000 per claim or more, and

2. Had paid for the year in which the incident occurred for which the claim was filed the fee required pursuant to subsection (3) ~~(2)~~.

(c) Any hospital that can meet one of the following provisions demonstrating financial responsibility to meet claims arising out of the rendering of medical care or services in this state shall not be required to participate in the fund:

1. Post bond in an amount equivalent to \$10,000 per claim for each hospital bed in said hospital, not to exceed \$2,500,000 annual aggregate;
2. Prove financial responsibility in an amount equivalent to \$10,000 per claim for each hospital bed in said hospital, not to exceed \$2,500,000 annual aggregate, to the satisfaction of the board of governors of the fund Insurance Commissioner through the establishment of an appropriate escrow account;
3. Obtain professional liability coverage in an amount equivalent to \$10,000 per claim or more for each bed in said hospital from a private insurer, from the Joint Underwriting Association established under subsection 627.351(8), or through a plan of self-insurance as provided in s. 627.355; however, no hospital shall be required to obtain such coverage in an amount exceeding \$2,500,000 annual aggregate.

(d) 1. Any health care provider licensed hospital, physician, physician's assistant, osteopath or podiatrist who does not participate in the fund or participates and does not meet the provisions of paragraph (b) shall be subject to liability under law without regard to the provisions of this section.

2. Annually the Department of Health and Rehabilitative Services shall require certification by each hospital that said hospital is in compliance and shall remain in compliance with the provisions of this section. The license of any hospital not in compliance with or failing to remain in compliance with the provisions of this section or any hospital failing to provide such certification shall be revoked or suspended by said department.

(e) The limitation of liability and coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers and employees of the hospital or ambulatory surgical center other than employed physicians licensed under chapter 458 who are not in a resident training program and physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, dentists licensed under chapter 466 and podiatrists licensed under chapter 461.

(3) ~~(2)~~ PATIENT'S COMPENSATION FUND.—

(a) The fund.—There is created a "Florida Patient's Compensation Fund," hereinafter referred to as the "fund," for the purpose of paying that portion of any medical malpractice claim for health care providers or patient injury claim for those health care providers set forth in subsection (1)(b)1., 5. and 6. which is in excess of the limits \$100,000 as set forth in paragraph (2)(b) ~~(1)(b)~~. The fund shall be liable only for payment of claims against health care providers hospitals, physicians, physician's assistants, osteopaths, and podiatrists in compliance with the provisions of paragraph (2)(b) ~~(1)(b)~~ and reasonable and necessary expenses incurred in payment of claims and fund administrative expenses.

(b) Fund administration and operation.—Management of the fund shall be vested with the Joint Underwriting Association authorized by subsection 627.351(8), hereinafter referred to as the "JUA." The JUA shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the JUA, an attorney to be named by The Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. In the event of termination or dissolution of said JUA with respect to providing professional liability, or malpractice or patient injury insurance, the JUA shall continue to operate for the purpose of fund management as provided in this subsection.

(c) Fees and assessments.—Annually, each health care provider licensed hospital, physician, physician's assistant, osteopath, or podiatrist, as set forth in subsection (2) ~~(1)~~, electing to comply with paragraph (2)(b) ~~(1)(b)~~ shall pay the fees established under this act for deposit into the fund, which shall be remitted for deposit in a manner prescribed by the Insurance Commissioner. The coverage provided by the fund shall begin July 1, 1975, and run thereafter on a fiscal year basis. For the first year of participation operation, each participating health care provider licensed hospital, physician, physician's assistant, osteopath, or podiatrist covered under the fund shall pay a fee for deposit into the fund in the amount of \$1,000 for any individual [or] \$300 per bed for any hospital. Those entering the fund after the fiscal year has begun shall pay a pro-rated share of the yearly fees for a pro-rated membership. The fee charged after the first year of participation operation shall consist of a base fee of \$500 for any individual [or] \$300 per bed for any hospital. The fees or assessments to be paid by those health care providers defined in subsection (1)(b)5., 6., and 7. shall be established by the fund on an actuarially sound basis. In addition, after the first year of operation, additional fees shall be assessed appropriately pro-rated for the portion of the year for which the health care provider participated in the fund, based on the following considerations:

1. Past and prospective loss and expense experience in different types of practice and in different geographical areas within the state;
2. The prior claims experience of persons or hospitals covered under the fund; and
3. Risk factors for persons who are retired, semiretired, or part-time professionals.

Said base fees may be adjusted downward for any fiscal year in which a lesser amount would be adequate and in which the additional fee would not be necessary to maintain the solvency of the fund. Said additional fee shall be based on not more than two geographical areas with three categories of practice and with categories ~~a fourth category~~ which contemplate ~~contemplates~~ individual risk rating for hospitals, for health maintenance organizations and for ambulatory surgical facilities. Each fiscal year of the fund shall operate independently of preceding fiscal years. Participants shall only be liable for assessments for claims from years during which they were members of the fund; in cases where a participant is a member of the fund for less than the total fiscal year, he shall be subject to assessments for that year on a pro-rata basis determined by the percentage of the year he participated. The fund shall be maintained at not more than \$25,000,000 per fiscal year. Fees and refunds shall be set by the Insurance Commissioner after consultation with the JUA. Nothing contained herein shall be construed as imposing liability for payment of any part of a fund deficit on the JUA or its member insurers. If the fund JUA determines that the amount of money in an account for a given fiscal year ~~the fund~~ is not sufficient to satisfy the claims made against the account fund in a given fiscal year, the fund JUA shall certify the amount of the projected insufficiency to the Insurance Commissioner and request the Insurance Commissioner to levy a deficit assessment against all participants in the fund for that fiscal year *pro-rated based on the number of days of participation during the year in question.* The Insurance Commissioner shall *order such refund to or* levy such deficit assessment against such participants in amounts that fairly reflect the classifications prescribed above and are sufficient to obtain the money necessary to meet all claims for said fiscal year. *In no case shall any deficit assessment for a particular year against any health care provider other than a hospital exceed an amount equal to the fees or assessments originally paid by such health care provider for participation in the fund for the year giving rise to such deficit assessment.*

(d) Fund accounting and audit.—

1. Moneys shall be withdrawn from the fund only upon vouchers approved by the JUA as authorized by the board of governors.

2. All books, records, and audits of the fund shall be open for reasonable inspection to the general public, *except that a claim file in possession of the fund shall not be available for review during processing of that claim.*

3. Persons authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any fund moneys shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the fund JUA shall furnish upon request ~~an~~ audited financial reports ~~report~~ to any ~~all~~ fund participants and to the Department of Insurance and the Joint Legislative Auditing Committee. The reports ~~report~~ shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee.

5. Moneys held in the fund shall be invested in ~~short-term~~ interest-bearing investments by the JUA as administrator. However, in no case shall said moneys be invested for longer than 3 years ~~or~~ in the stock of any insurer participating in the JUA or in the parent company or company owning a controlling interest of said insurer. All income derived from such investments shall be credited to the fund.

6. Any health care provider ~~person or hospital~~ participating in the fund may withdraw from such participation *only at the end of a any fiscal year; however, such health care provider person or hospital shall remain subject to any deficit assessment and any refund pertaining to any year in which such person or hospital participated in the fund.*

(e) Claims procedures.—

1. Any person may file an action for damages arising out of the rendering of medical care or services against a participating health care provider for damages ~~person~~ covered under the fund, [except] that the person filing the claim shall not recover against the fund any portion of a judgment for damages arising out of the rendering of or failure to render medical

care or services against a health care provider for damages ~~person~~ covered under the fund unless the fund was named as a defendant in the suit. If, after the facts upon which the claim is based are reviewed, it appears that the claim will exceed \$100,000 or the amount of the health care provider's basic coverage, if greater, the fund shall appear and actively defend itself when named as a defendant in the suit. In so defending, the fund shall retain counsel and pay out of the account for the appropriate year ~~fund~~ attorney's fees and expenses, including court costs incurred in defending the fund. The attorney or law firm retained to defend the fund shall not be retained or employed by the JUA to perform legal services for the JUA other than those directly connected with the fund. The fund is authorized to negotiate with any claimants having a judgment exceeding \$100,000 cost to the fund ~~\$500,000~~ to reach an agreement as to the manner in which that portion of the judgment exceeding that \$100,000 cost ~~\$500,000~~ is to be paid. Any judgment affecting the fund may be appealed under the Florida Appellate Rules of Procedure, as with any defendant.

2. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider ~~hospital, physician, physician's assistant, osteopath, or podiatrist~~ who is also covered by the fund to provide an adequate defense on any claim filed which potentially affects the fund, with respect to such insurance contract or self-insurance contract. The insurer or self-insurer shall act in a fiduciary relationship [toward the fund] with respect to any claim affecting the fund. No settlement exceeding \$100,000, or any other amount which could require payment by the fund, shall be agreed to unless approved by the fund JUA.

3. A person who has recovered a final judgment or a settlement approved by the fund JUA against a health care provider ~~hospital, physician, physician's assistant, osteopath, or podiatrist~~ who is covered by the fund may file a claim with the fund JUA to recover that portion of such judgment or settlement which is in excess of \$100,000 or the amount of the health care provider's basic coverage, if greater, as set forth in paragraph (2)(b) ~~(1)(b)~~. In the event an account for a given year the fund incurs liability exceeding \$100,000 ~~\$1,000,000~~ to all persons ~~any person~~ under a single occurrence, the persons recovering shall be paid from the account at a rate the fund shall ~~pay~~ not more than \$100,000 per person, ~~\$1,000,000~~ per year until the claim has been paid in full, *except that court costs and reasonable attorney's fees shall be paid in one lump sum within 90 days after the settlement or judgment is rendered. Such fees shall not reduce the amount of the annual award.*

4. Settlements or judgments ~~Claims~~ filed against the fund shall be paid in the order received within 90 days after date of settlement or judgment ~~filing~~ unless appealed by the fund. If the account for a given year ~~fund~~ does not have enough money to pay all of the settlements or judgments, those claims, claims received after the funds are exhausted shall be immediately payable from the assessments of participants for that year ~~the following year~~ in the order in which they were received.

5. If a health care provider ~~hospital or person~~ participating in the fund has coverage in excess of \$100,000, per claim, such health care provider ~~he~~ shall be liable for losses up to the amount of his coverage, and such health care provider ~~he~~ shall receive an appropriate reduction of the fees and assessments ~~his assessment~~ for participation in the fund. Such reduction shall be granted only after the health care provider ~~hospital or~~ person has proved to the satisfaction of the fund JUA that such health care provider had ~~he has~~ such coverage during the period of membership of the fiscal year.

Section 7. Paragraph (a) of subsection (1) of section 768-133, Florida Statutes, is amended to read:

768.133 Medical liability mediation panels; memberships; hearings.—

(1)(a) Any person or his representative claiming damages by reason of injury, death, or monetary loss on account of alleged malpractice by any medical or osteopathic physician, podiatrist, hospital, or health maintenance organization against whom he believes there is a reasonable basis for a claim shall submit such claim to an appropriate [medical liability mediation] panel before that claim may be filed in any court of this state.

Section 8. Subsection (1) of section 627.355, Florida Statutes, is amended to read:

627.355 Medical malpractice insurance; purchase.—

(1) A group or association of health care providers as defined in s. 627.353(1)(b) physicians or health care facilities, composed of any number of members, is authorized to self-insure against claims arising out of the rendering of or failure to render medical care or services and coverage for bodily injury or property damage including all patient injuries arising out of the insured's activities of medical malpractice upon obtaining approval from the Department of Insurance and upon complying with the following conditions:

(a) Establishment of a Medical Malpractice Risk Management Trust Fund to provide coverage against professional medical malpractice liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program. Any such group or association shall be subject to regulation and investigation by the department. The group or association shall be subject to such rules as the department adopts and shall also be subject to part VII of chapter 626, relating to trade practices and frauds.

Section 9. Sections 626.951, 626.952, 626.953, 626.954, 626.955, 626.956, 626.957, 626.958, 626.959, 626.960, 626.961, 626.962, 626.963, and 626.964, Florida Statutes, are amended to read:

(Substantial rewording of sections. See sections 626.951 through 626.964, F.S. for present text.)

PART VII

UNFAIR METHODS OF COMPETITION AND UNFAIR AND DECEPTIVE ACTS AND PRACTICES

626.951 Declaration of purpose.—

(1) The purpose of this part is to regulate trade practices relating to the business of insurance in accordance with the intent of congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), by defining, or providing for the determination of, all such practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

(2) Chapter 626, part VII, shall be entitled the "Unfair Insurance Trade Practices Act."

626.952 Definitions.—When used in this part:

(1) "Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society or business trust, and any entity involved in the business of insurance.

(2) "Department" means the Department of Insurance of this state.

(3) "Insurance policy" or "insurance contract" means written contract of or written agreement for or effecting insurance, or the certificate thereof, by whatever name called, and includes all clauses, riders, endorsements, and papers which are a part thereof.

626.953 Unfair methods of competition and unfair or deceptive acts or practices prohibited.—No person shall engage in this state in any trade practice which is defined in this part as, or determined pursuant to section 626.956 to be, an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. Any person who violates any provision of this part shall be subject to the penalties provided in section 627.381.

626.954 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following, when committed or performed without just cause and with such frequency as to indicate a general business practice, are defined as unfair methods of competition and unfair or deceptive acts or practices:

(1) MISREPRESENTATIONS AND FALSE ADVERTISING OF INSURANCE POLICIES.—Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any insurance policy; or

(b) Misrepresents the dividends or share of the surplus to be received on any insurance policy; or

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy; or

(d) Is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates; or

(e) Uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof; or

(f) Is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy; or

(g) Is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) Misrepresents any insurance policy as being shares of stock or misrepresents ownership interest in the company.

(2) FALSE INFORMATION AND ADVERTISING GENERALLY.—Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(3) DEFAMATION.—Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to any person, and which is calculated to injure such person.

(4) BOYCOTT, COERCION, AND INTIMIDATION.—Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion, or intimidation resulting in, or tending to result in, unreasonable restraint of, or monopoly in, the business of insurance.

(5) FALSE STATEMENTS AND ENTRIES.—

(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement.

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report, or statement of such person.

(6) STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS.—Issuing or delivering, promising to issue or deliver, or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns or profits as an inducement to insurance.

(7) UNFAIR DISCRIMINATION.—

(a) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life in the rates charged for any life insurance or annuity contract, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability or health insurance or in the benefits payable there-

under, or in any of the terms or conditions of such contract, or in any other manner whatever.

(8) REBATES.—

(a) Except as otherwise expressly provided by law, or in an applicable filing with the department, knowingly permitting, or offering to make, or making any contract or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance contract, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance contract or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the insurance contract.

(b) Nothing in subsection (7) or paragraph (a) of this subsection shall be construed as including within the definition of discrimination or rebates any of the following practices:

1. In the case of any contract of life insurance or life annuity, paying bonuses to all policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance; provided that any such bonuses or abatement of premiums is fair and equitable to all policyholders and for the best interests of the company and its policyholders.

2. In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses.

3. Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

4. Issuance of life insurance policies or annuity contracts at rates less than the usual rates of premiums for such policies or contracts, as group insurance or employee insurance as defined in this code.

5. Issuing life or disability insurance policies on a salary savings, bank draft, preauthorized check or payroll deduction plan or other similar plan at a reduced rate reasonably related to the savings made by the use of such plan.

(c)1. No title insurer or any member, employee, attorney, agent, or solicitor thereof, shall pay, allow, or give or offer to pay, allow, or give, directly or indirectly, as inducement to title insurance, or after such insurance has been effected, any rebate, or abatement of the charge made incident to the issuance of such insurance, or any special favor or advantage or any monetary consideration or inducement whatever. The words "charge made incident to the issuance of such insurance" shall be construed to encompass underwriting premium, agent's commission, abstracting charges, title examination fee, and closing charges; provided nothing herein contained shall preclude an abatement in an attorney's fee charged for services rendered incident to the issuance of such insurance.

2. Nothing in this paragraph shall be construed as prohibiting the payment of fees to attorneys at law duly licensed to practice law in the courts of this state, for professional services in the actual examination of title to real property as a condition to the issuance of title insurance, or as prohibiting the payment of earned commissions to duly appointed agents who actually issue the policy of title insurance for the underwriting company.

3. No insured named in a policy, nor any other person directly or indirectly connected with the transaction involving the issuance of said policy, including, but not limited to, mortgage broker, real estate broker, builder or attorney, nor any employee, agent, representative or solicitor thereof, nor any other person whatsoever, shall knowingly receive or accept, directly or indirectly, any such rebate or abatement of said charge, or any monetary consideration or inducement, other than as set forth in subparagraph 2.

(9) UNFAIR CLAIM SETTLEMENT PRACTICES.—

(a) Attempting to settle claims on the basis of an application when serving as a binder or intended to become a part of the policy or any other material document which was altered without notice to, or knowledge or consent of the insured; or

(b) A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss or damage under such contract or policy on less favorable terms than those provided in and contemplated by such contract or policy; or

(c) Committing or performing with such frequency as to indicate a general business practice any of the following:

1. Failing to adopt and implement standards for the proper investigation of claims; or

2. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue; or

3. Failing to acknowledge and act promptly upon communications with respect to claims; or

4. Refusing to pay claims without conducting a reasonable investigation based upon available information; or

5. Failing to affirm or deny coverage of claims upon written request of the insured within a reasonable time after proof of loss statements have been completed; or

6. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) FAILURE TO MAINTAIN COMPLAINT HANDLING PROCEDURES.—Failure of any person to maintain a complete record of all the complaints received since the date of the last examination. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance.

(11) MISREPRESENTATION IN INSURANCE APPLICATIONS.—

(a) Making false or fraudulent statements or representations on or relative to an application for an insurance policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual.

(b) Any agent, solicitor, examining physician, applicant or other person who knowingly makes any false and fraudulent statement or representation in or with reference to any application or negotiation for insurance, in addition to any other penalty provided in this act, shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) "TWISTING."—Making any misleading representations or incomplete or fraudulent comparisons of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, convert any insurance policy or to take out a policy of insurance in another insurer.

(13) ADVERTISING GIFTS PERMITTED.—No provision of subsections (6), (7) or (8) shall be deemed to prohibit a licensed insurer or its agent from giving to insureds, prospective insureds, and to others, for the purpose of advertising, any article of merchandise having a value of not more than \$10.

(14) FREE INSURANCE PROHIBITED.—

(a) Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property, or of services directly or indirectly connected with such real or personal property.

(b) For the purposes of this subsection, "free" insurance is insurance for which no identifiable and additional charge is made to the purchaser of such real property or personal property or services, or insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.

(c) Paragraphs (a) and (b) do not apply to:

1. Insurance of loss of or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor; or

2. Blanket disability insurance as defined in section 627.659 of this code; or

3. Credit life insurance or credit disability insurance; or

4. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business;

5. Title insurance.

6. Any purchase agreement involving the purchase of a cemetery lot or lots wherein, under stated conditions, any balance due is forgiven upon the death of the purchaser.

(d) Using the word "free" to describe life or disability insurance in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

(15) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR INSURANCE.—

(a) Knowingly collecting any sum as premium or charge for insurance, which insurance is not then provided or is not in due course to be provided (subject to acceptance of the risk by the insurer) by an insurance policy issued by an insurer as permitted by this code.

(b) Knowingly collecting as premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the department; or, in cases where classifications, premiums, or rates are not required by this code to be so filed and approved, such premiums and charges shall not be in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VI of this chapter, of the amount of applicable state and federal taxes in addition to the premium required by the insurer.

(c) Imposing or requesting an additional premium for automobile liability insurance or refusing to renew the policy, solely because the insured was involved in an automobile accident, unless the applicant's or insured's insurer has incurred a loss under the insured's policy, other than with respect to uninsured motorist coverage, arising out of the accident, or unless the insurer's file shall contain sufficient proof of fault, or other criteria, to justify the additional charge or refusal to renew. An insurer which imposes and collects such a surcharge shall, in conjunction with the notice of premium due, notify the named insured that he is entitled to reimbursement of such amount under the conditions listed below, and shall subsequently reimburse him, if the named insured demonstrates that the operator involved in the accident was:

1. Lawfully parked; or

2. Reimbursed by, or on behalf of, a person responsible for the accident or has judgment against such person; or

3. Struck in the rear by another vehicle headed in the same direction and has not been convicted of a moving traffic violation in connection with the accident; or

4. Hit by a "hit-and-run" driver if the accident is reported to the proper authorities within 24 hours after discovering the accident; or

5. Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation; or

6. Finally adjudicated not to be liable by a court of competent jurisdiction; or

7. Received a traffic citation which was dismissed or nolle prosequi.

(d) Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge of cancellation.

(e) This subsection does not apply to life or disability insurance.

(f) No insurer shall impose or request an additional premium for motor vehicle insurance or cancel a policy or refuse to renew a policy solely because the insured is a handicapped or physically disabled person.

(g) No insurer may cancel or otherwise terminate any insurance contract or require execution of a consent to rate endorsement during the stated policy term for the purpose of offering to issue or issuing a similar or identical contract to the same insured at a higher premium rate, or continuing an existing contract at an increased premium.

(16) INSURANCE COST SPECIFIED IN "PRICE PACKAGE".—

(a) Where the premium or charge for insurance of or involving such property or merchandise is included in the overall purchase price or financing of the purchase of merchandise or property, the vendor or lender shall separately state and identify the amount charged and to be paid for the insurance, and the classifications, if any, upon which based; and in the inclusion or exclusion of the cost of insurance in such purchase price or financing shall not increase, reduce, or otherwise affect any other factor involved in the cost of the merchandise, property or financing as to the purchaser or borrower.

(b) This subsection does not apply to transactions which are subject to the provisions of part I of chapter 520 entitled "the motor vehicle sales finance act".

(c) This subsection does not apply to credit life or credit disability insurance which is in compliance with section 627.681(2).

(17) CERTAIN INSURANCE TRANSACTIONS THROUGH CREDIT CARD FACILITIES PROHIBITED.—

(a) Except as provided in part VIII of chapter 627, no person shall knowingly solicit or negotiate any insurance, seek or accept applications for insurance, issue or deliver any policy, or receive, collect, or transmit premiums, to or for any insurer, or otherwise transact insurance in this state, or relative to a subject of insurance resident, located or to be performed in this state, through the arrangement or facilities of a credit card facility or organization, for the purpose of insuring credit card holders or prospective credit card holders. "Credit card holders" as used in this subsection means any person who may pay the charge for purchases or other transactions through the credit card facility or organization, and whose credit with such facility or organization is evidenced by a credit card, identifying such person as being one whose charges the credit card facility or organization will pay, and who is identified as such upon the credit card either by name, account number, symbol, insignia, or any other method or device of identification.

(b) Whenever any person does or performs in this state any of the acts set forth in paragraph (a) for or on behalf of any insurer therein referred to, such insurer shall be held to be doing business in this state and shall be subject to the same taxes, state, county, and municipal, as insurers that have been legally qualified and admitted to do business in this state by agents or otherwise are subject, the same to be assessed and collected against such insurers; and such persons so doing or performing any of such acts shall be personally liable for all such taxes.

(c) Paragraph (a) of this subsection does not apply as to disability or health insurance as defined in s. 624.603.

(18) INTERLOCKING OWNERSHIP AND MANAGEMENT.—

(a) Any domestic insurer may retain, invest in, or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers, unless such retention, investment, acquisition, or common management is inconsistent with any other provision of this code, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business.

(b) Any person otherwise qualified may be a director of two (2) or more domestic insurers which are competitors, unless the effect thereof is to lessen substantially competition between insurers generally or tends materially to create a monopoly.

(c) Any limitation contained in this subsection shall not apply to any person who is a director of two or more insurers under common control or under common management.

(19) PROHIBITED ARRANGEMENTS AS TO FUNERALS.—

(a) No life insurer shall designate in any life insurance policy the person to conduct the funeral of the insured, or organize, promote, or operate any enterprise or plan to enter into any contract with any insured under which the freedom of choice in the open market of the person having the legal right to such choice, is restricted as to purchases, arrangements, and conduct of a funeral service or any part thereof for any individuals insured by the insurer.

(b) No insurer shall contract or agree to furnish funeral merchandise or services in connection with the burial of any person upon the death of any person insured by such insurer.

(c) No insurer shall contract or agree with any funeral director or undertaker to the effect that such funeral director or undertaker shall conduct the funeral of any person insured by such insurer.

(d) No insurer shall provide, in any insurance contract covering the life of any person in this state, for the payment of the proceeds or benefits thereof in other than legal tender of the United States and of this state, or for the withholding of such proceeds or benefits, or for the purpose of either directly or indirectly providing, inducing, or in furtherance of any arrangement or agreement designed to require or induce the employment of a particular person to conduct the funeral of the insured.

(20) CERTAIN LIFE INSURANCE RELATIONS WITH FUNERAL DIRECTORS PROHIBITED.—

(a) No life insurer shall permit any funeral director or undertaker to act as its representative, adjuster, claim agent, special claim agent or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts.

(b) No life insurer shall affix, or permit to be affixed, advertising matter of any kind or character of any funeral director or undertaker to such policies of insurance, or circulate or permit to be circulated any such advertising matter with such insurance policies, or attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular funeral director or undertaker.

(c) No such insurer shall maintain an office or place of business, or permit its agent to maintain an office or place of business, in the office, establishment or place of business of any funeral director or undertaker in this state.

(21) FALSE CLAIMS; OBTAINING OR RETAINING MONEY DISHONESTLY.—

(a) Any agent, physician, claimant, or other person who causes to be presented to any insurer a false claim for payment, knowing the same to be false; or

(b) Any agent, solicitor, collector, or other person who shall represent any insurer, or collect or do business without the authority of the insurer, or secure cash advances by false statements, or shall fail to turn over when required, or satisfactorily account for, all collections of such insurer shall, in addition to the other penalties provided in this act, be guilty of a misdemeanor of the second degree, and upon conviction thereof shall be subject to the penalties provided by s. 775.082, s. 775.083, or s. 775.084.

(22) **PROPOSAL REQUIRED.**—If a person simultaneously holds a securities license and a life insurance license, he shall prepare and leave with each prospective buyer a written proposal, on or before delivery of any investment plan. "Investment plan" means a mutual funds program, and the proposal shall consist of a prospectus describing the investment feature and a full illustration of any life insurance feature. The proposal shall be prepared in duplicate, dated and signed by the licensee. The original shall be left with the prospect and the duplicate shall be retained by the licensee for a period of not less than 3 years and a copy shall be furnished to the department upon its request. In lieu of a duplicate copy, a receipt for standardized proposals filed with the department may be obtained and held by the licensee.

(23) SOLICITING OR ACCEPTING NEW OR RENEWAL INSURANCE RISKS BY INSOLVENT INSURER PROHIBITED; PENALTY.—

(a) Whether or not delinquency proceedings as to the insurer have been or are to be initiated, and while such insolvency exists, no director or officer of an insurer, except with the written permission of the Department of Insurance shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent.

(b) Any such director or officer, upon conviction of violation of this subsection, shall be guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084.

(24) **REFUSAL TO INSURE.**—In addition to other provisions of this code, the refusal to insure or continue to insure any individual or risk solely because of:

(a) Race, color, creed, marital status, sex, or national origin; or

(b) The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued; or

(c) The insured's or applicant's failure to agree to place collateral business with a particular insurer; or

(d) The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

626.955 Favored agent or insurer; coercion of debtors.—

(1) No person may:

(a) Require, as a condition precedent or condition subsequent to the lending of money or extension of credit or any renewal thereof, that the person to whom such money or credit is extended or whose obligation the creditor is to acquire or finance, negotiate any policy or contract of insurance through a particular insurer or group of insurers or agent or broker or group of agents or brokers.

(b) Unreasonably disapprove the insurance policy provided by a borrower for the protection of the property securing the credit or lien.

(c) Require, directly or indirectly, that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any insurance policy required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another.

(d) Use or disclose information resulting from a requirement that a borrower, mortgagor, or purchaser furnish insurance of any kind on real property being conveyed or used as collateral security to a loan, when such information is to the advantage of the mortgagee, vendor, or lender, or is to the detriment of the borrower, mortgagor, purchaser, insurer, or the agent or broker complying with such a requirement.

(2) (a) Paragraph (c) of subsection (1) does not include the interest which may be charged on premium loans or premium advancements in accordance with the security instrument.

(b) For purposes of paragraph (b) of subsection (1), such disapproval shall be deemed unreasonable if it is not based solely on reasonable standards, uniformly applied, relating to the extent of coverage required by such lender or person extending credit and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for the disapproval of an insurance policy because such policy contains coverage in addition to that required.

(c) The department may investigate the affairs of any person to whom this section applies to determine whether such person has violated this section. If a violation of this section is found to have been committed without just cause and with such frequency as to indicate a general business practice, the person in violation shall be subject to the same procedures and penalties as provided in sections 626.957, 626.958, 626.959, and 626.960.

626.956 Power of department.—The department shall have power to examine and investigate the affairs of every person

involved in the business of insurance in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 626.953.

626.957 Defined practices; hearings, witnesses, appearances, production of books and service of process.—

(1) Whenever the department has reason to believe that any person has engaged or is engaging in this state in any unfair method of competition or any unfair or deceptive act or practice as defined in s. 626.954 or s. 626.955 or is engaging in the business of insurance without being properly licensed as required by this code and that a proceeding by it in respect thereof would be to the interest of the public, it shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(2) The department or a duly empowered hearing officer shall have those powers enumerated in s. 120.58 during the conduct of such hearing; however, the penalties for failure to comply with a subpoena or with an order directing discovery shall be limited to a fine not to exceed \$1000 per violation.

(3) Statements of charges, notices and orders under this act may be served by anyone duly authorized by the department, either in the manner provided by law for service of process in civil actions, or by certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of the service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, certified and mailed as aforesaid, shall be proof of service of the same.

626.958 Cease and desist and penalty orders.—After the hearing provided in s. 626.957, the department shall enter a final order in accordance with s. 120.59. If it is determined that the person charged has engaged in an unfair or deceptive act or practice, or the unlawful transaction of insurance the department shall also issue an order requiring the violator to cease and desist from engaging in such method of competition, act or practice, or the unlawful transaction of insurance. Further, if the act or practice is a violation of s. 626.954 or s. 626.955, the department may at its discretion order any one or more of the following:

(1) Suspension or revocation of the person's certificate of authority, license or eligibility for any certificate of authority or license if he knew or reasonably should have known he was in violation of this act.

(2) Such other relief as may be provided in the insurance code.

626.959 Appeals from the department.—Any person subject to an order of the department under s. 626.958 or s. 626.960 may obtain a review of such order by filing an appeal therefrom in accordance with the provisions and procedures for appeal from the orders of the department in general under s. 624.329 of this code or s. 120.68.

626.960 Penalty for violation of cease and desist orders.—Any person who violates a cease and desist order of the department under s. 626.958 while such order is in effect after notice and hearing as provided in s. 626.957, shall be subject at the discretion of the department to any one or more of the following:

(1) A monetary penalty of not more than \$50,000 as to all matters determined in such hearing.

(2) Suspension or revocation of such person's certificate of authority, license, or eligibility to hold such certificate of authority or license.

(3) Such other relief as may be provided in the insurance code.

626.961 Rules.—The department may, in accordance with chapter 120, promulgate reasonable rules as are necessary or proper to identify specific methods of competition or acts or practices which are prohibited by s. 626.954 and s. 626.955, but the rules shall not enlarge upon or extend the provisions of s. 626.954 and s. 626.955.

626.962 Provisions of part additional to existing law.—The powers vested in the department by this part shall be additional to any other powers to enforce any penalties, fines, or forfeitures authorized by law.

626.963 Civil liability.—The provisions of this part are cumulative to rights under the general civil and common law, and no action of the department shall abrogate such rights to damages or other relief in any court.

626.964 Policyholders, bill of rights.—

(1) The principles expressed in the following statements shall serve as standards to be followed by the department in exercising its powers and duties, in exercising administrative discretion, in dispensing administrative interpretations of the law and in promulgating rules:

(a) Policyholders shall have the right to competitive pricing practices and marketing methods that enable them to determine the best value among comparable policies.

(b) Policyholders shall have the right to obtain comprehensive coverage.

(c) Policyholders shall have the right to insurance advertising and other selling approaches that provide accurate and balanced information on the benefits and limitations of a policy.

(d) Policyholders shall have a right to an insurance company that is financially stable.

(e) Policyholders shall have the right to be serviced by a competent, honest insurance agent or broker.

(f) Policyholders shall have the right to a readable policy.

(g) Policyholders shall have the right to an insurance company that provides an economic delivery of coverage, and that tries to prevent losses.

(h) Policyholders shall have the right to a balanced and positive regulation by the department.

(2) This section shall not be construed as creating a civil cause of action by any individual policyholder against any individual insurer.

Section 10. Sections 626.965, 626.966, 626.967, 626.968, 626.969, 626.971, 626.972, 626.974, 626.975, 626.976, 626.977, 626.978, 626.979, 626.980, 626.981, 626.982, 626.983, 626.984, 626.985, 626.986, and 626.987, Florida Statutes, and section 626.970, Florida Statutes, as amended by chapters 74-225 and 75-279, Laws of Florida, are hereby repealed.

Section 11. Section 768.043, Florida Statutes, is created to read:

768.043 Collateral sources of indemnity.—

(1) In any action for damages for personal injury or wrongful death, whether in tort or in contract, arising out of the rendition of professional services by a health care provider as defined in s. 627.351(8)(i), in which liability is admitted or is determined by the trier of fact and damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts paid or to be paid to the claimant from all collateral sources which are available to him, provided that there shall be no reduction for collateral sources for which a subrogation right exists. Upon a finding of liability and an awarding of damages by the trier of fact, the court shall receive evidence from the claimant and other appropriate persons concerning the total amounts of collateral sources which have been paid or will be paid for the benefit of the claimant or are otherwise available to him. The court shall also take testimony of any amount which has been paid, contributed, or forfeited by or on behalf of the claimant or members of his immediate family to secure his right to any collateral source benefit which he is receiving as a result of his injury and shall offset any restriction in the award by such amounts.

(2) For purposes of this section, "collateral sources" means any payments made or to be made to the claimant or on his behalf by or pursuant to:

(a) The United States Social Security Act, any federal, state, or local income disability act, or any other public programs providing medical expenses, disability payments, or other similar benefits.

(b) Any health, sickness, or income disability insurance, automobile accident insurance that provides health benefits or income disability coverage, and any other similar insurance benefits except life insurance benefits available to the claimant, whether purchased by him or provided by others.

(c) Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental or other health care services.

(d) Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

(3) In the event that the fees for legal services provided to the claimant are based on a percentage of the amount of money awarded to the claimant, such percentage shall be based on the net amount of the award as reduced by the amounts of collateral sources and as increased by insurance premiums paid.

(4) Unless otherwise expressly provided by law, no insurer or any other party providing collateral source benefits as defined in subsection (2) shall be entitled to recover the amounts of any such benefits from the defendant or any other person or entity and no right of subrogation or assignment of rights of recovery shall exist. All policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this Act.

Section 12. Medical negligence; standards of recovery, etc.—

(1) In any action for recovery of damages based on the death or personal injury of any person in which it is alleged that such death or injury resulted from the negligence of a health care provider, as defined in s. 627.351(8)(i), Florida Statutes, the claimant shall have the burden of proving by the greater weight of evidence that the alleged actions of the health care provider represented a breach of the accepted standard of care for that health care provider. The accepted standard of care for a given health care provider shall be that level of care, skill, and treatment which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

(2)(a) If the health care provider whose negligence is claimed to have created the cause of action is not certified by the appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory agency of this state;
2. Is trained and experienced in the same discipline or school of practice; and
3. Practices in the same or similar medical community.

(b) If the health care provider whose negligence is claimed to have created the cause of action is certified by the appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similar health care provider" is one who:

1. Is trained and experienced in the same specialty; and
2. Is certified by the appropriate American Board in the same specialty.

(c) The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. Any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to paragraph (a) or (b) or, if he is not a similar health care provider pursuant to paragraphs (a) and (b) and, in the satisfaction of the court, he possesses sufficient training, experience, and knowledge to provide such expert testimony as to the acceptable standard of care in a given cause.

(3) If the injury is claimed to have resulted from the negligent affirmative medical intervention of the health care provider, the claimant must show the following in order to prove a breach of an accepted standard of care:

(a) The injury was not within the necessary or reasonably foreseeable results of the surgical, medicinal, or diagnostic pro-

cedure constituting the medical intervention if the intervention from which the injury is alleged to have resulted was carried out in accordance with an acceptable standard of care by a reasonably prudent similar health care provider.

(b) The provisions of this subsection shall apply only when the medical intervention was undertaken with the informed consent of the patient in compliance with the provisions of s. 768.132, Florida Statutes.

(4) The existence of a medical injury shall not create any inference or presumption of negligence against a health care provider and the claimant must maintain the burden of proving that an injury was proximately caused by a breach of the accepted standard of care by the health care provider. Provided however, the discovery of the presence of a foreign body such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination or diagnostic procedures shall be prima facie evidence of negligence on the part of the health care provider.

Section 13. Itemized verdict.—In any action by a patient against a health care provider in a tort or contract claim for malpractice in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(1) Amounts intended to compensate the claimant for reasonable expenses which have been incurred or which will be incurred for necessary medical, surgical, x-ray, dental, and rehabilitative services, including prosthetic devices, and necessary ambulance, hospital, and nursing services, drugs, and therapy;

(2) Amounts intended to compensate the claimant for lost wages or loss of earning capacity and other economic losses and for the inconvenience of the claimant, which have been incurred or will be incurred; and

(3) Amounts intended to compensate the claimant for pain and suffering, loss of companionship, embarrassment, and other items of general damages which have been incurred or will be incurred in the future.

(4) Each category of damages shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and amounts intended to compensate for losses to be incurred in the future. Future damages itemized under subsections (1) and (2) of this section shall be computed before and after reduction to present value. Future damages itemized under subsection (3) of this section shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.

Section 14. Alternative methods of payment of damage awards.—In any action by a patient against a health care provider in a tort or contract claim for malpractice in which the trier of fact determines that the amount necessary to compensate the claimant for future losses exceeds \$200,000 payment of amounts intended to compensate the claimant for losses to be incurred in the future shall be made by one of the following means:

(1) The defendant may make a lump sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

(2)(a) The court may, at the request of either party, enter a judgment ordering the damages for future losses be paid in whole or in part by periodic payments rather than by a lump sum payment. In entering a judgment ordering the payment of future damages by periodic payments, the court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages. The total of such periodic payments shall be equal to the amount of all future damages before any reduction to present value. The period of time over which such periodic payments shall be made shall be the period of years determined by the trier of fact in arriving at its itemized verdict. The court may order that the amounts of the payments be equal or vary in amount depending upon the probable need of the claimant. The judgment shall provide that all economic losses and expenses incurred during any given period be paid by the defendant even though they exceed the specified payment; provided that there shall be no requirement

to pay more than the original lump sum judgment before any reduction to present value and provided that, if any periodic payments exceed the amount specified by the judgment, successive payments shall be reduced accordingly until the entire judgment is paid.

(b) As a condition to authorizing periodic payments of future damages, the court shall require the judgment debtor to post security adequate to assure full payment of such damages awarded by the judgment. If the judgment debtor is unable to post the required security, the court shall order that all damages, both past and future, be paid to claimant in a lump sum and periodic payments shall not be authorized in such a case.

Upon termination of periodic payments of future damages, the court shall order the return of such security, or so much as remains, to the judgment debtor. In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the required periodic payments the court shall find the judgment debtor in contempt and, in addition to the required periodic payments, shall order the judgment debtor to pay the claimant all damages caused by the failure to make such periodic payments, including court costs and attorney's fees. If insolvency of the judgment debtor is proven to the court to be probable, the court may order that the balance of payments due be placed in trust for the benefit of the claimant.

(c) The judgment ordering the payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Such payments shall only be subject to modification as specified in this section.

(d) If the claimant has been awarded damages to be discharged by periodic payments and the claimant dies prior to the termination of the period of years during which such payments are to be made, the liability of the defendant for amounts set forth in subsections (1) and (3) of section 13 shall cease and the estate of the claimant shall have no claim for such amounts. In such event, the remaining balance of all amounts to be paid pursuant to subsection (2) of section 13 shall be paid into the estate of the claimant in a lump sum.

(e) Claimant's attorney's fee, if payable from the judgment, shall be based upon the total judgment adding all amounts awarded for past and future damages. The attorney's fee shall be paid from past and future damages in the same proportion, and the periodic payments shall be reduced by the amount of attorney's fees paid from future damages payable. The attorney's fee may be paid in a lump sum upon entry of judgment, or at the attorney's option, periodically in conjunction with the claimant's payment. If paid periodically, the attorney's fee shall be paid as long as payments are made to the claimant with the remaining balance due paid in a lump sum if the claimant dies prior to all payments having been made.

(f) Nothing in this section shall preclude any other method of payment of awards if such method is consented to by the parties.

Section 15. Remittitur and additur.—

(1) In any action for the recovery of damages based on personal injury or wrongful death arising out of medical malpractice, whether in tort or in contract, wherein the trier of fact determines that liability exists on the part of the defendant and a verdict is rendered which awards money damages to the plaintiff, it shall be the responsibility of the court, upon proper motion, to review the amount of such award to determine if such amount is clearly excessive or inadequate in light of the facts and circumstances which were presented to the trier of fact. If the court finds that the amount awarded is clearly excessive or inadequate it shall order a remittitur or additur as the case may be. If the party adversely affected by such remittitur or additur does not agree, the court shall order a new trial in the cause on the issue of damages only.

(2) In determining whether an award is clearly excessive or inadequate in light of the facts and circumstances presented to the trier of fact and in determining the amount, if any, that such award exceeds a reasonable range of damages, the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;

(b) Whether it clearly appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; and

(e) Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons.

(3) It is the intent of the Legislature to vest the trial courts of this state with the discretionary authority to review the amounts of damages awarded by a trier of fact in light of a standard of excessiveness or inadequacy. The Legislature recognizes that the reasonable actions of a jury are a fundamental precept of American jurisprudence and that such actions should be disturbed or modified with caution and discretion. However, it is further recognized that a review by the courts in accordance with the standards set forth in this section provides an additional element of soundness and logic to our judicial system and is in the best interests of the citizens of Florida.

Section 16. 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 17. This act shall take effect July 1, 1976, and shall apply to all actions filed thereafter. Provided, sections 3 and 4 shall take effect January 1, 1977.

Conference Committee Amendment 2—Strike on page 1, beginning on line 3 through line 28 on Page 4 and insert the following: A bill to be entitled An act relating to medical malpractice and medical liability insurance amending s. 627.352(5), Florida Statutes, as created by chapter 75-9, Laws of Florida, to extend the life of the Medical Liability Insurance Commission; amending s. 395.18(1), Florida Statutes, relating to hospitals and other facilities and the internal risk-management program; providing that the Department of Insurance shall promulgate rules relating to risk management procedures; providing that the Department of Health and Rehabilitative Services shall collect and evaluate data from medical incident reports; providing for medical incident committees to evaluate and act upon reports of medical incidents; providing for investigation and possible payment to injured patients; providing that if a patient accepts compensation he must file a claim within 24 months from the time compensation is offered to him within the statutory requirements of s. 95.11(4), Florida Statutes; providing for certain tort restrictions if a patient accepts compensation; providing that the risk manager and medical incident committee shall be immune from liability for their actions in investigating medical incidents if they acted in good faith; providing that the medical incident reports and the actions of the committee shall not be admissible in evidence; providing that the risk manager shall notify any persons of their potential liability; providing that the physician insurer shall be bound by the final determination of the committee; providing that if the physician disagrees with assessment levied against him then such disagreement shall be submitted to binding arbitration pursuant to chapter 682, Florida Statutes; providing that the standard of review for such arbitration shall be the standard of appellate review; providing that the medical incident committee shall be responsible for determining the percentage of fault of the parties involved, but that there shall be no allocation of damages by the trier of fact among defendants; providing that the Department of Insurance may levy a fine of \$1,000 and take other disciplinary measures against a hospital or its insurer if either refuses to pay the compensation awarded by the committee; amending s. 627.351(8), Florida Statutes, relating to health care and the insurance risk apportionment plan; amending s. 627.353, Florida Statutes, relating to the limitation of a health care provider's liability and the patient's compensation fund; amending s. 768.133(1)(a), Florida Statutes, relating to podiatry and medical liability mediation panels; amending s. 627.355(1), Florida Statutes, relating to medical malpractice insurance; amending ss. 626.951 through 626.964, Florida Statutes, to revise part VII of chapter 626, Florida Statutes, relating

to unfair trade practices; providing definitions; prohibiting misrepresentations and false advertising of insurance policies; prohibiting false information and false advertising generally as well as defamatory material and filing of false financial statements and entries; prohibiting agreements aimed at boycott, coercion, and intimidation; prohibiting issuance or delivery of stock as an inducement for insurance; prohibiting certain kinds of unfair discrimination in trade matters; prohibiting certain rebates with regard to insurance contracts; prohibiting certain defined unfair claim settlement practices; prohibiting the failure of an insurance company to maintain certain complaint handling procedures; prohibiting the refusal of certain risks; prohibiting misrepresentation in insurance contracts; prohibiting certain misleading representations and comparisons; permitting certain advertising gifts; prohibiting free insurance; prohibiting excess or reduced premium charges or increasing premium policy term; providing for statement of insurance costs included in an overall purchase price or financing; prohibiting certain insurance transactions through credit card facilities; prohibiting certain interlocking ownership and management; prohibiting certain arrangements with regard to funerals and funeral directors; prohibiting false claims; requiring written proposals for investment plans; prohibiting certain activities with regard to insolvent insurers; prohibiting coercion of persons borrowing money to purchase specific insurance policies; providing that the department of insurance may charge any person with unfair trade practices whether defined or not; providing procedures for hearings under this act; providing for powers of the department with respect to unfair trade practices; providing for judicial review of certain actions; providing penalties; providing standards to be followed by the department of insurance; repealing sections 626.965-626.972, Florida Statutes, as amended, and sections 626.974-626.987, Florida Statutes, relating to trade practices and frauds; creating s. 768.043, Florida Statutes, relating to collateral sources of indemnity, providing for the reduction of awards under certain circumstances, and making provision relating to fees for legal services and subrogation; providing for the standard of care and breach of standard of care by health care providers; providing for itemized verdicts; providing for alternative methods of payment of damage awards; providing for severability; providing for additur and remittitur; providing an effective date.

WHEREAS, despite the responsive and responsible actions of the 1975 session of the legislature, professional liability insurance premiums for Florida physicians have continued to rise and, according to the best available projections, will continue to rise at a dramatic rate, and

WHEREAS, insurance companies across America are continuing to withdraw from the medical professional liability insurance market so that such insurance, even at exorbitant rates, is becoming virtually unavailable in the voluntary private sector, and

WHEREAS, the maximum rates for essential medical specialists such as cardio-vascular surgeons, neurosurgeons, orthopedic surgeons, and anesthesiologists range from \$8,200 in physician-owned trusts to \$24,000 through the JUA, and

WHEREAS, a certain amount of these premium costs are passed on to the consuming public through higher costs for health care services in addition to the heavy and costly burden of "defensive medicine" as physicians are forced to practice with an overabundance of caution to avoid potential litigation, and

WHEREAS, this insurance crisis threatens the quality of health care services in Florida as physicians become increasingly wary of high-risk procedures and are forced to downgrade their specialties to obtain relief from oppressive insurance rates, and

WHEREAS, this crisis also poses a dire threat to the continuing availability of health care in our state as new young physicians decide to practice elsewhere because they cannot afford high insurance premiums and as older physicians choose premature retirement in lieu of a continuing diminution of their assets by spiraling insurance rates, and

WHEREAS, our present tort law/liability insurance system for medical malpractice will eventually break down and costs will continue to rise above acceptable levels, fundamental reforms of said tort law/liability insurance system must be undertaken, and

WHEREAS, the continuing crisis proportions of this compelling social problem demand immediate and dramatic legislative action, NOW, THEREFORE,

On motion by Senator MacKay the Conference Committee Report was adopted, and CS for SB 586 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

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

Nays—1

Ware

Votes after roll call:

Yeas—Hair, Peterson and Scarborough

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR HB's 2825, 3042, 3043, 3044, 3155

The Honorable Dempsey J. Barron
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two Houses on Senate amendments to CS for HB's 2825, 3042, 3043, 3044, 3155, same being:

A bill to be entitled an act relating to liability and insurance therefor; amending s. 324.021(7), Florida Statutes; changing the financial responsibility limits and providing for a deductible; amending s. 324.051(2), Florida Statutes, changing the property damage operative amount in the financial responsibility law; amending s. 627.727(1), Florida Statutes; requiring that insurers offer the same uninsured motorist limits to insureds that they offer for bodily injury liability coverage to give insureds flexibility in choosing the limits they desire; amending s. 627.731, Florida Statutes; requiring personal injury protection benefits; amending s. 627.736(1), (2), (3), (4), (6) and (7), Florida Statutes; requiring personal injury protection benefits; deleting funeral benefits; providing for reasonable and customary medical benefits; changing benefits for loss of earnings; providing for the tolling of the 30-day personal injury protection benefit payment period under certain conditions; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort; providing that a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort any damages for personal injury protection benefits paid; providing for jury instructions relating to said damages; deleting language relating to equitable distribution and insurer actions; providing that a sworn statement relating to treatment, services, and costs be provided the insurer by a physician, hospital, clinic or other medical institution; providing that no cause of action for invasion of privacy or violation of the physician-patient privilege shall be due to compliance with the discovery provisions of said section; providing that notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured; provided for the withholding of personal injury protection benefits when an insured unreasonably refuses to submit to a medical examination upon the request of an insurer; amending s. 627.737, Florida Statutes; providing for an exemption from tort liability for general damages because of bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle unless the bodily injury, sickness or disease is

scientifically or objectively demonstrable by recognized medical techniques; deleting language relating to the tort exemption and limitation on right to damages; amending s. 627.739, Florida Statutes, relating to deductibles for personal injury protection benefits; specifying minimum bodily injury limits and providing for a deductible relating thereto; providing for minimum property damage liability limits; creating s. 627.7375, Florida Statutes; prohibiting fraud or intent to commit fraud to violate part X of chapter 627, Florida Statutes; providing penalties; creating s. 626.989, Florida Statutes; establishing a Division of Fraudulent Claims within the Department of Insurance; creating s. 627.4132, Florida Statutes; prohibiting stacking of coverages; creating s. 627.7376, Florida Statutes; mandating the development by the Department of Insurance and use by insurers of a uniform basic policy providing coverage for claims arising out of the use of motor vehicles and mandating a form to implement simplified selection by insureds of options and costs thereof relating to such coverage; creating s. 627.7377, Florida Statutes; providing for property damage deductibles from \$100 to \$500 relating to coverage on an insured's motor vehicle; creating s. 627.7262, Florida Statutes, prohibiting joinder of an insurer; creating s. 768.135, Florida Statutes, providing for the introduction into evidence of collateral sources of indemnity and costs therefor; repealing s. 325.19(7), Florida Statutes, relating to proof of insurance; repealing ss. 627.733, 627.734 and 627.735, Florida Statutes, relating to compulsory insurance; repealing s. 627.738, Florida Statutes, relating to tort liability for property damage; repealing s. 627.740, Florida Statutes, relating to tort claims; repealing s. 627.741(2), Florida Statutes, relating to compliance with ss. 627.730-627.741, Florida Statutes, by insurers; providing for severability; providing an effective date.

having met, and after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendments 1 and 2.
2. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
3. That the Senate and the House of Representatives pass Committee Substitute for House Bill's 2825, 3042, 3043, 3044 and 3155 as amended by said Conference Committee amendments.

Kenneth H. MacKay, Jr.,
Chairman
Lew Brantley
David C. Lane
Pat Thomas
Managers on the part of the
Senate

John R. Forbes,
Chairman
Fred B. Hagan
Nancy O. Harrington
Charles C. Papy, Jr.
Managers on the part of the
House of Representatives

Conference Committee Amendment 1—Strike on Page 4, line 11 everything after the enacting clause and insert: Section 1. Subsection (7) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle in the amount of \$10,000 ~~\$15,000~~ because of bodily injury to, or death of, one person in any one accident; subject to said limits for one person, in the amount of \$20,000 ~~\$30,000~~ because of bodily injury to, or death of, two or more persons in any one accident; and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

Section 2. Subsection (2) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of accidents; suspensions of licenses and registrations.—

(2)(a) Thirty days after receipt of notice of any accident involving a motor vehicle within this state which has resulted in bodily injury or death to any person, or total damage of \$500 ~~\$200~~ or more to property, the department shall suspend the

licenses of the operators and all registrations of the owners of the vehicles involved in such accident and in case of a non-resident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall prior to the expiration of such 30 days be found by the department to be exempt from the operation of this chapter, based upon evidence in its files satisfactory to the department that:

1. No injury was caused to the person or property of anyone other than such operator or owner, or
2. The motor vehicle was legally parked at the time of such accident, or
3. The motor vehicle was owned by the United States Government, this state, any political subdivision of this state or any municipality therein, or
4. Such operator or owner had been finally adjudicated not to be liable by a court of competent jurisdiction, or
5. Such operator or owner had secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said accident and had complied with one of the provisions of s. 324.031, or
6. Such operator or owner has deposited with the Department of Insurance security to conform with s. 324.061 and has complied with one of the provisions of s. 324.031, or
7. One year has elapsed since such owner or operator was suspended pursuant to s. 324.051(4), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

(b) This subsection shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;
2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance or bond; nor
4. To any person who has obtained from the department a certificate of self-insurance in accordance with s. 324.171 or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 3. Subsection (1) of section 627.727, Florida Statutes, is amended, subsections (2)-(4) are renumbered subsections (3)-(5), and a new subsection (2) is added to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(1) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto ~~in not less than the limits of the liability insurance purchased by the named insured for bodily injury, (or such lower limits complying with the company's rating plan as may be selected by the named insured,) under provisions filed with and approved by the department,~~ for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, however, that the coverage required under this section shall not be applicable when, or to the extent that, any insured named in the policy shall reject the coverage; and provided further, that when a vehicle is leased for a period of 1 year or longer and the lessor of such vehicle by the terms of the lease contract provides liability coverage on the leased vehicle in a policy wherein the lessee is a named insured or on a certificate of a master policy issued to the lessor, the lessee of such vehicle shall have the sole privilege to reject uninsured

~~motorist~~ motorist's coverage. Unless the named insured, or lessee having the privilege of rejecting uninsured ~~motorist~~ motorist's coverage, requests such coverage in writing, the coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer. The coverage provided under this section shall be excess over but shall not duplicate the benefits available to an insured under any workman's compensation law, *personal injury protection benefits*, disability benefits law, or any similar law; under any automobile liability or automobile medical expense coverages; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. Such coverage shall not inure directly or indirectly to the benefit of any workman's compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workman's compensation or disability benefits law or any similar law.

(2) *The limits of uninsured motorist coverage shall be not less than the limits of bodily injury liability insurance purchased by the named insured or such lower limit complying with the company's rating plan as may be selected by the named insured, but in any event the insurer shall make available, at the written request of the insured, limits up to \$100,000 each person, \$300,000 each occurrence, irrespective of the limits of bodily injury liability purchased, in compliance with the company's rating plan.*

Section 4. Subsections (2), (3), (6), and (7) of section 627.736, Florida Statutes, are amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(2) **AUTHORIZED EXCLUSIONS.**—Any insurer may exclude benefits:

(a) For injury sustained by the named insured and relatives residing in the same household while occupying another motor vehicle owned by the named insured and not insured under the policy, or for injury sustained by any person operating the insured motor vehicle without the express or implied consent of the insured.

(b) To any injured person, if such person's conduct contributed to his injury under any of the following circumstances:

1. Causing injury to himself intentionally;
2. Being convicted of driving while under the influence of alcohol or narcotic drugs to the extent that his driving faculties are impaired;
3. While committing a felony.

Whenever an insured is charged with conduct as set forth in subparagraphs 2. or 3., the 30-day payment provision of paragraph (b) of subsection (4) shall be held in abeyance and the insurer shall withhold payment of any personal injury protection benefits pending the outcome of the case at the trial level. If the charge is nolle prosequi or dismissed or the insured is acquitted, the 30-day payment provision shall run from the date the insurer is notified of such action.

(Substantial rewording of subsection. See s. 627.736(3), F.S., for present text.)

(3) **INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN TORT CLAIMS.**—No insurer shall have a lien on any recovery in tort by judgment, settlement, or otherwise, for personal injury protection benefits, whether suit has been filed or settlement has been reached without suit. An injured party or his legal representative who is entitled to bring suit under the provisions of s. 627.737 shall have no right to recover any damages for which personal injury protection benefits are paid or payable. The plaintiff may prove all of his special damages notwithstanding this limitation, but if special damages are introduced in evidence, the trier of facts, whether judge or jury, shall not award damages for personal injury protection benefits paid or payable. In all cases in which a jury is required to fix damages, the court shall instruct the jury that the plaintiff shall not recover such special damages for personal injury protection benefits paid or payable.

(6) **DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.**—

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under ss. 627.730-627.741 against whom a claim has been made, furnish forthwith, in a form approved by the Department of Insurance, a sworn statement of the earnings, since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, and dates and costs of such treatment of the injured person, *together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for said treatment or services was incurred as a result of such bodily injury*, and produce forthwith and permit the inspection and copying of his or its records regarding such history, condition, treatment, and dates and costs of treatment. Said sworn statement shall read as follows: "Under penalty of perjury I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of physician-patient privilege or invasion of the right of privacy shall be against any physician, hospital, clinic or other medical institution complying with the provisions of this section. The person requesting such records and said sworn statement shall pay all reasonable costs connected therewith.

(c) In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or about his history, condition, treatment, and dates and costs of such treatment, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(d) The injured person shall be furnished upon request demand a copy of all information obtained by the insurer under the provisions of this section, and shall pay a reasonable charge, if required by the insurer.

(e) *Notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured.*

(7) **MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.**—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the city of residence of the insured. If there is no qualified physician to conduct the examination within the city of residence of the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written report available to him or his representative concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition

of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition. *If a person unreasonably refuses to submit to an examination, the personal injury protection carrier is no longer liable for subsequent personal injury protection benefits.*

Section 5. Subsection (2) of section 627.737, Florida Statutes, is amended and subsection (3) is added to read:

627.737 Tort exemption; limitation on right to damages.—

(2) In any action of tort brought against the owner, registrant, operator, or occupant of a motor vehicle with respect to which security has been provided as required by ss. 627.730-627.741, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort for pain, suffering, mental anguish, and inconvenience because of bodily injury, sickness, or disease arising out of the ownership, maintenance, operation, or use of such motor vehicle only in the event that the benefits which are payable for such injury under s. 627.736(1)(a) or which would be payable but for any exclusion or deductible authorized by ss. 627.730-627.741 exceed \$1,000 or the injury or disease consists in whole or in part of permanent disfigurement, a fracture to a weight-bearing bone, a compound, comminuted, displaced or compressed fracture, loss of a body member, permanent injury within reasonable medical probability, permanent loss of a bodily function, or death. Any person who is entitled to receive free medical and surgical benefits shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least \$1,000. Any person receiving ordinary and necessary services normally performed by a nurse from a relative or a member of his household shall be entitled to include the reasonable value of such services in meeting the requirements of this subsection. *injury or disease consists in whole or in part in:*

- (a) *loss of a body member, or*
- (b) *permanent loss of a bodily function, or*
- (c) *permanent injury within a reasonable degree of medical probability other than scarring or disfigurement, or*
- (d) *significant permanent scarring or disfigurement, or*
- (e) *a serious non-permanent injury which has a material degree of bearing on the injured person's ability to resume his normal activity and life-style during all or substantially all of the ninety day period after the occurrence of the injury, and the effects of which are medically or scientifically demonstrable at the end of such period, or*
- (f) *death.*

(3) *When a defendant, in a proceeding brought pursuant to ss. 627.730-627.741, questions whether the plaintiff has met the requirements of s. 627.737(2), then the defendant may file an appropriate motion with the court and the court shall, on a one-time basis only 30 days before the date set for the trial or the pre-trial hearing, whichever is first, by examining the pleadings and the evidence before it, ascertain whether the plaintiff will be able to submit some evidence that the plaintiff will meet the requirements of s. 627.737(2). If the court finds that the plaintiff will not be able to submit such evidence then the court shall dismiss the plaintiff's claim without prejudice.*

Section 6. Section 627.739, Florida Statutes, is amended to read:

627.739 Deductible endorsement.—Each insurer providing security as required by ss. 627.730-627.741 to any owner shall, at the election of the owner, issue a policy endorsement, approved as to content by the Department of Insurance and subject to such other reasonable regulations regarding said endorsement as the department may make after appropriate hearing, which endorsement shall provide that there shall be deducted from personal protection benefits that would otherwise be or become due to the policyholder alone or to the policyholder and relatives residing in his household an amount of either \$250, \$500, or \$1,000, or \$2,000 again as the policyholder elects, said amount to be deducted from the amounts otherwise due each person subject to the deduction. Any person electing such an endorsement or subject to such an endorsement as a result of the policyholder's election shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator,

or occupant of a motor vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by ss. 627.730-627.741.

Section 7. Section 627.7375, Florida Statutes, is created to read:

627.7375 Fraud.—

(1) *Any insured party or insurer or insurance adjuster who, with intent, knowingly and willfully conspires to fraudulently violate any of the provisions of this part, or who, due to fraud on such person's part, does knowingly and willfully violate any of the provisions of this part is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(2) *Any physician licensed under chapter 458, osteopath licensed under chapter 459, chiropractor licensed under chapter 460, or any other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this part or any person who, due to such assistance, conspiracy, or urging by said physician, osteopath, chiropractor or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopath, chiropractor or practitioner is adjudicated guilty of a violation of this section, the State Board of Medical Examiners as set forth in chapter 458, the State Board of Osteopathic Medical Examiners as set forth in chapter 459, or the Florida State Board of Chiropractic Examiners as set forth in chapter 460, or other appropriate licensing authority, whichever is appropriate, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, chiropractor or practitioner.*

(3) *Any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently violate any of the provisions of this part or any person who, due to such assistance, conspiracy, or urging on such attorney's part, knowingly and willfully benefits from the proceeds derived from the use of such fraud is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) *No person or governmental unit licensed under chapter 395 to maintain or operate a hospital, and no administrator or employee of any such hospital, shall knowingly and willfully allow the use of such facilities of said hospital by an insured party in a scheme or conspiracy to fraudulently violate any of the provisions of this part. Any hospital administrator or employee who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any adjudication of guilt for a violation of this section, or the use of business practices demonstrating a pattern indicating that the spirit of the law set forth in this part is not being followed, shall be grounds for suspension or revocation of the license to operate the hospital or the imposition of an administrative penalty of up to \$5,000 by the licensing agency as set forth in chapter 395.*

Section 8. Subsection (7) is added to Section 20.13, Florida Statutes, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(7) *There is created within the Department of Insurance a Division of Fraudulent Claims to enforce the provisions of s. 626.989.*

Section 9. Section 626.989, Florida Statutes, is created to read:

626.989 Division of Fraudulent Claims; investigative powers; accident reports to division; personnel and expenses; division of costs.—

(1) *The Division of Fraudulent Claims shall have authority to investigate allegedly fraudulent claims alleging loss or damages arising out of the ownership, operation, maintenance, or use of a motor vehicle, as defined in section 320.01, anywhere within the state, filed by a claimant against any person insured by an insurance company which has issued a policy of insurance providing protection or indemnity to the insured owner and to any other person operating, maintaining, or using such motor vehicle with the consent, expressed or implied, of the in-*

sured; and any other claim covered by insurance resulting from the ownership, operation, maintenance, or use of such motor vehicle.

(2) Any company which believes that such a fraudulent claim is being made shall, within 60 days of the receipt of such notice, send to the Division of Fraudulent Claims, on a form prescribed by the department, the information requested and such additional information relative to the accident and the parties claiming loss or damages because of the accident as the department may require. The Division of Fraudulent Claims shall review such reports and select such claims as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such claim to be made to determine the extent, if any, to which fraud, deceit or intentional misrepresentation of any kind exists in the submission of the claim. The Division of Fraudulent Claims shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney having jurisdiction with respect to any such violation as provided in s. 624.310.

(3) No insurer, nor the employees or agents of any insurer, shall be subject to civil liability for libel or otherwise by virtue of the filing of reports or furnishing other information required by this section or required by the Division of Fraudulent Claims as a result of the authority herein granted.

(4) All costs of administration and operation of said Division of Fraudulent Claims shall be borne by the insurers licensed to write motor vehicle insurance in this state. The Insurance Commissioner shall equally divide such costs among all such companies, charging each such company an identical amount adequate to provide the total cost of each fiscal year of operation. Such costs as derived by said assessment shall be allocated to the State Treasurer's and Insurance Commissioner's Regulatory Trust Fund. The total number of positions to be allocated to the Division of Fraudulent Claims shall not exceed 25 employees and the total cost shall not exceed \$500,000 for said fiscal year.

Section 10. Section 627.4132, Florida Statutes, is created to read:

627.4132 Stacking of coverages prohibited.—If an insured or named insured is protected by any type of motor vehicle insurance policy for liability, uninsured motorist, personal injury protection, or any other coverage, the policy shall provide that the insured or named insured is protected only to the extent of the coverage he has on the vehicle involved in the accident; provided that if none of the insured's or named insured's vehicles is involved in the accident, coverage is available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles shall not be added to or stacked upon that coverage. This section shall not apply to reduce the coverage available by reason of insurance policies insuring different named insureds.

Section 11. Section 627.7377, Florida Statutes, is created to read:

627.7377 Physical Damage Deductibles.—In providing collision coverage for physical damage to an insured's motor vehicle, insurers shall make available upon request deductibles of \$500 or any other amount for which the parties may contract, subject to the insurer's filed rating plan.

Section 12. Section 627.7262, Florida Statutes, is created to read:

627.7262 Non-joinder of insurers.—(1) No motor vehicle liability insurer shall be joined as a party defendant in an action to determine the insured's liability; however, each insurer which does or may provide liability insurance coverage to pay all or a portion of any judgment which might be entered in the action shall file a statement, under oath of a corporate officer, setting forth the following information with regard to each known policy of insurance:

(a) The name of the insurer.

(b) The name of each insured.

(c) The limits of liability coverage.

(d) A statement of any policy or coverage defense which said insurer reasonably believes is available to said insurer filing the statement at the time of filing said statement.

(2) The statement required by subsection (1) shall be amended immediately upon discovery of facts calling for an amendment to said statement.

(3) If the statement or any amendment thereto indicates that a policy or coverage defense has been or will be asserted, then the insurer may be joined as a party.

(4) After the rendition of a verdict, or final judgment by the court if the case is tried without a jury, the insurer may be joined as a party and judgment may be entered by the court based upon the statement or statements herein required.

(5) The rules of discovery shall be available to discover the existence and policy provisions of liability insurance coverage.

Section 13. Sections 627.738, 627.740, and subsection (2) of section 627.741, Florida Statutes, are hereby repealed.

Section 14. Within 60 days after October 1, 1977, the Department of Insurance shall review the level of Florida automobile insurance rates for the purpose of insuring that premium or rate reductions resulting from the provisions of this act are being passed on to the insurance policy buyers.

Section 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 16. This act shall take effect October 1, 1976, and shall apply to all claims arising out of accidents occurring on or after said date.

Conference Committee Amendment 2—Strike on Page 1, line 3 through line 7 on Page 4 and insert: A bill to be entitled An act relating to liability and insurance therefor; amending s. 324.021(7), Florida Statutes; changing the financial responsibility limits; amending s. 324.051(2), Florida Statutes, changing the property damage operative amount in the financial responsibility law; amending s. 627.727(1), Florida Statutes, and adding a subsection; providing for limits of uninsured motorist coverage; amending s. 627.736(2), (3), (6) and (7), Florida Statutes; providing for the tolling of the 30-day personal injury protection benefit payment period under certain conditions; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort; providing that a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort any damages for personal injury protection benefits paid; providing for jury instructions relating to said damages; deleting language relating to equitable distribution and insurer actions; providing that a sworn statement relating to treatment, services, and costs be provided the insurer by a physician, hospital, clinic or other medical institution; providing that no cause of action for invasion of privacy or violation of the physician-patient privilege shall be due to compliance with the discovery provisions of said section; providing that notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured; providing for the withholding of personal injury protection benefits when an insured unreasonably refuses to submit to a medical examination upon the request of an insurer; amending s. 627.737(2), Florida Statutes, and adding a subsection; providing for conditions under which a plaintiff may recover damages in tort for bodily injury or disease arising out of the ownership, maintenance, operation or use of a motor vehicle; providing for dismissal without prejudice if the threshold provisions of said section are not met; amending s. 627.739, Florida Statutes, relating to deductibles for personal injury protection benefits; creating s. 627.7375, Florida Statutes; prohibiting fraud or intent to commit fraud to violate part x of chapter 627, Florida Statutes; providing penalties; adding subsection (7) to s. 20.13, Florida Statutes, and creating s. 626.989, Florida Statutes, creating a Division of Fraudulent Claims within the Department of Insurance; creating s. 627.4132, Florida Statutes; prohibiting stacking of coverages; creating s. 627.7377, Florida Statutes, providing for physical damage deductibles; creating s. 627.7262, Florida Statutes; providing for non-joinder of insurers and procedures for discovery of insurers; repealing s. 627.738, Florida Statutes, relating to tort liability for property damage; repealing s. 627.740, Florida Statutes, relating to tort claims; repealing s. 627.741(2), Florida Statutes, relating to

compliance with ss. 627.730-627.741, Florida Statutes, by insurers; providing that the Department of Insurance shall review the level of automobile insurance rates; providing for severability; providing an effective date.

On motion by Senator MacKay the Conference Committee Report was adopted, and CS for HB's 2825, 3042, 3043, 3044, 3155 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Glisson and Peterson

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 321

The Honorable Dempsey J. Barron
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on SB 321, same being:

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), (f), (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; amending the sparsity supplement; changing the method of computing the district cost differential; changing the method of computing the district required local effort; authorizing an adjustment in the base student allocation; deleting obsolete language; amending Section 236.013, (3)(c) 3, Florida Statutes; defining programs eligible to be funded for more than 180 days; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from the House Amendments.

2. That the House and Senate concur in Conference Committee Amendments 1 and 2, attached hereto, and by reference made a part of this report.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

Enacts statutory language to require that the major financial decisions necessary to implement the annual authorization of the Florida Education Finance Program be contained in language included in the annual appropriations act.

Lew Brantley
P. D. Lewis
Curtis Peterson
Managers on the part of the Senate

Bill Andrews
Elaine Bloom
Edmond M. Fortune
Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsection (6) of section 236.02, Florida Statutes, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(6) MINIMUM FINANCIAL EFFORT REQUIRED.—Make the minimum financial effort required for the support of the Florida Education Finance Program as prescribed in the current year's general appropriations act by law.

Section 2. Paragraphs (b), (d), (e), and (f) of subsection (1), subsection (3), paragraph (a) of subsection (5), and paragraph (a), adding subparagraph 4. of paragraph (a), of subsection (7) of section 236.081, Florida Statutes, are 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:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR CURRENT OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for current operation:

(b) Determination of base student allocation cost.—The base student allocation cost shall be determined annually by the legislature and shall be that amount prescribed in the current year's general appropriations act. For the 1975-76 school fiscal year, the base student cost is fixed at \$745.

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education, adult high school, and community service, in any school fiscal year shall not exceed the maximum prescribed in the current year's general appropriations act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs, and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs. The weighted full-time equivalent student membership in special programs for exceptional students shall not exceed 185,055. The weighted full-time equivalent student membership in special vocational-technical programs shall not exceed 302,203. The weighted full-time equivalent student membership in special adult general education programs shall not exceed 30,149, of which 27,184 shall be adult basic education and adult high school full-time equivalent students, and 2,965 shall be community service full-time equivalent students.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00. Excess full-time equivalent membership in community service programs shall be computed at a cost factor of 0.0.

(e) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student cost allocation.

(f) Determination of sparsity supplement.—1. Annually, in an amount to be determined by the Legislature through the general appropriations act Beginning with the 1976-1977 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:

$$\text{Sparsity Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

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 fiscal year and every year thereafter, no county may receive a sparsity supplement unless 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.

(3) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. In computing the district cost differential, the commissioner shall obtain, from the most recent publication of the Florida Price Level Index prepared by the Department of Administration, each district's price level, and multiply each index by 0.008 and to the resulting product add 0.200; the sum thus obtained shall be the cost differential for that district for that year. The district cost differentials to be used in calculating the Florida Education Finance Program, in any year, shall be computed as prescribed herein. The district cost differentials shall be determined by the Legislature. For the 1975-1976 fiscal year, the district cost differential factors shall be:

District	District Cost Differential	Factor
(a) Alachua	0.0700
(b) Baker	0.0460
(c) Bay	0.0610
(d) Bradford	0.0210
(e) Brevard	0.0770
(f) Broward	1.0530
(g) Calhoun	0.0030
(h) Charlotte	0.0040
(i) Citrus	0.0540
(j) Clay	0.0730
(k) Collier	1.0450
(l) Columbia	0.0680
(m) Dade	1.0650
(n) DeSoto	0.0570
(o) Dixie	0.0260
(p) Duval	0.0720
(q) Escambia	0.0420
(r) Flagler	0.0510
(s) Franklin	0.0100
(t) Gadsden	0.0100

(u) Gilchrist	.....	0.0410
(v) Glades	.....	0.0400
(w) Gulf	.....	0.0170
(x) Hamilton	.....	0.0210
(y) Hardee	.....	0.0430
(z) Hendry	.....	0.0760
(aa) Hernando	.....	0.0510
(bb) Highlands	.....	0.0530
(cc) Hillsborough	.....	0.0720
(dd) Holmes	.....	0.0130
(ee) Indian River	.....	0.0070
(ff) Jackson	.....	0.0160
(gg) Jefferson	.....	0.0420
(hh) Lafayette	.....	0.0200
(ii) Lake	.....	0.0600
(jj) Lee	.....	1.0120
(kk) Leon	.....	0.0740
(ll) Levy	.....	0.0450
(mm) Liberty	.....	0.0030
(nn) Madison	.....	0.0300
(oo) Manatee	.....	0.0730
(pp) Marion	.....	0.0700
(qq) Martin	.....	1.0130
(rr) Monroe	.....	1.0570
(ss) Nassau	.....	0.0380
(tt) Okaloosa	.....	0.0600
(uu) Okeechobee	.....	0.0000
(vv) Orange	.....	0.0730
(ww) Osceola	.....	0.0600
(xx) Palm Beach	.....	1.0500
(yy) Pasco	.....	0.0530
(zz) Pinellas	.....	1.0020
(aaa) Polk	.....	0.0650
(bbb) Putnam	.....	0.0430
(ccc) St. Johns	.....	0.0680
(ddd) St. Lucie	.....	0.0020
(eee) Santa Rosa	.....	0.0430
(fff) Sarasota	.....	1.0100
(ggg) Seminole	.....	0.0720
(hhh) Sumter	.....	0.0540
(iii) Suwannee	.....	0.0230
(jjj) Taylor	.....	0.0520
(kkk) Union	.....	0.0260
(lll) Volusia	.....	0.0760
(mmm) Wakulla	.....	0.0330
(nnn) Walton	.....	0.0230
(ooo) Washington	.....	0.0070

(5) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations:

1. The Department of Revenue on or before July 10, based on the latest available data obtained from the local property appraisers, shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation of each school district for the current calendar year. The commissioner, upon receipt of the data, shall calculate each district's required local effort by computing 95 percent of the district's nonexempt assessed valuation and multiplying this product by the millage rate prescribed in that year's general appropriations act.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property in each school district, subject to the provisions of paragraph (b) of this subsection. Upon receipt of the data, the commissioners shall recalculate each district's required local effort by computing 95 percent of the assessed valuation of nonexempt property, included in the final tax roll, and multiplying this product by the millage rate prescribed in that year's general appropriations act. This revised calculation shall be the official required local effort for that district that fiscal year. For the purpose of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers. Annually, on or before July 25, the Department of Revenue shall, based upon the latest available data, certify to the Department of Education its latest estimate of the current total statewide nonexempt assessed valuation for school purposes. Not later than August 1, the Department of Education shall compute the millage rate which, when applied to 95 percent of said estimate, would generate an

amount equal to \$543 million. The millage so determined shall be certified by the department to each school district, and such millage rate as applied to the official final roll shall be the required local effort for each district. For the purposes of this subsection, the official final tax roll shall be the tax roll on which tax bills are computed and mailed to the taxpayers.

(7) **TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.**—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (3), less the required local effort as determined in subsection (5). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for current operation.

4. *The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.*

~~For the fiscal year 1975-1976, if the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the department is authorized to increase the maximum authorized weighted membership for special programs as fixed herein and to apply the excess appropriation to the funding of such programs to the extent of the funds appropriated.~~

Section 3. Subparagraph (3) of 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 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(13) to operate for less than the minimum school day.*

Section 4. This act shall take effect July 1, 1976.

Conference Committee Title Amendment 2—Strike title and insert: 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), (f), (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; amending the sparsity supplement; changing the method of computing the district cost differential; changing the method of computing the district required local effort; authorizing an adjustment in the base student allocation; deleting obsolete language; amending Section 236.013, (3)(c) 3, Florida Statutes; defining programs eligible to be funded for more than 180 days; providing an effective date.

On motion by Senator Lewis the Conference Committee Report was adopted, and SB 321 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Glisson

On motion by Senator Brantley, by two-thirds vote HB 3050 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HB 3051 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 590 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for SB's 804, 807, 808, 809, 833, 845, 846, 847, 960 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for HB 2635, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for HB 3289, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 1262 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 2911, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HB 4004 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with SB 527, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 1020 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 1111 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HB 4092 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for SB 1384, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for SB 1257, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote CS for SB 1085 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 3321, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 328, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HB 3808 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 435 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HJR 801 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote SB 1236 was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 4129, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with CS for HB 4190, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 3634, was placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote, the Message from the House of Representatives with HB 2038, was placed on the special order calendar.

In accordance with the foregoing motions by Senator Brantley the bills were placed on the special order calendar in the following sequence without objection:

HB 3050	CS for SB 1384 (Message)
HB 3051	CS for SB 1257 (Message)
SB 590	CS for SB 1085
CS for SB 804 (Message)	HB 3321 (Message)
CS for HB 2635 (Message)	HB 328 (Message)
CS for HB 3289 (Message)	HB 3808
SB 1262	SB 435
HB 2911 (Message)	HJR 801
HB 4004	SB 1236
SB 527 (Message)	HB 4129 (Message)
SB 1020	CS for HB 4190 (Message)
SB 1111	HB 3634 (Message)
HB 4092	HB 2038 (Message)

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON HB 3500

The Honorable Dempsey J. Barron
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 3500, same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 1976 and ending June 30, 1977 to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending Sections 27.34(2), 27.54(3), 215.32(2)(c), 216.262, 216.292, 216.301(2), 230.767-4(b), 230.767(2), 216.011(1)(c), 216.181, 219.192, 216.351, 20.22, 255.25, and 402.17(3), F.S.; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its Amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee Amendments 1 and 2 attached thereto, and by reference made a part of this report.

Jack D. Gordon, Chairman
Lew Brantley
W. D. Childers
Julian Lane
Curtis Peterson
Kenneth A. Plante
Jon C. Thomas
Managers on the part of the Senate

Edmond M. Fortune, Chairman
William C. Andrews
A. H. Craig
R. Earl Dixon
George R. Grosse
Van B. Poole
James L. Redman
Managers on the part of the House of Representatives

Conference Committee Amendment 1—Strike everything after the enacting clause and insert: Section 1. The moneys in the following Items are appropriated from the named funds for the 1976-77 fiscal year to the state agency indicated, as the amounts to be used to pay the salaries and other expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes, except that if additional moneys are needed to meet the requirements of a continuing appropriation of a trust fund and additional moneys are available in the named trust fund, the Department of Administration is authorized to approve the expenditure of additional, available moneys in such trust fund in such amount(s) as may be necessary to meet such deficiency.

Item	Positions \$	Amount \$
ADMINISTERED FUNDS—		
DEPARTMENT OF		
ADMINISTRATION		
1 Deleted		
2 Special Categories		
Southern Interstate		
Nuclear Board		
From General Revenue Fund		10,000
3 Special Categories		
Commission on Interstate Cooperation		
From General Revenue Fund		78,820
4 Special Categories		
National Committee on Uniform Traffic Codes and Laws		
From General Revenue Fund		1,000
5 Special Categories		
Contingent—Relocation and Renovation Expenses		
From General Revenue Fund		100,000
From Trust Funds		27,450
Provided, however, to the extent possible prison labor shall be utilized to move state agencies into new or		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
existing facilities.			nal Justice Trust Fund		937,866
6 Special Categories			From Governor's Highway Safety Commission Trust Fund		262,623
Unemployment Com- pensation Benefits— State Employees			19 Other Personal Serv- ices		
From General Reve- nue Fund		500,000	From General Reve- nue Fund		7,200
7 Special Categories			From Governor's Highway Safety Commission Trust Fund		125,616
Assessment Adminis- trative Review Com- mission			20 Expenses		
From General Reve- nue Fund		20,000	From General Reve- nue Fund		372,894
8 Special Categories			From Governor's Council on Crimi- nal Justice Trust Fund		292,791
Pay Adjustments—Ex- empt Positions			From Governor's Highway Safety Commission Trust Fund		82,994
From General Reve- nue Fund		108,780	21 Grants and Aids		
From Trust Funds		66,385	Highway Safety Grants		
Provided, that the pay adjustments provided in Item 8 shall be ef- fective July 1, 1976.			From Governor's Highway Safety Commission Trust Fund		990,222
9 Special Categories			22 Grants and Aids		
Contingent—Telephone Rate Increase			LEAA Local Buy-In		
From General Reve- nue Fund		1,000,000	From Block Grant Matching Trust Fund		771,780
From Trust Funds		533,335	23 Grants and Aids		
10 Special Categories			Regional Planning Councils		
Deficiency			From General Reve- nue Fund		500,000
From Working Cap- ital Fund		400,000	Provided, that the to- tal amount of any grant to a Regional Planning Council, es- tablished pursuant to Florida Statutes, shall not exceed a maximum of \$50,000.		
11 Special Categories			24 Grants and Aids		
Emergency			Law Enforcement As- sistance Act		
From Working Cap- ital Fund		250,000	From Governor's Council on Crimi- nal Justice Trust Fund		15,901,651
12 Special Categories			25 Operating Capital Out- lay		
Florida Land & Water Adjudicatory Commis- sion — Administrative Appeals			From General Reve- nue Fund		1,855
From General Reve- nue Fund		10,000	From Governor's Council on Crimi- nal Justice Trust Fund		2,072
ADMINISTRATION, DEPARTMENT OF			From Governor's Highway Safety Commission Trust Fund		946
Office of the Secretary			26 Data Processing Serv- ices		
13 Salaries and Benefits	49		From General Reve- nue Fund		18,879
From General Reve- nue Fund		363,720	From Governor's Council on Crimi- nal Justice Trust Fund		9,598
From Administra- tive Trust Fund		382,426	Provided, however, the Economic Development Element of the State Comprehensive Plan shall be completed and updated. Provided fur- ther, that the number		
14 Other Personal Serv- ices					
From General Reve- nue Fund		30,865			
From Administra- tive Trust Fund		14,757			
15 Expenses					
From General Reve- nue Fund		90,541			
From Administra- tive Trust Fund		65,932			
16 Special Categories					
Coastal Plains Region- al Commission					
From General Reve- nue Fund		55,000			
17 Data Processing Serv- ices					
From General Reve- nue Fund		10,000			
State Planning, Division of					
18 Salaries and Benefits	165				
From General Reve- nue Fund		1,254,077			
From State Planning Trust Fund		187,973			
From Governor's Council on Crimi-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>of positions in the Bureau of Comprehensive Planning shall not be increased by adds and deletes, transfers, or receipt of additional federal funds. Provided, however, four positions authorized in this division shall be assigned to administer the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974. Provided, further, all positions authorized in the Bureau of Criminal Justice shall work with and cooperate with local law enforcement officers.</p>					
Budget, Division of					
27 Salaries and Benefits ..	62		37 Operating Capital Outlay		
From General Revenue Fund		1,181,945	From State Personnel System Trust Fund		11,827
28 Other Personal Services			38 Data Processing Services		
From General Revenue Fund		24,225	From State Personnel System Trust Fund		323,388
29 Expenses			Retirement, Division of		
From General Revenue Fund		126,191	39 Salaries and Benefits ..	190	
30 Operating Capital Outlay			From Operating Trust Fund		2,294,994
From General Revenue Fund		2,800	40 Other Personal Services		
31 Special Categories			From Operating Trust Fund		217,044
Municipal and County Population Estimates			41 Expenses		
From General Revenue Fund		62,500	From Operating Trust Fund		662,062
31A Special Categories			42 Operating Capital Outlay		
Cost-of-Living Price Survey			From Operating Trust Fund		17,168
From General Revenue Fund		165,000	43 Special Categories		
32 Data Processing Services			Data Conversion		
From General Revenue Fund		7,533	From Operating Trust Fund		166,078
Personnel, Division of			44 Special Categories		
33 Salaries and Benefits ..	143		Elected State Officers—Retirement Credit Matching		
From Grants and Donations Trust Fund		178,931	From General Revenue Fund		150,000
From State Personnel System Trust Fund		1,789,328	45 Data Processing Services		
34 Other Personal Services			From Operating Trust Fund		579,841
From Grants and Donations Trust Fund		11,300	46 Pensions and Benefits		
From State Personnel System Trust Fund		106,920	Confederate Pensions		
35 Expenses			From General Revenue Fund		27,000
From Grants and Donations Trust Fund		7,355	State Officers and Employees (Non-Contributory)		
From State Personnel System Trust Fund		360,894	From General Revenue Fund		1,144,704
36 Grants and Aids			Teacher's Special Pensions		
Intergovernmental Personnel Grants			From General Revenue Fund		100,000
From Grants and Donations Trust Fund		263,414	Disability Benefits to Justices and Judges		
			From General Revenue Fund		87,263
			Special Pensions and Relief Acts		
			From General Revenue Fund		13,108
			Florida National Guard		
			From General Revenue Fund		275,000
			Members Benefits		
			From Florida Retirement System Trust Fund		126,626,279
			Survivors Benefits		
			From TRS Survivor Benefit Trust Fund		2,727,225
			Minimum Benefits Adjustment		
			From General Revenue Fund		550,000
			Administrative Hearings, Division of		
			47 Salaries and Benefits	19	
			From General Revenue Fund		399,358
			48 Other Personal Services		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			From General Revenue Fund		8,100
49			Expenses		
			From General Revenue Fund		87,226
50			Operating Capital Outlay		
			From General Revenue Fund		4,717
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE					
Office of the Commissioner and Division of Administration					
51	177		Salaries and Benefits		
			From General Revenue Fund		961,935
			From Administrative Trust Fund		1,204,650
52			Other Personal Services		
			From General Revenue Fund		9,184
			From Administrative Trust Fund		11,221
53			Expenses		
			From General Revenue Fund		154,110
			From Administrative Trust Fund		465,599
			From Harness Horse Racing Promotion Trust Fund		10,000
			From Quarter Horse Racing Promotion Trust Fund		12,500
54			Operating Capital Outlay		
			From Administrative Trust Fund		14,584
55			Special Categories		
			Soil Survey and Watershed Planning		
			From General Revenue Fund		366,000
56			Special Categories		
			Promotional Awards		
			From General Revenue Fund		100,000
			From Administrative Trust Fund		100,000
			From Harness Horse Racing Promotion Trust Fund		112,500
			From Quarter Horse Racing Promotion Trust Fund		48,000
57			Data Processing Services		
			From General Revenue Fund		87,881
			From Administrative Trust Fund		140,436
Inspection, Division of					
58	358		Salaries and Benefits		
			From General Revenue Fund		1,479,846
			From General Inspection Trust Fund		2,411,243
59			Other Personal Services		
			From General Inspection Trust Fund		5,845
60			Expenses		
			From General Revenue Fund		263,877
			From General Inspection Trust Fund		
			From General Revenue Fund		
			From General Inspection Trust Fund		610,374
61			Operating Capital Outlay		
			From General Inspection Trust Fund		16,810
62			Special Categories		
			Contingent—		
			U. S. D. A. Grading Service	10	
			From General Inspection Trust Fund		81,295
63			Data Processing Services		
			From General Revenue Fund		55,664
			From General Inspection Trust Fund		57,424
Standards, Division of					
64	147		Salaries and Benefits		
			From General Inspection Trust Fund		1,773,670
65			Other Personal Services		
			From General Inspection Trust Fund		17,125
66			Expenses		
			From General Inspection Trust Fund		797,274
67			Operating Capital Outlay		
			From General Inspection Trust Fund		109,570
68			Data Processing Services		
			From General Inspection Trust Fund		91,884
Chemistry, Division of					
69	106		Salaries and Benefits		
			From General Revenue Fund		323,331
			From General Inspection Trust Fund		1,067,712
70			Other Personal Services		
			From General Inspection Trust Fund		7,170
71			Expenses		
			From General Revenue Fund		120,995
			From General Inspection Trust Fund		282,367
72			Operating Capital Outlay		
			From General Revenue Fund		18,956
			From General Inspection Trust Fund		75,463
73			Data Processing Services		
			From General Revenue Fund		9,622
			From General Inspection Trust Fund		26,896
Dairy Industry, Division of					
74	49		Salaries and Benefits		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
75 From General Revenue Fund		780,221	88 From Citrus Inspection Trust Fund		26,870
75 Other Personal Services			88 Special Categories		
75 From General Revenue Fund		8,760	88 Automated Testing Equipment		
76 Expenses			89 From Citrus Inspection Trust Fund		560,000
76 From General Revenue Fund		195,728	89 Data Processing Services		
77 Operating Capital Outlay			89 From Citrus Inspection Trust Fund		118,938
77 From General Revenue Fund		6,000	Animal Industry, Division of		
78 Data Processing Services			90 Salaries and Benefits	378	
78 From General Revenue Fund		3,120	90 From General Revenue Fund		3,304,127
Marketing, Division of			90 From General Inspection Trust Fund		1,555,089
79 Salaries and Benefits	165		91 Other Personal Services		
79 From General Revenue Fund		259,124	91 From General Revenue Fund		74,750
79 From General Inspection Trust Fund		1,359,127	92 Expenses		
79 From Citrus Inspection Trust Fund		374,036	92 From General Revenue Fund		830,204
80 Other Personal Services			92 From General Inspection Trust Fund		136,469
80 From General Revenue Fund		13,650	93 Operating Capital Outlay		
80 From General Inspection Trust Fund		23,803	93 From General Revenue Fund		72,016
80 From Citrus Inspection Trust Fund		55,335	94 Special Categories		
81 Expenses			94 Payment of Indemnities		
81 From General Revenue Fund		156,296	94 From General Revenue Fund		318,750
81 From General Inspection Trust Fund		678,964	95 Data Processing Services		
81 From Citrus Inspection Trust Fund		122,567	95 From General Revenue Fund		12,958
82 Operating Capital Outlay			Plant Industry, Division of		
82 From General Inspection Trust Fund		11,596	96 Salaries and Benefits	242	
82 From Citrus Inspection Trust Fund		4,214	96 From General Revenue Fund		2,809,471
83 Data Processing Services			96 From Nursery Inspection Trust Fund		320,401
83 From General Inspection Trust Fund		1,290	97 Other Personal Services		
Fruit and Vegetable Inspection, Division of			97 From General Revenue Fund		17,727
84 Salaries and Benefits	536		98 Expenses		
84 From General Inspection Trust Fund		1,165,404	98 From General Revenue Fund		858,942
84 From Citrus Inspection Trust Fund		5,485,066	98 From Nursery Inspection Trust Fund		190,898
85 Other Personal Services			98 From Fire Ant Control Trust Fund		100,000
85 From General Inspection Trust Fund		8,962	98 From Lethal Yellowing Revolving Trust Fund		100,000
85 From Citrus Inspection Trust Fund		41,276	99 Operating Capital Outlay		
86 Expenses			99 From General Revenue Fund		67,129
86 From General Inspection Trust Fund		194,208	100 Special Categories		
86 From Citrus Inspection Trust Fund		828,069	100 Apiarian Indemnities		
87 Operating Capital Outlay			100 From General Revenue Fund		24,000
87 From General Inspection Trust Fund		1,131	100A Special Categories		
			100A Black Fly Control Program		
			100A From General Revenue Fund		2,002,535
			100B Special Categories		
			100B Fire Ant Control Program		
			100B From General Revenue Fund		1,000,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Consumer Services, Division of			Accounting and Auditing, Division of		
101 Salaries and Benefits - 19			117 Salaries and Benefits 129		
From General Revenue Fund		256,595	From General Revenue Fund		1,473,691
102 Other Personal Services			118 Other Personal Services		
From General Revenue Fund		2,116	From General Revenue Fund		6,963
103 Expenses			119 Expenses		
From General Revenue Fund		64,295	From General Revenue Fund		292,661
104 Deleted			120 Deleted		
Forestry, Division of			121 Data Processing Services		
105 Salaries and Benefits - 1,074			From General Revenue Fund		791,035
From General Revenue Fund		9,504,521	Banking, Division of		
From Incidental Trust Fund		2,489,531	122 Salaries and Benefits 111		
106 Other Personal Services			From Bank and Trust Company Trust Fund		1,535,373
From General Revenue Fund		7,217	123 Other Personal Services		
From Incidental Trust Fund		96,797	From Bank and Trust Company Trust Fund		19,800
107 Expenses			124 Expenses		
From General Revenue Fund		1,804,041	From Bank and Trust Company Trust Fund		308,521
From Incidental Trust Fund		666,051	125 Deleted		
108 Grants and Aids			126 Data Processing Services		
From Incidental Trust Fund		237,000	From Bank and Trust Company Trust Fund		12,762
109 Operating Capital Outlay			Finance, Division of		
From General Revenue Fund		968,046	127 Salaries and Benefits 67		
From Incidental Trust Fund		338,104	From Regulatory Trust Fund		946,566
110 Special Categories Forestry Research			128 Other Personal Services		
From Incidental Trust Fund		25,000	From Regulatory Trust Fund		7,520
111 Debt Service			129 Expenses		
From Incidental Trust Fund		375,732	From Regulatory Trust Fund		280,205
112 Data Processing Services			130 Operating Capital Outlay		
From General Revenue Fund		33,558	From Regulatory Trust Fund		2,485
The Department of Offender Rehabilitation shall transport inmates assigned to the Division of Forestry work program to the designated Division of Forestry Work Center or shall reimburse the Division of Forestry for the cost of such transportation.			131 Data Processing Services		
			From Regulatory Trust Fund		22,301
BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER			Securities, Division of		
Office of the Comptroller and Division of Administration			132 Salaries and Benefits 61		
113 Salaries and Benefits 64			From General Revenue Fund		551,305
From General Revenue Fund		353,490	From Grants and Donations Trust Fund		269,663
From Administrative Trust Fund		624,735	133 Other Personal Services		
114 Expenses			From General Revenue Fund		6,492
From General Revenue Fund		218,968	From Grants and Donations Trust Fund		35,699
115 Deleted			134 Expenses		
116 Data Processing Services			From General Revenue Fund		137,789
From General Revenue Fund		9,719	From Grants and Donations Trust Fund		77,817
			135 Deleted		
			136 Data Processing Services		
			From General Revenue Fund		12,324

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
BUSINESS REGULATION, DEPARTMENT OF					
Office of Executive Director					
137 Salaries and Benefits	36		153 Data Processing Services		
From General Revenue Fund		139,441	From Hotel and Restaurant Trust Fund		89,972
138 Other Personal Services		353,952	Florida Land Sales and Condominiums, Division of		
From Administrative Trust Fund			154 Salaries and Benefits	46	
139 Expenses			From Florida Land Sales Trust Fund		556,995
From General Revenue Fund		16,695	155 Other Personal Services		
140 Deleted			From Florida Land Sales Trust Fund		2,500
141 Data Processing Services		128,103	156 Expenses		
From General Revenue Fund		18,004	From Florida Land Sales Trust Fund		140,435
Pari-Mutuel Wagering, Division of			157 Deleted		
142 Salaries and Benefits	52		Beverage, Division of		
From Operating Trust Fund		624,229	158 Salaries and Benefits	215	
143 Other Personal Services			From General Revenue Fund		2,792,802
From Operating Trust Fund		856,066	Effective June 30, 1977, there shall be a reduction of 12 full time positions.		
144 Expenses			159 Other Personal Services		
From Operating Trust Fund		178,015	From General Revenue Fund		15,824
145 Operating Capital Outlay			160 Expenses		
From Operating Trust Fund		45,863	From General Revenue Fund		799,962
146 Special Categories Service Charge to General Revenue			161 Operating Capital Outlay		
From Operating Trust Fund		1,352,496	From General Revenue Fund		64,129
From Additional Harness and Dog Track Tax Trust Fund		601,660	162 Data Processing Services		
Hotels and Restaurants, Division of			From General Revenue Fund		31,919
Effective January 1, 1977, there shall be a reduction of 36 full-time positions.			General Regulation, Division of		
147 Salaries and Benefits	121		163 Salaries and Benefits	14	
From Hotel and Restaurant Trust Fund		1,226,457	From General Revenue Fund		104,416
148 Other Personal Services			From Yacht and Ship Brokers Trust Fund		37,376
From Hotel and Restaurant Trust Fund		48,327	From Certified Shorthand Trust Fund		14,846
149 Expenses			164 Expenses		
From Hotel and Restaurant Trust Fund		263,797	From General Revenue Fund		31,475
150 Operating Capital Outlay			From Yacht and Ship Brokers Trust Fund		13,328
From Hotel and Restaurant Trust Fund		28,291	From Certified Shorthand Trust Fund		5,488
151 Special Categories Industry Education			165 Operating Capital Outlay		
From Hotel and Restaurant Trust Fund		68,000	From General Revenue Fund		4,396
152 Special Categories Service Charge to General Revenue			166 Data Processing Services		
From Hotel and Restaurant Trust Fund		95,100	From General Revenue Fund		1,652
			CITRUS, DEPARTMENT OF		
			167 Salaries and Benefits	230	
			From Citrus Advertising Trust Fund		3,412,888
			168 Other Personal Services		
			From Citrus Advertising Trust Fund		161,000
			169 Expenses		
			From Citrus Advertising Trust Fund		27,428,340

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
170 Operating Capital Outlay			Special Disability Trust Fund		4,000,000
From Citrus Advertising Trust Fund		181,500	179 Debt Service		
171 Special Categories Advertising Rebates			From Revolving Trust Fund		66,335
From Citrus Advertising Trust Fund		470,780	Public Employees Relations Commission		
172 Data Processing Services			180 Salaries and Benefits	85	
From Citrus Advertising Trust Fund		400	From General Revenue Fund		488,499
COMMERCE,			181 Other Personal Services		
DEPARTMENT OF			From General Revenue Fund		273,653
Offices of the Secretary and Administrative Services			182 Expenses		
173 Salaries and Benefits	219		From General Revenue Fund		191,145
From General Revenue Fund		208,013	183 Operating Capital Outlay		
From Administrative Trust Fund		1,718,280	From General Revenue Fund		9,473
From Revolving Trust Fund		417,211	Tourism, Division of		
From Bicentennial Commission Trust Fund		106,273	184 Salaries and Benefits	97	
From Workmen's Compensation Special Disability Trust Fund		108,925	From General Revenue Fund		988,454
174 Other Personal Services			185 Other Personal Services		
From General Revenue Fund		2,289	From General Revenue Fund		85,788
From Administrative Trust Fund		17,445	186 Expenses		
From Revolving Trust Fund		18,336	General Administrative		
From Bicentennial Commission Trust Fund		39,123	From General Revenue Fund		389,891
From Workmen's Compensation Special Disability Trust Fund		1,210	187 Grants and Aids		
175 Expenses			Advertising Grants		
From General Revenue Fund		22,637	From General Revenue Fund		350,000
From Administrative Trust Fund		369,913	Provided that funds appropriated in Item 187 shall be used for cooperative advertising grant programs designed to encourage tourism by expanding advertising. The total grant amount awarded to any particular group shall not exceed 50% of the additional advertising effort of that group.		
From Special Employment Security Trust Fund		42,263	188 Operating Capital Outlay		
From Revolving Trust Fund		260,950	From General Revenue Fund		13,425
From Bicentennial Commission Trust Fund		95,223	189 Special Categories Promotion		
From Workmen's Compensation Special Disability Trust Fund		382,565	From General Revenue Fund		200,000
176 Grants and Aids			Provided that an amount not to exceed 25% of the funds appropriated in Item 189 may be spent for goods, commodities or other items to be given away directly for promotion of Florida and/or for the accommodation and entertainment of representatives of the tourist industry; provided, however, all such expenditures shall be personally authorized and approved in advance by the director of tourism.		
Bicentennial Grants			190 Special Categories		
From Bicentennial Commission Trust Fund		630,000	Paid Advertising		
177 Operating Capital Outlay					
From Administrative Trust Fund		7,403			
From Revolving Trust Fund		1,248			
From Workmen's Compensation Special Disability Trust Fund		250			
178 Special Categories Reimbursement of Employers					
From Workmen's Compensation					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		1,090,000	to cooperate with the Florida Public and Private Education Systems and other corporations, organizations, and individuals in order to promote, organize, and conduct activities which will develop and enhance economic education in the State of Florida. Provided, further, that said corporations, organizations, and individuals match all funds provided by the state. Further provide that such programs shall comply with those programs in the existing economic education policy.		
From Grants and Donations Trust Fund		110,000	201 Data Processing Services		
Provided that at least \$220,000 of the General Revenue Funds appropriated in Item 190 shall be used for paid advertising in foreign countries.			From General Revenue Fund		16,874
191 Special Categories Advertising Pamphlets and Materials			Provided, however, the Economic Development Advisory Council, appointed by the Governor, shall submit a plan for use of economic development funds to the Legislature and the Division of Economic Development by November 1, 1976.		
From General Revenue Fund		292,500	Labor, Division of		
Provided that at least \$60,000 of the funds appropriated in line Item 191 shall be used for multilingual advertising pamphlets and materials targeted to international tourist markets.			202 Salaries and Benefits	418	
192 Special Categories Production and Display of films and exhibits			From General Revenue Fund		589,497
From General Revenue Fund		80,000	From Workmen's Compensation Administration Trust Fund		4,773,188
193 Data Processing Services			203 Other Personal Services		
From General Revenue Fund		61,600	From General Revenue Fund		4,641
Economic Development, Division of			From Workmen's Compensation Administration Trust Fund		212,405
194 Salaries and Benefits	75		204 Expenses		
From General Revenue Fund		876,198	From General Revenue Fund		132,136
From Grants and Donations Trust Fund		131,305	From Workmen's Compensation Administration Trust Fund		1,514,092
195 Other Personal Services			205 Operating Capital Outlay		
From General Revenue Fund		247,671	From General Revenue Fund		2,421
From Grants and Donations Trust Fund		91,902	From Workmen's Compensation Administration Trust Fund		49,794
196 Expenses			206 Financial Assistance Payments Supplemental Workmen's Compensation Benefits		
General Administrative			From Workmen's Compensation Administration Trust Fund		700,000
From General Revenue Fund		602,675	207 Data Processing Services		
From Grants and Donations Trust Fund		19,793			
197 Operating Capital Outlay					
From General Revenue Fund		29,774			
198 Special Categories Paid Advertising					
From General Revenue Fund		360,000			
199 Special Categories Promotion					
From General Revenue Fund		230,000			
200 Special Categories Industry Service Training Program					
From General Revenue Fund		300,000			
Provided, however, \$100,000 of the amount appropriated shall be allocated to the Florida Council on Economic Education, Inc. for the public schools					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From Workmen's Compensation Administration Trust Fund -----		280,326	Caldwell Data Center		
Employment Security, Division of			220 Salaries and Benefits	173	
208 Salaries and Benefits	2,736		From Working Capital Trust Fund ---		1,822,515
From General Revenue Fund -----		182,539	221 Other Personal Services		
From Employment Security Administration Trust Fund		29,291,353	From Working Capital Trust Fund ---		9,839
From Crew Chief Registration Trust Fund -----		60,731	222 Expenses		
209 Other Personal Services			From Working Capital Trust Fund ---		1,302,332
From Employment Security Administration Trust Fund		2,128,778	223 Deleted		
210 Expenses			Industrial Relations Commission		
From General Revenue Fund -----		32,677	224 Salaries and Benefits	41	
From Employment Security Administration Trust Fund		3,529,315	From Industrial Relations Commission Trust Fund -----		590,276
From Crew Chief Registration Trust Fund -----		14,269	225 Other Personal Services		
211 Grants and Aids			From Industrial Relations Commission Trust Fund -----		19,226
Public Service Employment Grants			226 Expenses		
From Employment Security Administration Trust Fund		9,000,000	From Industrial Relations Commission Trust Fund -----		132,665
212 Operating Capital Outlay			227 Operating Capital Outlay		
From Employment Security Administration Trust Fund		76,332	From Industrial Relations Commission Trust Fund -----		2,192
212A Special Categories			COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES		
Public Service Employment Grants			228 Expenses		
From Grants and Donations Trust Fund -----		979,831	From General Revenue Fund -----		13,500
213 Special Categories			COMMUNITY AFFAIRS, DEPARTMENT OF		
Contract Payments			Office of the Secretary		
From Employment Security Administration Trust Fund		734,226	229 Salaries and Benefits	25	
214 Special Categories			From General Revenue Fund -----		84,448
Public Service Employment Payments			From Administrative Trust Fund -----		212,162
From WIN Benefits Trust Fund -----		2,000,000	230 Other Personal Services		
215 Financial Assistance Payments			From General Revenue Fund -----		662
Unemployment Compensation Benefits			From Administrative Trust Fund -----		778
From Unemployment Compensation Benefit Trust Fund -----		180,000,000	231 Expenses		
216 Financial Assistance Payments			From General Revenue Fund -----		25,858
Work Incentive Payments			From Administrative Trust Fund -----		37,392
From WIN Benefits Trust Fund -----		327,099	232 Operating Capital Outlay		
217 Financial Assistance Payments			From Administrative Trust Fund -----		1,187
Contract Services			233 Data Processing Services		
From WIN Benefits Trust Fund -----		775,700	From Administrative Trust Fund -----		1,906
218 Deleted			Commission on Human Relations		
219 Data Processing Services			234 Salaries and Benefits	7	
From Employment Security Administration Trust Fund		2,703,453	From General Revenue Fund -----		80,270
			235 Expenses		
			From General Revenue Fund -----		35,316
			236 Operating Capital Outlay		
			From General Revenue Fund -----		492

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Disaster Preparedness, Division of					
237 Salaries and Benefits	47		nue Fund		47,311
From General Revenue Fund		214,418	From State Approval Agency Trust Fund		80,720
From Personnel and Administration Trust Fund		193,878	245 Operating Capital Outlay		
From Community Shelter Planning Trust Fund		54,476	From General Revenue Fund		6,754
From Radiological Equipment Facility Trust Fund		51,942	From State Approval Agency Trust Fund		1,522
From Disaster Planning Trust Fund		36,726	Technical Assistance, Division of		
238 Other Personal Services			246 Salaries and Benefits	24	
From General Revenue Fund		2,201	From General Revenue Fund		71,168
From Personnel and Administration Trust Fund		2,200	From Revolving Rural Land Acquisition and Site Development Assistance Trust Fund		16,437
From Disaster Planning Trust Fund		40,745	From Urban Planning Assistance Revolving Trust Fund		225,613
239 Expenses			From Factory-Built Housing Trust Fund		60,126
From General Revenue Fund		56,600	247 Other Personal Services		
From Personnel and Administration Trust Fund		52,072	From General Revenue Fund		6,146
From Community Shelter Planning Trust Fund		27,066	From Community Development Trust Fund		37,527
From Radiological Equipment Facility Trust Fund		26,719	248 Expenses		
From U.S. Contributions Trust Fund		4,529	From General Revenue Fund		72,591
From Disaster Planning Trust Fund		25,030	From Community Development Trust Fund		3,442
240 Grants and Aids			From Revolving Rural Land Acquisition and Site Development Assistance Trust Fund		2,256
Disaster Preparedness Planning and Administration			From Factory-Built Housing Trust Fund		12,361
From Personnel and Administration Trust Fund		950,000	249 Grants and Aids		
241 Operating Capital Outlay			Land Acquisition and Site Development		
From General Revenue Fund		4,653	From Revolving Rural Land Acquisition and Site Development Assistance Trust Fund		1,250,000
From Personnel and Administration Trust Fund		4,020	250 Grants and Aids		
From Community Shelter Planning Trust Fund		627	Local Government Planning and Management Assistance		
From Radiological Equipment Facility Trust Fund		627	From Urban Planning Assistance Revolving Trust Fund		467,477
From U.S. Contributions Trust Fund		632	251 Operating Capital Outlay		
242 Lump Sum			From General Revenue Fund		339
General Revenue for Repayment of Advance from Federal Government			251A Lump Sum		
From General Revenue Fund		62,500	Housing Assistance Function	12	
Veterans' Affairs, Division of			From General Revenue Fund		71,063
243 Salaries and Benefits	80		From Urban Planning Assistance Revolving Trust Fund		142,339
From General Revenue Fund		658,659			
From State Approval Agency Trust Fund		273,192			
244 Expenses					
From General Revenue Fund					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
251A			Youth Corps Trust Fund		145,623
251B			From Economic Opportunity Trust Fund		174,863
Lump Sum			260 Other Personal Services		
Salaries and Benefits for Abolished Positions			From General Revenue Fund	480	
From General Revenue Fund		71,687	From Neighborhood Youth Corps Trust Fund		89,092
Provided, however, any employee of the Department of Community Affairs whose position is abolished as a result of legislative action shall be retained at the same level of compensation for 90 days after notification of such abolishment or until such employee secures other placement or employment, whichever should first occur. Employees whose positions are abolished shall, when otherwise qualified, be given priority consideration for any other position vacant in state government.			From Economic Opportunity Trust Fund		1,920
252			261 Expenses		
Data Processing Services			From General Revenue Fund	35,139	
From General Revenue Fund		8,000	From Neighborhood Youth Corps Trust Fund		70,848
Provided, however, the number of positions in the Division of Technical Assistance shall not be increased by adds and deletes, transfers, or receipt of additional federal funds.			From Economic Opportunity Trust Fund		70,936
Office of Manpower Planning			262 Grants and Aids		
253 Salaries and Benefits	37		From Economic Opportunity Trust Fund		750,000
From Florida State Prime Sponsor Trust Fund		470,451	263 Grants and Aids Governor's Council on Indian Affairs		
254 Other Personal Services			From General Revenue Fund	50,000	
From Florida State Prime Sponsor Trust Fund		118,950	Provided, however, if federal funds become available for the purposes of Item 263, the General Revenue shall be reserved accordingly.		
255 Expenses			264 Grants and Aids For Transfer to the Community Services Trust Fund		
From Florida State Prime Sponsor Trust Fund		285,000	From General Revenue Fund	1,000,000	
256 Grants and Aids			Provided, further, the Community Services Trust Fund shall not contract for services provided and available through any other state agency.		
From Florida State Prime Sponsor Trust Fund		31,861,449	Provided, however, grants shall not be released until the regional HRS Administrator certifies that the services are not duplicative of HRS programs or that HRS has made maximum use of federal funds for this purpose.		
257 Operating Capital Outlay			265 Grants and Aids Community Services Trust Fund-Grants to Counties		
From Florida State Prime Sponsor Trust Fund		1,887	From Community Services Trust Fund		1,000,000
258 Data Processing Services			266 Operating Capital Outlay		
From Florida State Prime Sponsor Trust Fund		6,078	From General Revenue Fund	344	
Community Services, Division of			From Neighborhood Youth Corps Trust Fund		669
259 Salaries and Benefits	35		267 Special Categories Enrollee Payments		
From General Revenue Fund		111,433	From Neighborhood Youth Corps Trust Fund		1,558,347
From Neighborhood					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
CRIMINAL LAW ENFORCEMENT, DEPARTMENT OF			Standards and Training, Division of		
<p>Provided, however, that not later than January 1, 1977, the Department of Law Enforcement shall develop a plan and program, for the most cost effective system of providing crime laboratory services, and identify the types of laboratory procedures that each laboratory will furnish. Such plan shall be submitted to the Governor and Legislature for review. Any necessary legislation to implement the plan shall be included therein.</p>			<p>278 Salaries and Benefits .. 15 From General Revenue Fund 219,059</p>		
<p>268 Salaries and Benefits .. 136 From General Revenue Fund 2,262,113</p>			<p>279 Other Personal Services From General Revenue Fund 1,800 From Grants and Donations Trust Fund 805</p>		
<p>269 Other Personal Services From General Revenue Fund 7,900</p>			<p>280 Expenses From General Revenue Fund 61,950 From Grants and Donations Trust Fund 495</p>		
<p>270 Expenses From General Revenue Fund 635,192</p>			<p>281 Grants and Aids Special Education and Technical Training From Law Enforcement Training Trust Fund 3,031,377</p>		
<p>271 Operating Capital Outlay From General Revenue Fund 77,294 From Grants and Donations Trust Fund 247,500</p>			<p>282 Lump Sum Administration and Special Technical Training 3 From Law Enforcement Training Trust Fund 70,266</p>		
<p>272 Data Processing Services From General Revenue Fund 50,000</p>			<p>283 Data Processing Services From General Revenue Fund 9,403</p>		
Law Enforcement, Division of			Criminal Justice Information Systems, Division of		
<p>273 Salaries and Benefits .. 222 From General Revenue Fund 2,772,766 From Grants and Donations Trust Fund 587,382</p>			<p>284 Salaries and Benefits .. 147 From General Revenue Fund 1,551,267 From Operating Trust Fund 205,105</p>		
<p>274 Other Personal Services From General Revenue Fund 17,950 From Grants and Donations Trust Fund 157,150</p>			<p>285 Expenses From General Revenue Fund 288,156 From Operating Trust Fund 56,960</p>		
<p>275 Expenses From General Revenue Fund 1,007,694 From Grants and Donations Trust Fund 248,151</p>			<p>286 Operating Capital Outlay From General Revenue Fund 4,370</p>		
<p>276 Operating Capital Outlay From General Revenue Fund 12,010 From Grants and Donations Trust Fund 6,040</p>			<p>287 Data Processing Services From General Revenue Fund 2,895,447</p>		
<p>277 Data Processing Services From General Revenue Fund 132,000</p>			Law Enforcement Data Center		
			<p>288 Salaries and Benefits .. 76 From Working Capital Trust Fund 1,109,089</p>		
			<p>289 Expenses From Working Capital Trust Fund 2,404,866</p>		
			<p>290 Operating Capital Outlay From Working Capital Trust Fund 1,000</p>		
			EDUCATION, DEPARTMENT OF		
			Commissioner of Education		
			Office of Deputy		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Commissioner for Educational Management			deems appropriate for the improvement of the programs or the method of distributing funds for their support.		
291 Salaries and Benefits ..	96		294 Operating Capital Outlay		
From General Revenue Fund		898,475	From General Revenue Fund		600
From General Trust Fund			From General Trust Fund		2,990
292 Other Personal Services			295 Deleted		
From General Revenue Fund		30,160	295A Special Categories		
From General Trust Fund		160,133	Southeastern Florida Computer Network Feasibility Study		
293 Expenses			From General Revenue Fund		145,000
From General Revenue Fund		377,278	296 Debt Service		
From General Trust Fund		308,095	From Higher Education Capital Outlay and Debt Service Trust Fund		51,407,716
293A Grants and Aids			From School District and Junior College District Capital Outlay and Debt Service Trust Fund		44,586,296
School District and Community College—Fixed Capital Outlay			297 Data Processing Services		
From School District and Junior College District Capital Outlay and Debt Service Trust Fund		20,807,819	From General Revenue Fund		70,783
293B Grants and Aids			From General Trust Fund		73,550
Community Instructional Services			Office of Deputy Commissioner for Administration		
From General Revenue Fund		2,300,000	298 Salaries and Benefits	108	
Provided, however, the Commissioner shall develop procedures for the equitable distribution of these funds to the school districts and community colleges for the support of educational courses based on significant community problems related to the environment, health, safety, human relations, government, education, and child rearing or consumer economics. The distribution of funds should consider the proposed request submitted by the educational agency, the need for courses, the population to be served, any existing or potential duplication of effort, the estimated cost of the courses and appropriate student fees. Priority shall be given to those community instructional services programs that include arrangements for the cooperative use of facilities and resources of other public or private institutions, agencies and organizations.			From General Revenue Fund		1,370,615
Provided, further, the commissioner shall present a report to the legislature on or before February 1, 1977, on the status of community instructional services programs and any recommendations he			299 Other Personal Services		
			From General Revenue Fund		8,845
			From Educational Aids Trust Fund		48,177
			300 Expenses		
			From General Revenue Fund		367,971
			301 Operating Capital Outlay		
			From General Revenue Fund		13,672
			302 Data Processing Services		
			From General Revenue Fund		197,548
			Office of Deputy Commissioner For Special Programs		
			303 Salaries and Benefits	105	
			From General Revenue Fund		261,415
			From General Trust Fund		975,454
			304 Other Personal Services		
			From General Revenue Fund		36,340
			From General Trust Fund		72,884
			305 Expenses		
			From General Revenue Fund		346,533
			From General Trust Fund		285,885
			306 Operating Capital Outlay		
			From General Revenue Fund		7,810

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Trust Fund		50,914	time shall be available only to students who have been residents of the state of Florida for one year prior to their entrance into the institution where they are requesting the grant.		
306A Lump Sum			312 Financial Assistance Payments		
State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools	5		Ex-Confederate Soldiers and Sailors Endowment Trust Fund		
From General Revenue Fund		55,764	From Ex-Confederate Soldiers and Sailors Endowment Trust Fund		4,000
From General Trust Fund		27,874	313 Financial Assistance Payments		
307 Special Categories			Florida Student Loans		
Education Communication Broadcasting System and Instructional T.V. and Radio			From Student Financial Aid Trust Fund		2,000,000
From General Revenue Fund		4,046,750	314 Financial Assistance Payments		
Provided, however, the allocation shall be as follows: \$294,000 for statewide, governmental affairs and cultural affairs programming; \$3,596,000 for programming support grants for public television stations, which includes \$270,000 for assessments for station participation in the satellite distribution network; and \$156,750 for programming support grants for public radio stations. Radio Stations to share the grants are WKGC-F.M. Panama City; WFSU-F.M. Tallahassee; WJCT-F.M. Jacksonville; WUSF-F.M. Tampa; WHRS-F.M. Boynton Beach; and WLRN-F.M. Miami.			Florida Insured Student Loans		
			From Florida Insured Student Loan Trust Fund		25,000,000
			315 Debt Service		
			From Florida Insured Student Loan Trust Fund		3,300,565
			316 Data Processing Services		
			From General Revenue Fund		16,540
			From General Trust Fund		337,104
			Provided, however, upon Senate Bill 1176 or similar legislation becoming law, 42 positions shall be deleted from the Office of the Deputy Commissioner for Special Programs and an amount of \$720,654 shall be deducted from the General Trust Fund in Items 303, 304, 305, 306, and 316.		
307A Special Categories			Medical and Social Services		
Instructional Television—Program Acquisition			—Blind		
From General Revenue Fund		100,000	317 Salaries and Benefits	104	
308 Financial Assistance Payments			From General Revenue Fund		1,013,980
Seminole Indian Scholarships			From Grants and Donations Trust Fund		25,893
From General Revenue Fund		4,800	318 Other Personal Services		
309 Financial Assistance Payments			From General Revenue Fund		21,650
Exceptional Child Scholarships			From Grants and Donations Trust Fund		631
From General Revenue Fund		175,000	319 Expenses		
310 Financial Assistance Payments			From General Revenue Fund		396,060
Children of Deceased Veterans Scholarships			From Grants and Donations Trust Fund		10,203
From General Revenue Fund		31,000	From Federal Aid Trust Fund		1,017,469
311 Financial Assistance Payments			320 Operating Capital Outlay		
Florida Student Assistance Grants			From General Revenue Fund		17,521
From General Revenue Fund		6,000,000			
From Educational Aids Trust Fund		1,200,000			
Provided, that grants made to students applying for the first					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>\$587,148,764, and after computing the Florida education finance program, there remains any surplus of funds appropriated in Item 344, the commissioner is authorized to adjust the base student allocation by an amount sufficient to include the total amount appropriated in a revised calculation of the 1976-77 Florida education finance program. The base student allocation is \$754.51.</p> <p>Provided, that in the event the appropriations above of the interest from the state school trust fund exceeds the funds available from said fund the shortage shall be made up from the principal of the state school trust fund. If the Commissioner of Education shall determine that the administrator-teacher ratio excluding federally funded programs for any school district for the school year 1976-77 is greater than that district's administrator-teacher ratio in either 1974-75 or 1975-76, then that district's allocation of state funds for 1976-77 shall be reduced by an amount equal to the excess number of administrators in 1976-77 multiplied by the average salary for administrators for that district. If such a reduction in administrative personnel becomes necessary, school level administrators in frequent contact with students shall be the last in priority for reduction.</p> <p>Provided, however, that \$3,500,000 of the FEFP funds allocated to vocational education is provided for and shall be spent only for vocational equipment replacement. These funds shall be allocated on a weighted vocational FTE basis.</p> <p>Provided, that the division of vocational education may provide specific vocational training as requested by the division of economic development to meet the specific needs of prospective industry and businesses.</p>			<p>The functions of district comprehensive planning and state research and development administration are terminated and the 10 career service positions supporting these functions shall be phased out by June 30, 1977.</p>		
			345 Deleted		
			346 Deleted		
			347 Grants and Aids		
			Student Transportation		
			From General Revenue Fund		41,798,855
			Provided, however, that \$100,000 in state funds for the implementation of school bus transportation pilot projects pursuant to Section 236.083(9), Florida Statutes, shall be subtracted from the total student transportation funds available to the districts prior to their allocation as determined in Section 236.083(7), Florida Statutes, for fiscal year 1976-77. In addition, any unallocated or undisbursed funds which were intended for the support of such pilot projects in fiscal year 1975-76 shall carry forward and be made available for this purpose in fiscal year 1976-77.		
			348 Grants and Aids		
			Diagnostic and Resource Centers		
			From General Revenue Fund		585,000
			349 Grants and Aids		
			Severely and Profoundly Retarded		
			From General Revenue Fund		832,000
			350 Grants and Aids		
			Community School Program		
			From General Revenue Fund		1,612,392
			351 Grants and Aids		
			State School Lunch Program		
			From General Revenue Fund		3,953,239
			From Food and Nutrition Services Trust Fund		95,517,142
			352 Grants and Aids		
			Visually Handicapped Resources		
			From General Revenue Fund		146,000
			Provided, that \$16,000		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			360A Special Categories Management Informa- tion Systems Council From General Reve- nue Fund _____		25,000
353 Grants and Aids Comprehensive Health Education Program From General Reve- nue Fund _____		961,700	361 Special Categories Assessment and Eval- uation From General Reve- nue Fund _____		755,633
354 Grants and Aids Instructional Materials From General Reve- nue Fund _____		10,866,617	362 Financial Assistance Payments Assistance Payments —Teachers of the Handicapped From General Trust Fund _____		102,150
Provided, however, the allocation of this ap- propriation shall not include funds for in- structional materials for adult students in vocational education programs. From the amount ap- propriated in Item 354, the commissioner is authorized to purchase 15,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the re- spective districts. Provided, the depart- ment shall recompute and adjust the 1975- 76 district allocations for instructional ma- terials based on actual membership data and include any such ad- justments in alloca- tions made from this appropriation.			363 Data Processing Serv- ices From General Reve- nue Fund _____ From General Trust Fund _____		45,731 257,374
355 Grants and Aids District Environmental Education Program From General Reve- nue Fund _____		270,954	Vocational Education, Division of		
356 Deleted			364 Salaries and Benefits From General Reve- nue Fund _____ From General Trust Fund _____	145	300,288 2,261,251
357 Federal Grants and Aids From General Trust Fund _____		155,014,535	365 Other Personal Serv- ices From General Trust Fund _____		176,207
357A Grants and Aids Student Development Services From General Reve- nue Fund _____		14,865,295	366 Expenses From General Trust Fund _____		1,065,226
358 Operating Capital Out- lay From General Reve- nue Fund _____ From General Trust Fund _____		3,075 11,100	367 Grants and Aids From Educational Aids Trust Fund From Comprehensive Employment Training Act Trust Fund _____		31,481,468 2,107,606
359 Deleted			368 Operating Capital Out- lay From General Trust Fund _____		3,350
359A Special Categories High School Equiva- lency Examinations From General Reve- nue Fund _____		100,000	Provided, however, the Commissioner of Edu- cation shall conduct a study which shall spe- cifically address the policy of state level and local school dis- trict and community college curriculum co- ordination and develop- ment. The study shall also address the or- ganization of the divi- sion of public schools and the division of vocational education for the purpose of de- livering curriculum and personnel devel- opment consultation to school districts and community colleges. The commissioner shall report the results of the study to the Leg- islature on or before February 1, 1977. Provided, further, that 11 positions shall be reduced by June 30, 1977.		
360 Special Categories Instructional Materials Management From General Reve- nue Fund _____		162,500	369 Data Processing Serv- ices From General Trust Fund _____		42,000

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Community Colleges, Division of					
370 Salaries and Benefits From General Revenue Fund	34	616,054	No funds appropriated herein shall be appropriated for transportation of students as provided in section 230.767(2), Florida Statutes.		
371 Other Personal Services From General Revenue Fund		27,284	Provided, that any Community College having available funds from FY 1976 Budgets may grant such payments to employees for meritorious service as deemed appropriate by the local governing boards.		
			No funds shall be allocated from item 373 for students in community instructional services programs.		
372 Expenses From General Revenue Fund		247,830	Each Community College Board of Trustees shall, prior to purchasing or leasing any electronic data processing equipment costing in excess of \$6,000 in any one calendar year, submit such proposal to the Commissioner for approval or disapproval, and shall receive the Commissioner's approval prior to acquiring any such equipment.		
			374 Deleted		
373 Grants and Aids Community Colleges Program Fund From General Revenue Fund		161,582,330	374A Grants and Aids Florida School of the Arts		
Provided, that the FTE enrollment which the Department of Education assigns to be funded within this appropriation shall be consistent with the maintenance of quality education.			From General Revenue Fund		72,277
It is the intent that this appropriation shall apply to an assigned enrollment of no more than 162,132 FTE students for funding purposes.			375 Operating Capital Outlay From General Revenue Fund		2,100
Provided, that the Division of Community Colleges shall have authority to distribute the above funds in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problems in the Community College System.			376 Data Processing Services From General Revenue Fund		2,500
The Department of Education shall have authority to use up to .75 of 1% of the appropriation to provide adjustments in accordance with rules of the State Board of Education where necessary to maintain financial stability of the colleges.			Florida School for the Deaf and the Blind		
The Division of Community Colleges shall continue to study the community college funding process with a view toward the development of a more equitable distribution of funds including means of insuring that colleges which exceed assigned enrollments do not adversely affect the funding of the other colleges. Recommendations for revisions, if any, shall be submitted to the Legislature no later than January 1, 1977.			377 Salaries and Benefits From General Revenue Fund	466	4,266,069
			From Grants and Donations Trust Fund		614,701
			378 Other Personal Services From General Revenue Fund		24,150
			From Grants and Donations Trust Fund		90,850
			379 Expenses From General Revenue Fund		600,867
			From Grants and Donations Trust Fund		110,354
			380 Operating Capital Outlay From General Revenue Fund		208,035
			From Grants and Donations Trust Fund		44,542
			381 Food Products		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
numbering policy council.			and University of North Florida.		
Winter term 1976-77: Effective date for the automatic transferability of all community college and university undergraduate courses, except as otherwise specified by the statewide course numbering policy council.			388 Salaries and Benefits ..	11,650	
March 31, 1977: Completion of course equivalency profiles for all undergraduate courses identified as undergraduate and those courses identified as both undergraduate and graduate by various institutions.			389 Deleted		
The above schedule reflects legislative intent that all institutional catalogs published for use during the 1977-78 school year the common course numbering system prefixes and numbers shall have priority. Previous prefixes and numbers may be retained as subordinate and parenthetical. From the funds appropriated herein, the school districts, the community colleges, the state universities and the department of education shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges or state universities, and provided, further, that such development shall be carried out through a centrally coordinated and supervised effort.			390 Deleted		
			391 Deleted		
			391A Lump Sum		
			From General Revenue Fund		191,595,010
			From Incidental Trust Fund		69,350,903
			From Extension Incidental Trust Fund		6,850,173
			The Board of Regents shall allocate comparable resources for comparable responsibilities on the basis of uniform productivity or cost factors; except that the Board of Regents may make special allocations of resources for special programs, projects, or situations.		
			No university shall receive additional funds for exceeding their FTE student allocation, further no university shall lose funding until their realized FTE is 5% below the allocated FTE.		
			Provided, however, that \$5.6 million appropriated from the incidental trust fund is contingent upon the fee increase proposed by the Board of Regents taking effect. Releases of Extension Incidental Trust Funds in excess of the amount appropriated by the legislature may be made upon request of the Board of Regents and approved by the Department of Administration. It is the intent of the Legislature that the order of priority for providing resources for programs in the state university system shall be as follows:		
			1. Upper level undergraduate		
			2. Lower level undergraduate		
			3. Masters level graduate		
			4. Doctoral level graduate		
			5. All remaining programs		
			It is further the intent of the legislature that adequate resources shall be provided to insure high quality in each program beginning with the first priority program and proceeding through each next highest priority program to the extent that resources are available. It is fur-		
Universities, Division of Educational and General Activities					
For allocation by the division of universities to the following institutions for the educational and general activities: University of Florida, Florida State University, Florida A & M University, University of South Florida, Florida Atlantic University, University of West Florida, Florida Technological University, Florida International University,					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>ther the intent of the Legislature that the Board of Regents shall continue to allocate the resources appropriated to the State University System among the various universities in such a manner as to fulfill the priorities established by the Legislature. The Board of Regents shall develop cost finding principles and techniques necessary to calculate and evaluate costs by discipline and course level and by student major and student level for each of the following program categories: (1) Lower division instruction (2) Upper division instruction (3) Graduate classroom instruction and (4) Thesis and dissertation programs. Each legislative budget submission shall include a report showing for the above instructional categories estimated annual operating expenditures by (1) Discipline and level of instruction and (2) Student major and level, and showing actual expenditures by major project or program for mission oriented research and public service, and indicating the allocation of resources to programs designated for emphasis.</p> <p>Funds provided herein include no more than \$.50 per 1,000 gallons for payment to the City of Gainesville for water provided to the University of Florida. Upon approval of projects related to the funds appropriated in Item 391A for mission oriented research and public service, the Board of Regents may allocate to a Grants and Donations Trust Fund the amounts necessary to fund such projects. All allocations related to each project shall include the full amount approved for such project.</p> <p>The Board of Regents shall allocate \$1,000,000 of the funds appropriated to the Solar Energy Center at Cape Canaveral; \$3,500 to Photographic Archives at FSU and \$90,000</p>			<p>shall be allocated to FIU for planning and implementing a school of osteopathy and \$25,000 shall be allocated by the Board of Regents to the Mote Marine Laboratory for the Red Tide Research Program. \$100,000 for planning and implementing the authorized school of optometry. \$175,000 for the purchase of law books at FSU Law School and \$175,000 for the purchase of law books at the UF Law School which shall be equally matched by each university, and \$275,000 shall be allocated as a supplemental allocation to the UF Law School and FSU Law School. It is the legislative intent that the above law school appropriations are supplemental and shall not be used to replace funds normally generated. It is the intent of the Legislature that the Florida State University Law School may equalize faculty salaries within funds provided for salaries. Provided, that positions may be created as needed. Provided, however, that the total salary rate for all positions as of June 30, 1977, included in the operating budget for the budget unit appropriated in Item 391A shall not exceed \$174,117,211.</p> <p>For each university, and each budget entity, the first priority for allocation of salary funds shall be the elimination of any existing salary inequities based on sex. Provided, further, that each member university of the State University System shall determine, based upon salary inequity studies to be completed no later than December 1, 1976, which female faculty members shall receive increases and the amount of any such increases. All such increases shall be retroactive to the first pay period in the Fall 1976 quarter. Provided, further, that on or before March 15, 1977, the Commissioner of Education shall report the results of com-</p>		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>pletion of salary inequality studies at each state university to the Legislature including in such report the individual amounts of salary increases at each state university. The completion of the Common Course Numbering System and the development of a plan for its maintenance are declared to be a high priority of the Legislature. The Chancellor and the Board of Regents are directed to provide support and allocate manpower resources within their staff and the staffs of the universities as required to implement the common course numbering system within the following time schedule:</p> <p>Fall term 1976-77: Effective date for automatic transferability of all community college and university undergraduate courses to the extent that each course number discipline format has been finalized, except as otherwise specified by the statewide course number policy council.</p> <p>Winter term 1976-77: Effective date for the automatic transferability of all community college and university undergraduate courses, except as otherwise specified by the statewide course numbering policy council.</p> <p>March 31, 1977: Completion of course equivalency profiles for all undergraduate courses identified as undergraduate institutions and those courses identified as both undergraduate and graduate by various</p> <p>The above schedule reflects legislative intent that in all institutional catalogs published for use during the 1977-78 school year the common course number system prefixes and number shall have priority. Previous prefixes and numbers may be retained as subordinate and parenthetical. The Board of Regents shall evaluate the de-</p>			<p>sirability for continuation of each university's graduate degree programs in those discipline categories in which the university taught fewer than 450 student credit hours during the 1975 fall quarter. Such evaluations shall be performed prior to allocating resources to those programs for 1976-77. Provided, that this shall not cost more than \$25,000 and shall not require additional administrative positions.</p> <p>The appropriation herein to the Board of Regents for the 1976-77 fiscal year includes the 1976 summer sessions.</p> <p>Provided, that new undergraduate enrollments in programs for teacher education shall be limited until there are no more than 10,462 full-time equivalent students; provided, further, that of this number, funding for 742 full-time equivalent students may be generated and used for the direct support of non-credit activities in teacher education centers as provided by Section 231.610(1), F. S. Provided, further, that the mission of the colleges of education shall move from the primary program of pre - service teacher training to include an emphasis on providing a program of extension and in-service training for instructional and other school staff throughout their career. Provided, further, that the amounts allocated for in-service educational personnel training in Section 236.081(4), F.S., shall be utilized to pay for thirty percent (30%) of the cost of the non-credit student contact hours of instruction provided through the teacher education centers by faculty of the state university system.</p> <p>The Board of Regents upon approval of the Commissioner of Education, shall allocate no less than the difference between the base student allocation as approved by the Legisla-</p>		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
ture in the Florida education finance program for the 1976-77 school year and the total 1975-76 estimated laboratory school funding, to the State University System laboratory schools for the support of research and service projects which address the state's priority needs in instruction and other programs specifically related to the public school system of the state. Provided, further, that the Department of Education will conduct a study of state coordination of research and development efforts for education. The study shall include an evaluation of the laboratory schools, coordination of research and development efforts, and the advisory structure of research and development for the commissioner. The findings and recommendations of the study shall be provided to the Legislature by October 1, 1976.			the Regents shall determine the cost per student of each training program in the medical and health professions and such information shall routinely be included in their legislative request for 1977-78 and each year thereafter.		
From the funds appropriated in Item 391A, the Board of Regents shall allocate to the external degree program of the Florida International University no less than current year funding, plus salary and inflationary adjustments as appropriated by the Legislature.			Institute of Food and Agricultural Sciences		
The Board of Regents shall, prior to purchasing or leasing any electronic data processing equipment costing in excess of \$6,000 in any one calendar year, submit such proposal to the commissioner for approval or disapproval prior to acquiring any such equipment.			392 Salaries and Benefits	1,930	
Provided, however, that funds included in Items 391A and 432A include funds to continue the expanded medical training program (PIMS) at the current level, as a priority program to develop additional physicians, and the Regents are authorized to transfer any funds appropriated in the above items to continue this program.			393 Deleted		
Provided, further, that			394 Deleted		
			395 Deleted		
			395A Lump Sum		
			From General Revenue Fund		27,928,929
			From Experiment Station Incidental Trust Fund		1,519,284
			From Extension Service Incidental Trust Fund		288,655
			From Experiment Station Federal Grant Trust Fund		1,413,257
			From Extension Service Federal Grant Trust Fund		1,949,925
			395B Special Categories		
			Equalization of Salaries of IFAS		
			From General Revenue Fund		1,095,008
			396 Special Categories		
			Salaries and Supplement to County Agent's Office		
			From General Revenue Fund		2,551,347
			The Board of Regents shall develop cost finding principles and techniques necessary to calculate and evaluate costs by discipline and course level and by Student Major and Student Level for each of the following program categories: (1) Lower Division Instruction (2) Upper Division Instruction (3) Graduate Classroom Instruction and (4) Thesis and Dissertation Programs. Each legislative budget submission shall include a report showing for the above instructional categories estimated annual operating expenditures by (1) Discipline and level of instruction and (2) Student Major and Level, and showing estimated expenditures by program area for the Agricultural Experiment Station and for the Cooperative Extension Service. Provided, that positions may be created as needed. Provided, however, that the total		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
salary rate for all positions as of June 30, 1977, included in the Operating Budget for the Budget Unit appropriated in Items 395A, 395B, and 396, shall not exceed \$25,197,326.			404A shall not exceed \$1,497,185.		
Provided, however, \$100,000 of the amount appropriated in Item 395A shall be used for research on pitch canker.			University of South Florida Medical Center		
Provided, however, that of the number of Positions and Amount appropriated in Item 395A, 3.00 FTE faculty positions and 7.00 FTE support positions and \$680,000 shall be used for black fly re-research. Provided further that funds from other sources may be used in lieu of those appropriated herein for this purpose.			405 Salaries and Benefits	390	
Provided, that \$30,000 of the amount appropriated in Item 395A shall be used for research and extension programs for veterinary medicine.			406 Deleted		
			407 Deleted		
			408 Deleted		
			408A Lump Sum		
			From General Revenue Fund		8,330,157
			From Operations and Maintenance Trust Fund		812,207
			The Board of Regents shall develop cost finding principles and techniques necessary to calculate and evaluate costs by discipline and course level and by student major and student level for each of the following program categories: (1) MD instruction (2) Undergraduate Nursing instruction (3) Graduate Classroom instruction and (4) thesis and dissertation programs. Each legislative budget submission shall include a report showing for the above instructional categories estimated annual operating expenditures by (1) discipline and of instruction and (2) student major and level.		
Engineer Industrial Experiment Station			Provided, that positions may be created as needed. Provided, however, that the total salary rate for all positions as of June 30, 1977, included in the operating budget for the budget unit appropriated in Item 408A shall not exceed \$6,783,142.		
397 Salaries and Benefits	317		Contracts and Grants		
398 Deleted			For allocation by the Division of Universities to the following institutions for contract and grant activities: University of Florida, J. Hillis Miller Health Center, Institute of Food and Agricultural Sciences, Florida State University, Florida A & M University, University of South Florida, Florida Atlantic University, University of West Florida, Florida Technological University, Florida International University, and University of North Florida.		
399 Deleted					
400 Deleted			409 Deleted		
400A Lump Sum			410 Deleted		
From General Revenue Fund		750,000	411 Deleted		
From EIES Research Contracts Revolving Trust Fund			412 Deleted		
Provided, that positions may be created as needed. Provided, however, that the total salary rate for all positions as of June 30, 1977, included in the operating budget for the budget unit appropriated in Item 400A shall not exceed \$4,424,753.			413 Deleted		
University of Florida Veterinary Medicine					
401 Salaries and Benefits	104				
402 Deleted					
403 Deleted					
404 Deleted					
404A Lump Sum					
From General Revenue Fund		1,778,827			
Provided that positions may be created as needed. Provided, however, that the total salary rate for all positions as of June 30, 1977, included in the operating budget for the budget unit appropriated in Item					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>tive budget submission shall include a report showing for the above instructional categories estimated annual operating expenditures by (1) Discipline and level of instruction and (2) Student major and level.</p> <p>Provided, that positions may be created as needed. Provided, however, that the total salary rate for all positions as of June 30, 1977, included in the operating budget for the budget unit appropriated in Item 432A shall not exceed \$28,953,280.</p> <p>Provided, however, that a separate 1977-78 legislative budget request shall be submitted for the University of Florida Health Center—Education and general budget and a separate 1977 - 78 legislative budget request shall be submitted for the University of Florida Teaching Hospital and Allied Clinics Budgets. Provided, further, that the University of Florida Teaching Hospital and Allied Clinics shall develop an information system and cost finding techniques necessary to identify and calculate costs related to education functions performed or rendered by the hospital to include the cost of indigent patient care, teaching space, educational costs, special medical care services, and capital outlay. The hospital shall submit a supplemental report, no later than February 1, 1977, reflecting the costs related to such education functions, using the best available information and cost finding techniques.</p>			<p>to the BOR as a lump sum for allocation to the budgetary units of the State University System named in the items referred to above, provided, however, that positions and funds may be transferred to the Board of Regents general office from any of the above budgetary units or vice versa when such transfers will decrease the overall costs of administration for the State University System. Each budgetary unit shall develop operating budgets and the Board of Regents shall approve such budgets. Provided, however, that copies of such budgets shall be provided to the Department of Administration, House Committee on Appropriations and Senate Ways and Means Committee. The Department of Administration (subject to the availability of funds) shall release ¼ of the general revenue funds to each budgetary unit of the State University System named in the items referred to above on the first day of each fiscal quarter. All appropriated trust funds shall be released to each budgetary unit on the first day of the fiscal year.</p> <p>Provided, further, that the amount of salary increase for current positions under the Board of Regents pay plan, may be used by the board entirely or in part for incentive pay increases.</p> <p>The academic and faculty positions included in the Division of Universities represent man-years and are to be utilized by the Board of Regents to maximize the services rendered over all four academic quarters.</p> <p>Appropriations made in Items 391A, 395A, 395B, 396, 400A, 404A, 408A, 413A, 417A, 422A, 424 and 432A, notwithstanding the provisions of Sections 216.292 and 216.351, F.S., may be transferred upon request of the Division of Universities to the State Comptroller to accounts established for each bud-</p>		
<p>University of Florida Teaching Hospital and Allied Clinics</p> <p>433 Deleted</p> <p>434 Deleted</p> <p>435 Deleted</p> <p>436 Deleted</p> <p>Notwithstanding Section 216.011(1)(c), 216.181, 216.192, 216.262(1)(a), 216.292, & 216.351, Florida Statutes, the funds in Items 391A, 395A, 395B, 396, 400A, 404A, 408A, 413A, 417A, 422A & 432A are appropriated</p>					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
get entity within the Division of Universities for disbursement purposes, and upon release of said appropriations by the Department of Administration.			443A Special Categories Water Resource Management		
			From General Revenue Fund		1,500,000
			From Pollution Recovery Trust Fund		270,000
ENVIRONMENTAL REGULATION, DEPARTMENT OF			444 Data Processing Services		
437 Salaries and Benefits	568		From General Revenue Fund		231,997
From General Revenue Fund		6,620,966	Ethics, Commission on		
From Operating Trust Fund		1,388,242	445 Lump Sum	6	
From Grants and Donations Trust Fund		110,720	From General Revenue Fund		145,000
438 Other Personal Services			Game and Fresh Water Fish Commission, Florida		
From General Revenue Fund		149,098	446 Salaries and Benefits	626	
From Pollution Recovery Trust Fund		15,000	From General Revenue Fund		3,124,725
439 Expenses			From State Game Trust Fund		4,687,088
From General Revenue Fund		1,840,459	447 Other Personal Services		
From Licensing and Permitting Trust Fund		43,070	From General Revenue Fund		3,000
From Operating Trust Fund		9,226	From State Game Trust Fund		156,556
From Grants and Donations Trust Fund		13,284	448 Expenses		
439A Grants and Aids			From General Revenue Fund		818,330
Aid to Water Management Districts—Fixed Capital Outlay			From State Game Trust Fund		2,813,468
From General Revenue Fund		5,100,400	449 Operating Capital Outlay		
Provided, the funds appropriated in Item 439A are to be allocated to the districts as follows: Southwest \$2,529,770; South Florida \$2,570,630.			From General Revenue Fund		232,237
439B Grants and Aids			From State Game Trust Fund		449,985
Aid to Water Management Districts—Operations			450 Special Categories Management Area Lease Payments		
From General Revenue Fund		2,063,000	From State Game Trust Fund		200,000
Provided, the funds appropriated in Item 439B are to be allocated to the districts as follows: St. Johns, Suwannee River, Northwest Florida, Southwest and South Florida Districts, \$400,000 each; Ridge and Lower Gulf Coast \$63,000 for six months.			450A Special Categories Upgrading Statewide Communication Equipment		
440 Deleted			From State Game Trust Fund		150,000
441 Operating Capital Outlay			Provided, however, prior to funding any new or improved program or increasing funding over the 1975-76 level of current programs, the Governor's Council on Criminal Justice shall allocate LEAA funds to fund this Item.		
From General Revenue Fund		160,125	451 Debt Service		
442 Special Categories			From State Game Trust Fund		185,000
U.S. Geological Survey Co-op Agreements			452 Data Processing Services		
From General Revenue Fund		148,000	From State Game Trust Fund		67,146
From U.S. Cooperative Trust Fund		30,000	Provided, however, appropriations to be used for the production of the Florida Wildlife publication are contingent upon a \$5 annual subscription rate being charged on new subscriptions effective July 1, 1976.		
443 Deleted			Provided, further, any funds received from		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
the Department of Natural Resources for aquatic weed control shall be contracted for with the Department of Natural Resources. Such contractual funds shall not be used by the Game and Fresh Water Fish Commission for any research efforts or programs that are duplicative of those conducted by the Department of Natural Resources. Provided, further, expenditures made by the Game and Fresh Water Fish Commission and the Department of Natural Resources from funds available for purposes of aquatic weed control under the provisions of Section 372.925, Florida Statutes, for the period beginning July 1, 1969, and ending June 30, 1974, are hereby ratified and confirmed as being proper and legal expenditures and in accordance with their respective powers and authority. Provided, 5 positions authorized for study of the White Amur shall be deleted when the study is completed or total federal funding is no longer available.			461 Data Processing Services From General Revenue Fund -----		24,861
			Electronic Data Processing, Division of Administration and Technical Services		
			462 Salaries and Benefits From General Revenue Fund -----	27	486,668
			463 Expenses From General Revenue Fund -----		105,083
			464 Data Processing Services From General Revenue Fund -----		9,691
			Larson Data Center		
			465 Salaries and Benefits From General Revenue Fund -----	45	552,283
			466 Expenses From General Revenue Fund -----		429,486
			467 Deleted		
			Mayo Data Center		
			468 Salaries and Benefits From General Revenue Fund -----	66	727,180
			469 Other Personal Services From General Revenue Fund -----		2,500
			470 Expenses From General Revenue Fund -----		494,764
			471 Deleted		
			Carlton Data Center		
			472 Salaries and Benefits From General Revenue Fund -----	149	1,595,887
			473 Expenses From General Revenue Fund ----- Provided, however, funds and positions appropriated for the above named data centers' operations shall not be used for transfer to other operating divisions of the department.		1,417,991
			474 Deleted		
			Building Construction and Property Management, Division of		
			475 Salaries and Benefits From Architects Incidental Trust Fund ----- From Supervision Trust Fund ----- From Capitol Center Parking Trust Fund -----	460	883,574 2,496,078 33,123
			476 Other Personal Services From Architects Incidental Trust Fund ----- From Supervision Trust Fund -----		2,100 13,993
			477 Expenses From Architects Incidental Trust Fund -----		163,901
GENERAL SERVICES, DEPARTMENT OF Office of the Executive Director and Division of Administration					
453 Salaries and Benefits From General Revenue Fund -----	56	739,515			
454 Expenses From General Revenue Fund -----		143,571			
Expenses Council for Purchase of Products and Services for Blind and Other Severely Handicapped From General Revenue Fund -----		2,300			
455 Deleted					
456 Data Processing Services From General Revenue Fund -----		23,934			
Purchasing, Division of					
457 Salaries and Benefits From General Revenue Fund -----	39	557,214			
458 Other Personal Services From General Revenue Fund -----		600			
459 Expenses From General Revenue Fund -----		231,889			
460 Deleted					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			From Supervision Trust Fund		2,203,754
			From Capitol Center Parking Trust Fund		64,460
478			Operating Capital Outlay		
			From Supervision Trust Fund		31,238
479			Lump Sum		
			Transfer to Supervision Trust Fund for Non-Recoverable Services		
			From General Revenue Fund		1,759,463
480			Deleted		
480A			Lump Sum		
			Capitol Center Security		
			From General Revenue Fund		374,418
480B			Lump Sum		
			Transfer to Supervision Trust Fund for Existing Buildings		
			From General Revenue Fund		2,470,501
480C			Lump Sum		
			Transfer to Supervision Trust Fund for New Buildings		
			From General Revenue Fund		1,864,896
481			Debt Service		
			From Supervision Trust Fund		2,067,000
482			Data Processing Services		
			From Architects Incidental Trust Fund		12,793
			From Supervision Trust Fund		12,337
			From Capitol Center Parking Trust Fund		1,439
			Provided, however, the parking fees for state employee paid parking program shall remain at the level in effect during the 1975-76 fiscal year.		
Motor Pool, Division of					
483	45		Salaries and Benefits ..		85,000
			From General Revenue Fund		
			From Motor Vehicle Operating Trust Fund		335,709
			From Bureau of Aircraft Trust Fund		210,623
484			Other Personal Services		
			From Motor Vehicle Operating Trust Fund		9,000
			From Bureau of Aircraft Trust Fund		2,500
485			Expenses		
			From Motor Vehicle Operating Trust Fund		615,510
			From Bureau of Aircraft Trust Fund		325,815
486			Operating Capital Outlay		
			From Motor Vehicle Operating Trust Fund		192,280
487			Data Processing Services		
			From Motor Vehicle Operating Trust Fund		
			From Bureau of Aircraft Trust Fund		
			From Motor Vehicle Operating Trust Fund		52,911
			From Bureau of Aircraft Trust Fund		2,176
			Provided, however, notwithstanding Section 287.161, Florida Statutes, the executive aircraft pool shall consist of four state-owned aircraft for the purpose of furnishing executive air travel, and the rate of charge per passenger mile shall not be less than 12 cents per mile. Provided, further, prior to January 1, 1977, the Division of Motor Pool shall submit to the Legislature plans which shall require the bureau to be self-supporting and to provide only for executive air travel.		
			Surplus Property, Division of		
			488 Salaries and Benefits ..	71	
			From Surplus Property Revolving Trust Fund		592,261
			From State Surplus Property Working Capital Trust Fund		45,641
			489 Other Personal Services		
			From State Surplus Property Working Capital Trust Fund		200
			490 Expenses		
			From Surplus Property Revolving Trust Fund		182,279
			From State Surplus Property Working Capital Trust Fund		36,837
			491 Operating Capital Outlay		
			From Surplus Property Revolving Trust Fund		19,713
Bond Finance, Division of					
492	8		Salaries and Benefits ..		
			From Revenue Bond Fee Revolving Trust Fund		134,970
493			Other Personal Services		
			From Revenue Bond Fee Revolving Trust Fund		222,500
494			Expenses		
			From Revenue Bond Fee Revolving Trust Fund		177,352
495			Deleted		
Communications, Division of					
496	53		Salaries and Benefits ..		482,883
			From General Revenue Fund		
			From Communications Working Capital Trust Fund		256,635

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
497		69,443	From General Revenue Fund		25,000
			From Communications Survey Trust Fund		
			From General Revenue Fund		300
498		3,000	From Communications Working Capital Trust Fund		
			From General Revenue Fund		102,392
			From Communications Working Capital Trust Fund		10,243,968
499		32,917	From Communications Survey Trust Fund		
			From Communications Working Capital Trust Fund		365
500			Lump Sum		
			Implementation of 911 Emergency System		
			From General Revenue Fund		15,472
			From Communications Working Capital Trust Fund		541,544
501			Deleted		
502			Data Processing Services		
			From Communications Working Capital Trust Fund		32,713
<p>GOVERNOR, OFFICE OF THE General Office</p>			<p>HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF</p>		
503	58		Salaries and Benefits	1	
			From General Revenue Fund		13,362
504		1,011,518	Other Personal Services		
			From General Revenue Fund		5,749
505		186,687	Expenses		
			From General Revenue Fund		6,555
506		1,780	Operating Capital Outlay		
			From General Revenue Fund		40
507		19,000	Special Categories		
			National Governor's Conference		
			From General Revenue Fund		
508		453	Data Processing Services		
			From General Revenue Fund		
509			Contingent-Discretionary		

General Revenue Fund appropriations contained in Section 1, Items 518-652, may, with the approval of the Department of Administration, be transferred to the proper trust fund for disbursement. Appropriations made in Items 543-652, notwithstanding the provisions of Section 216.292, Florida Statutes, may be transferred upon the request of the Department to the State Comptroller to accounts established for each district or institution within the respective budget entities for disbursement purposes upon release of said appropriations. Provided however, such transfers may only be made to accounts similar in purpose to the category of appropriation from which transferred. Notwithstanding the provisions of Section 216.351, F.S., the Department of Health and Rehabilitative Services is authorized, upon review and approval by the Department of Administration, to transfer the moneys and positions

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
appropriated in Items 518-652 to implement the provisions of chapter 75-48, Laws of Florida. All such transfers shall be reported monthly to the Speaker of the House and President of the Senate along with complete written justification documenting why such transfers are necessary for the implementation of departmental reorganization. Provided that, notwithstanding the provisions of Section 11(1) Chapter 75-48, Laws of Florida, the Department of Health and Rehabilitative Services shall have until June 30, 1977, to implement the reorganization of the Department of Health and Rehabilitative Services. Provided, further, that in order to ensure appropriate placement efforts and opportunities, any employee of the Department of Health and Rehabilitative Services whose position is abolished as a result of reorganization shall be retained at the same level of compensation for 90 days after notification of such abolishment or until such employee secures other placement or employment, whichever should first occur. Employees whose positions are abolished or transferred to another location shall, when otherwise qualified, be given priority consideration for any new positions created under Chapter 75-48 for any other positions vacant in state government. In an effort to restrict Reclassifications of new and current positions, an average annual salary rate is imposed on the Department of Health and Rehabilitative Services for FY 1976-77. This average annual salary rate is established by utilizing the total annual salary for all filled positions as of June 30, 1976, plus any funding for approved pay plan and merit increases authorized by the 1976 Legislature. The average annual salary rate established by this calculation shall not be exceeded by the Depart-			ment of Health and Rehabilitative Services during FY 1976-77, and the Department shall maintain appropriate records of all approved personnel transactions during the year in order to effect orderly monthly or quarterly reporting to the Legislature.		
			Office of the Secretary		
			518 Salaries and Benefits	32	
			From General Revenue Fund		349,186
			From Administrative Trust Fund		248,370
			519 Other Personal Services		
			From General Revenue Fund		8,237
			From Administrative Trust Fund		6,013
			520 Expenses		
			From General Revenue Fund		95,928
			From Administrative Trust Fund		42,630
			520A Operating Capital Outlay		
			From General Revenue Fund		983
			From Administrative Trust Fund		717
			521 Data Processing Services		
			From General Revenue Fund		3,299
			From Administrative Trust Fund		2,398
			Office of the Assistant Secretary for Administrative Services		
			522 Salaries and Benefits	1,131	
			From General Revenue Fund		4,390,263
			From Administrative Trust Fund		5,669,014
			From Working Capital Trust Fund		3,159,950
			523 Other Personal Services		
			From General Revenue Fund		44,332
			From Administrative Trust Fund		36,957
			From Working Capital Trust Fund		31,487
			524 Expenses		
			From General Revenue Fund		2,500,212
			From Administrative Trust Fund		2,633,360
			From Working Capital Trust Fund		2,263,506
			525 Operating Capital Outlay		
			From General Revenue Fund		16,764
			From Administrative Trust Fund		6,869
			526 Special Categories		
			State Institutional Claims		
			From General Revenue Fund		15,000
			526A Special Categories		
			Contract Nursing		
			Home Audit Program		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		180,000	From Administrative Trust Fund		125,638
From Administrative Trust Fund		180,000	From Grants and Donations Trust Fund		217,622
Funds appropriated in Item 526A are provided for the Assistant Secretary of Administrative Services to contract with certified public accounting firms for the auditing of Medicaid participating nursing homes to validate the accuracy and reasonableness of cost information reported by the facilities.			From Federal Grants Trust Fund		20,075
Prior to contracting for this service the department shall obtain information from three or more CPA firms throughout the state, in order to obtain information which will compare the auditing methods, techniques and projected effectiveness of these audits, thereby maximizing the utilization of these appropriated funds.			From Federal Aid Trust Fund		61,892
527 Data Processing Services			From Federal Rehabilitation Trust Fund		154,808
From General Revenue Fund		854,011	From Planning and Evaluation Trust Fund		104,127
From Administrative Trust Fund		747,203	From Emergency Medical Services Trust Fund		9,900
Office of the Assistant Secretary for Programs			From U. S. Grants Trust Fund		22,927
528 Salaries and Benefits	758		531 Grants and Aids Local Planning Agencies		
From General Revenue Fund		7,976,613	From U. S. Grants Trust Fund		122,500
From Administrative Trust Fund		1,238,828	532 Grants and Aids Hill-Burton		
From Grants and Donations Trust Fund		211,562	From U. S. Grants Trust Fund		9,087,500
From Federal Grants Trust Fund		477,804	533 Deleted		
From Federal Aid Trust Fund		301,652	534 Special Categories University Education and Training		
From Federal Rehabilitation Trust Fund		933,236	From Administrative Trust Fund		500,000
From Planning and Evaluation Trust Fund		401,358	535 Financial Assistance Payments		
From U. S. Grants Trust Fund		132,077	Medical Health Residency & Stipends Program		
529 Other Personal Services			From General Revenue Fund		121,545
From General Revenue Fund		400,858	The Legislature intends to phase-out the Mental Health Stipend program, and this appropriation represents the last internship set to be funded.		
From Administrative Trust Fund		386,414	536 Data Processing Services		
From Grants and Donations Trust Fund		334,851	From General Revenue Fund		948,901
From Federal Grants Trust Fund		19,859	From Administrative Trust Fund		747,203
From Federal Aid Trust Fund		51,813	Office of the Assistant Secretary for Operations		
From Planning and Evaluation Trust Fund		20,481	Office of the Assistant Secretary		
530 Expenses			537 Salaries and Benefits	1,259	
From General Revenue Fund		1,178,004	From General Revenue Fund		5,256,216
			From Administrative Trust Fund		8,307,458
			538 Other Personal Services		
			From General Revenue Fund		284,459
			From Administrative Trust Fund		928,966
			539 Expenses		
			From General Revenue Fund		1,848,861
			From Administrative Trust Fund		5,251,541
			540 Grants and Aids Mosquito Control Program		
			From General Revenue Fund		2,475,000
			541 Operating Capital Outlay		

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Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
542 Data Processing Services		33,649	551 Food Products From General Revenue Fund	65,637	36,865
From General Revenue Fund			552 Special Categories Physician Services From General Revenue Fund	747,203	7,703,738
From Administrative Trust Fund			From Medical Care Trust Fund		10,354,720
District Administration	713	948,900	From Special Grants Trust Fund		3,025,015
543 Salaries and Benefits From General Revenue Fund		3,833,142	553 Special Categories Hospital Services Inpatient		25,410,625
From Administrative Trust Fund			From General Revenue Fund		34,154,833
544 Other Personal Services From General Revenue Fund		42,561	From Medical Care Trust Fund		12,608,250
From Administrative Trust Fund			From Special Grants Trust Fund		
545 Expenses From General Revenue Fund		896,163	554 Special Categories Nursing Home Care From General Revenue Fund		33,308,009
From Administrative Trust Fund			From Medical Care Trust Fund		44,769,837
Provided, \$200,000 appropriated to the department for rental payments may be used for renovation and conversion of the W. T. Edwards Hospital to a district office facility, providing this amount is saved during FY 1976-77 and 1977-78 from rental payments of offices being consolidated into the W. T. Edwards Office Complex. This amount is subject to Department approval to supplement any other appropriations authorized for this purpose.			From Special Grants Trust Fund		2,682,454
546 Operating Capital Outlay		1,231,279	555 Special Categories Drugs (Prescribed Medicine) From General Revenue Fund		11,394,582
From General Revenue Fund			From Medical Care Trust Fund		15,315,642
From Administrative Trust Fund			From Special Grants Trust Fund		4,433,160
Social and Economic Services	5,483	19,585	556 Special Categories Hospital Services Outpatient		3,093,856
547 Salaries and Benefits From General Revenue Fund		25,011,681	From General Revenue Fund		4,158,502
From Administrative Trust Fund			From Medical Care Trust Fund		300,224
From Special Grants Trust Fund			From Special Grants Trust Fund		
548 Other Personal Services From General Revenue Fund		262,654	557 Special Categories Other Lab and X-Ray Services		425,737
From Administrative Trust Fund			From General Revenue Fund		572,240
From Special Grants Trust Fund			From Medical Care Trust Fund		597,235
549 Expenses From General Revenue Fund		4,466,058	From Special Grants Trust Fund		
From Administrative Trust Fund			558 Special Categories Family Planning From General Revenue Fund		87,614
From Special Grants Trust Fund			From Medical Care Trust Fund		788,526
550 Operating Capital Outlay		83,204	From Special Grants Trust Fund		4,651
From General Revenue Fund			559 Special Categories Supplementary Medical Insurance		4,895,702
			From General Revenue Fund		5,070,790
			From Medical Care Trust Fund		1,624,100
			From Special Grants Trust Fund		
			560 Special Categories Hospital Insurance Benefits		1,283,609
			From General Revenue Fund		1,720,000
			From Medical Care Trust Fund		27,000
			From Special Grants Trust Fund		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
561 Special Categories State Mental Health Hospital Program From Medical Care Trust Fund -----		4,815,136	From Services Trust Fund -----		15,312,500
From Special Grants Trust Fund -----		7,972	Provided, however, that General Revenue monies shall be re- leased only to the ex- tent local funds and federal funds will be available on the basis of 12½ % state, 12½ % local, and 75% federal.		
562 Special Categories State Tuberculosis Hospital Program From Medical Care Trust Fund -----		35,683	570 Special Categories Local Services Pro- grams From Services Trust Fund -----		900,000
563 Special Categories Home Health Services From General Reve- nue Fund -----		280,647	571 Special Categories Child Adoption Serv- ices (Medical and Hos- pital Care) From Services Trust Fund -----		16,500
From Medical Care Trust Fund -----		377,220	572 Special Categories WIN Day Care From General Reve- nue Fund -----		199,339
From Special Grants Trust Fund -----		24,504	From Services Trust Fund -----		1,794,048
564 Special Categories Early and Periodic Screening of Children From General Reve- nue Fund -----		2,065,416	573 Financial Assistance Payments Foster Home Care Supplement From General Reve- nue Fund -----		478,845
From Medical Care Trust Fund -----		2,776,159	574 Financial Assistance Payments Room and Board with Personal Care Supple- ment From General Reve- nue Fund -----		984,376
From Special Grants Trust Fund -----		198,189	575 Financial Assistance Payments Housekeeper Services Supplementation From General Reve- nue Fund -----		552,643
Funds appropriated in line Item 552 through 564 may be used by the Department of Health and Rehabilita- tive Services for the purchase of Medicaid Utilization Review Services.			576 Financial Assistance Payments Aid to Families with Dependent Children From General Reve- nue Fund -----		54,361,002
565 Special Categories Patient Transportation From General Reve- nue Fund -----		606,298	From Direct Assist- ance Trust Fund -- From Special Grants Trust Fund -----		79,844,527
From Medical Care Trust Fund -----		814,934	Provided, however, a minimum of \$300,000 in item 576 may be used for pilot projects wherein AFDC recip- ients may participate in work experience projects.		2,727,000
From Special Grants Trust Fund -----		246,780	577 Financial Assistance Payments Child Support Incen- tive Payments--Fam- ilies From Direct Assist- ance Trust Fund --		236,079
Contingent upon the receipt of the app- ropriate Federal Med- icaid waiver, funds within line Items 552 to 565 may be used as contract for service funds for health main- tenance organizations or prepaid group health clinics or cen- ters for services pro- vided to Medicaid elig- ible clients, to the ex- tent of \$2 million.			578 Financial Assistance Payments Child Support Incen- tive Payments--Polit- ical Subdivisions From Direct Assist- ance Trust Fund --		379,380
566 Special Categories Burial Expenses From Special Grants Trust Fund -----		4,018	Aging and Adult Services 579 Salaries and Benefits ..	620	
567 Special Categories Intermediate Care Fa- cilities - Mentally Re- tarded From Medical Care Trust Fund -----		3,245,184			
568 Special Categories Children's Services From General Reve- nue Fund -----		11,615,332			
From Services Trust Fund -----		3,179,933			
From Special Grants Trust Fund -----		274,669			
569 Special Categories Child Day Care From General Reve- nue Fund -----		2,187,500			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
ing facilities to NFETC come from ongoing forensic programs at these facilities.			608 Expenses		
			From General Revenue Fund		1,649,832
			From Grants and Donations Trust Fund		298,158
Youth Services			609 Operating Capital Outlay		
600 Salaries and Benefits	2,111		From General Revenue Fund		231,505
From General Revenue Fund		12,011,799	From Grants and Donations Trust Fund		42,497
From Grants and Donations Trust Fund		989,656	610 Food Products		
From Federal Aid Trust Fund		9,405,665	From General Revenue Fund		673,532
601 Other Personal Services			From Grants and Donations Trust Fund		64,305
From General Revenue Fund		77,948	611 Deleted		
From Grants and Donations Trust Fund		562,498	Retardation Services		
602 Expenses			612 Salaries and Benefits	364	
From General Revenue Fund		4,930,698	From General Revenue Fund		1,636,088
From Grants and Donations Trust Fund		369,260	From Grants and Donations Trust Fund		265,733
Provided, that an amount not to exceed \$220,000 of Item 602 shall be used for the continuation of operation involvement, and an amount not to exceed \$52,000 of the same Item shall be used for (CREST) Clinical Regional Support Teams, University of Florida.			From Federal Aid Trust Fund		2,060,057
603 Operating Capital Outlay			613 Other Personal Services		
From General Revenue Fund		57,026	From General Revenue Fund		103,835
From Grants and Donations Trust Fund		49,765	From Grants and Donations Trust Fund		155,391
604 Food Products			From Federal Aid Trust Fund		138,173
From General Revenue Fund		949,778	614 Expenses		
From Grants and Donations Trust Fund		23,889	From General Revenue Fund		749,477
605 Special Categories Contracted Services			From Grants and Donations Trust Fund		161,446
From General Revenue Fund		2,067,777	615 Grants and Aids Community Retardation Services		
From Grants and Donations Trust Fund		1,188,296	From General Revenue Fund		350,214
Provided that each supervisor shall supervise no less than nine counselors.			From Federal Aid Trust Fund		584,722
Youth Services—Institutions			616 Operating Capital Outlay		
606 Salaries and Benefits	1,002		From General Revenue Fund		15,969
From General Revenue Fund		8,898,869	From Grants and Donations Trust Fund		18,401
From Grants and Donations Trust Fund		578,961	617 Food Products		
From Federal Aid Trust Fund		652,880	From General Revenue Fund		20,000
607 Other Personal Services			618 Lump Sum Start-Up Funds—Group Homes		
From General Revenue Fund		153,129	From General Revenue Fund		80,000
From Grants and Donations Trust Fund		48,418	619 Special Categories Purchased Client Services		
			From General Revenue Fund		3,594,511
			From Operations & Maintenance Trust Fund		500,000
			From Federal Aid Trust Fund		768,210
			620 Special Categories Community Residential Services		
			From General Revenue Fund		7,380,725
			621 Special Categories		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Purchased Client Services—Epilepsy Programs			From Federal Grant in Aid Trust Fund		112,170
From General Revenue Fund		194,943	From Emergency Medical Services Trust Fund		27,500
622 Special Categories Developmental Training Services		262,358	630 Expenses	1,645,164	
From General Revenue Fund		882,857	From General Revenue Fund		
From Grants and Donations Trust Fund		750,000	From Grants and Donations Trust Fund		10,658,230
From Operations & Maintenance Trust Fund		976,607	From Federal Grant in Aid Trust Fund		1,132,537
From Federal Aid Trust Fund		5,203,392	631 Grants and Aids		
Retardation—Institutions			Kidney Disease Program		
623 Salaries and Benefits	5,377		From General Revenue Fund		400,000
From General Revenue Fund		40,247,919	632 Grants and Aids		
From Grants and Donations Trust Fund		1,217,920	Emergency Medical Services		
From Operations & Maintenance Trust Fund		3,077,314	From Federal Grant in Aid Trust Fund		540,000
From Federal Aid Trust Fund		5,144,209	633 Grants and Aids		
624 Other Personal Services			Medical Examiner Services		
From General Revenue Fund		1,011,026	From General Revenue Fund		1,404,000
From Grants and Donations Trust Fund		256,280	634 Operating Capital Outlay		
625 Expenses			From General Revenue Fund		23,760
From General Revenue Fund		7,263,753	From Grants and Donations Trust Fund		20,510
From Grants and Donations Trust Fund		547,827	From Federal Grant in Aid Trust Fund		5,730
626 Operating Capital Outlay			635 Special Categories		
From General Revenue Fund		452,471	Contribution to County Health units		
From Grants and Donations Trust Fund		136,821	From General Revenue Fund		16,747,023
627 Food Products			From County Health Unit Trust Fund		29,474,858
From General Revenue Fund		2,318,606	Health—Tuberculosis Hospital		
From Grants and Donations Trust Fund		87,750	636 Deleted		
Provided however, that the funds appropriated in Items 612-627 shall continue a commitment to the second year phase-in of the Bill of Rights for retarded citizens.			637 Deleted		
Health Services			638 Deleted		
628 Salaries and Benefits	908		639 Deleted		
From General Revenue Fund		1,898,505	640 Deleted		
From Grants and Donations Trust Fund		7,161,495	640A Special Categories	282	
From Federal Grant in Aid Trust Fund		928,383	Tuberculosis Program		
629 Other Personal Services			From General Revenue Fund		2,745,492
From General Revenue Fund		1,878	From Hospital Maintenance Trust Fund		900,000
From Grants and Donations Trust Fund		620,118	Provided that funds appropriated in Item 640A are for the care of tuberculosis patients at the A. G. Holley State Hospital and for the implementation of a program for patient treatment in community hospitals and nursing homes throughout the state. Provided, further, that the Department of Health and Rehabilitative Services shall submit to the Legislature by December 31, 1976, a plan for the utilization of A. G. Holley State Hospital and its facilities and grounds. It is the intent of the Legislature that A. G. Holley State Hospital be phased out as a fa-		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
cility for the care of tuberculosis patients, when community alternatives become available.			neonatal intensive care centers according to the proportion served in each center of the total number of grant eligible infants receiving services statewide during fiscal year 1976-77.		
Vocational Rehabilitative Services					
641 Salaries and Benefits From Federal Rehabilitation Trust Fund	1,100	12,371,696	651 Special Categories Patient Services From General Revenue Fund		7,724,411
642 Other Personal Services From Federal Rehabilitation Trust Fund		54,565	From Donations Trust Fund		450,000
643 Expenses From Federal Rehabilitation Trust Fund		1,883,125	From U. S. Trust Fund		1,500,000
644 Grants and Aids Community Facilities Grants From Workshop and Facilities Trust Fund		900,000	Funds provided for patient care through children's medical services shall be disbursed to the districts in order to contract with providers and facilities which are 1) located as close as possible to the residents of the patient and 2) able to provide adequate care.		
645 Operating Capital Outlay From Federal Rehabilitation Trust Fund		5,523	652 Special Categories Kidney Disease Program From General Revenue Fund		295,000
645A Special Categories Extended Employment for the Developmentally Disabled From General Revenue Fund		220,000	HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF		
Provided, however, this amount will be utilized for V. R. community facilities grants in conjunction with federal trust funds in Item 644.			Office of Executive Director and Division of Administrative Services		
646 Special Categories Patient Services From General Revenue Fund		5,106,540	653 Salaries and Benefits From General Revenue Fund	226	2,314,894
From Federal Rehabilitation Trust Fund		11,379,918	654 Other Personal Services From General Revenue Fund		34,022
Children's Medical Services			655 Expenses From General Revenue Fund		578,559
647 Salaries and Benefits From General Revenue Fund	186	629,561	656 Operating Capital Outlay From General Revenue Fund		63,274
From Federal Aid Trust Fund		1,336,300	657 Data Processing Services From General Revenue Fund		111,376
648 Other Personal Services From General Revenue Fund		174,457	Florida Highway Patrol, Division of		
From Federal Aid Trust Fund		98,461	658 Salaries and Benefits From General Revenue Fund	1,712	19,669,738
649 Expenses From General Revenue Fund		151,129	From Grants and Donations Trust Fund		109,811
From Federal Aid Trust Fund		309,489	From Reimbursement Trust Fund		3,030,931
650 Grants and Aids Neonatal Program From General Revenue Fund		2,357,500	659 Other Personal Services From General Revenue Fund		11,530
Regional neonatal intensive care centers in Escambia, Alachua, Duval, Hillsborough, Orange, Dade and Pinellas Counties shall each receive \$300,000. The \$257,500 additional funds appropriated will be distributed among the designated regional			From Grants and Donations Trust Fund		59,914
			660 Expenses From General Revenue Fund		2,487,705
			From Grants and Donations Trust Fund		88,132
			From Reimbursement Trust Fund		443,474

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
661 Operating Capital Outlay			Motor Vehicles, Division of		
From General Revenue Fund		238,861	671 Salaries and Benefits	441	
From Reimbursement Trust Fund		37,500	From General Revenue Fund		4,085,156
662 Special Categories Upgrade FHP Communications Equipment			672 Other Personal Services		
From Grants and Donations Trust Fund		389,108	From General Revenue Fund		112,700
663 Special Categories Operation of Motor Vehicles			673 Expenses		
From General Revenue Fund		2,655,137	From General Revenue Fund		1,371,566
From Grants and Donations Trust Fund		104,674	674 Operating Capital Outlay		
From Reimbursement Trust Fund		388,079	From General Revenue Fund		122,443
664 Special Categories Acquisition of Motor Vehicles			675 Special Categories Purchase of License Plates		
From General Revenue Fund		1,812,200	From General Revenue Fund		3,000,000
From Grants and Donations Trust Fund		498,786	676 Data Processing Services		
From Reimbursement Trust Fund		356,327	From General Revenue Fund		2,474,565
665 Data Processing Services			Kirkman Data Center		
From General Revenue Fund		359,161	677 Salaries and Benefits	229	
From Grants and Donations Trust Fund		35,210	From Working Capital Trust Fund		2,280,443
From Reimbursement Trust Fund		66,377	678 Expenses		
Drivers Licenses, Division of			From Working Capital Trust Fund		2,556,822
666 Salaries and Benefits	797		679 Operating Capital Outlay		
From General Revenue Fund		2,744,657	From Working Capital Trust Fund		5,935
From Accident Reports Trust Fund		5,000,000	INSURANCE, DEPARTMENT OF, AND TREASURER		
Provided, however, no funds may be used to pay a salary to any person receiving pay from the Florida Highway Patrol Retirement System in the Division of Drivers Licenses where such salary would be in excess of that paid for the employment of beginning non-experienced personnel unless such person or person was employed by the Division of Drivers Licenses on April 1, 1971.			Office of the Treasurer and Division of Administration		
667 Other Personal Services			680 Salaries and Benefits	114	
From General Revenue Fund		77,560	From General Revenue Fund		226,651
668 Expenses			From Insurance Commissioner's Regulatory Trust Fund		1,267,259
From General Revenue Fund		2,970,164	681 Other Personal Services		
669 Operating Capital Outlay			From Insurance Commissioner's Regulatory Trust Fund		2,000
From General Revenue Fund		151,579	682 Expenses		
670 Data Processing Services			From General Revenue Fund		48,178
From General Revenue Fund		1,796,511	From Insurance Commissioner's Regulatory Trust Fund		1,188,780
			683 Deleted		
			684 Data Processing Services		
			From Insurance Commissioner's Regulatory Trust Fund		82,270
			Treasury, Division of		
			685 Salaries and Benefits	38	
			From General Revenue Fund		419,476
			686 Other Personal Services		
			From General Revenue Fund		3,255
			687 Expenses		
			From General Revenue Fund		102,764
			688 Operating Capital Outlay		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
689 From General Revenue Fund		8,563	701 Other Personal Services		
689 Data Processing Services			From General Revenue Fund		13,190
From General Revenue Fund		76,984	From Insurance Commissioner's Regulatory Trust Fund		1,897
Insurance Company Regulation, Division of			702 Expenses		
690 Salaries and Benefits	158		From General Revenue Fund		654,124
From Insurance Commissioner's Regulatory Trust Fund		2,266,117	From Insurance Commissioner's Regulatory Trust Fund		484,840
691 Other Personal Services			703 Operating Capital Outlay		
From Insurance Commissioner's Regulatory Trust Fund		6,767	From General Revenue Fund		7,000
692 Expenses			From Insurance Commissioner's Regulatory Trust Fund		7,506
From Insurance Commissioner's Regulatory Trust Fund		774,910	704 Data Processing Services		
From Agents and Solicitors County License Tax Trust Fund		21,800	From General Revenue Fund		181,789
693 Operating Capital Outlay			From Insurance Commissioner's Regulatory Trust Fund		23,390
From Insurance Commissioner's Regulatory Trust Fund		13,255	Provided, however, general revenue funds appropriated in Items 700-704 shall be reserved by the amount of additional fees collected pursuant to legislation adopted by the 1976 Legislature.		
694 Data Processing Services			State Fire Marshal, Division of		
From Insurance Commissioner's Regulatory Trust Fund		286,331	705 Salaries and Benefits	68	
Rehabilitation and Liquidation, Division of			From General Revenue Fund		223,947
695 Salaries and Benefits	35		From Insurance Commissioner's Regulatory Trust Fund		693,885
From Insurance Commissioner's Regulatory Trust Fund		476,391	706 Other Personal Services		
696 Other Personal Services			From General Revenue Fund		9,029
From Insurance Commissioner's Regulatory Trust Fund		57,587	From Insurance Commissioner's Regulatory Trust Fund		1,040
697 Expenses			707 Expenses		
From Insurance Commissioner's Regulatory Trust Fund		129,514	From General Revenue Fund		66,877
698 Operating Capital Outlay			From Insurance Commissioner's Regulatory Trust Fund		246,866
From Insurance Commissioner's Regulatory Trust Fund		468	From Fire College Publication Revolving Trust Fund		6,000
699 Data Processing Services			708 Operating Capital Outlay		
From Insurance Commissioner's Regulatory Trust Fund		12,045	From General Revenue Fund		7,615
Insurance Consumer Services, Division of			From Insurance Commissioner's Regulatory Trust Fund		18,510
700 Salaries and Benefits	365		Risk Management, Division of		
From General Revenue Fund		2,012,612	709 Salaries and Benefits	35	
From Insurance Commissioner's Regulatory Trust Fund		1,901,666	From Casualty Insurance Trust Fund		417,045

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
710		68,878	718		
From Fire Insurance Trust Fund - Other Personal Services			alternatives other than data processing. Special Categories Non-Lawyer Judges Program		
From Casualty Insurance Trust Fund		12,001	From General Revenue Fund		90,000
711		551	719		
Expenses			Special Categories Certification of Judges		
From Fire Insurance Trust Fund		551	From General Revenue Fund		986,654
From Casualty Insurance Trust Fund		1,514,985	719A		
712		471,648	Special Categories Part Pmt of State Court Judges, State Attorneys & Public Defenders FRS Elected Officers Membership		
Operating Capital Outlay			From General Revenue Fund		520,595
From Casualty Insurance Trust Fund		10,457	Contingent upon SB 527 or similar legislation being appropriately amended and becoming law.		
From Fire Insurance Trust Fund		693	720		
713		9,150	Data Processing Services		
Data Processing Services			From General Revenue Fund		159,905
From Casualty Insurance Trust Fund		4,573			
From Fire Insurance Trust Fund			District Courts of Appeal		
JUDICIAL BRANCH			First District Court of Appeal		
Supreme Court			721		
714	161	1,267,348	Salaries and Benefits	28	
From General Revenue Fund			From General Revenue Fund		531,927
From Grants and Donations Trust Fund		137,934	722		
715		7,500	Other Personal Services		
Other Personal Services			From General Revenue Fund		2,000
From General Revenue Fund			723		
From Grants and Donations Trust Fund		13,190	Expenses		
716		271,182	From General Revenue Fund		48,495
Expenses			724		
From General Revenue Fund			Operating Capital Outlay		
From Grants and Donations Trust Fund		147,060	From General Revenue Fund		3,650
Provided that \$2,400 shall be allocated in monthly installments of \$200 each to the chief justice for non-voucherable expenses.					
717		24,650	Second District Court of Appeal		
Operating Capital Outlay			725		
From General Revenue Fund			Salaries and Benefits	31	
717A		18,280	From General Revenue Fund		563,032
Lump Sum			726		
MIS Pilot Program			Other Personal Services		
From General Revenue Fund			From General Revenue Fund		3,400
From Grants and Donations Trust Fund		164,520	727		
Funds provided in Item 717A shall be used for a pilot project and feasibility study which shall be submitted to the Legislature not later than January 1, 1977. The study shall encompass all the information systems currently being used by the courts at the state level and shall include			Expenses		
			From General Revenue Fund		59,511
			728		
			Operating Capital Outlay		
			From General Revenue Fund		7,000
			729		
			Special Categories		
			Repairs to Court Building		
			From General Revenue Fund		7,000
			Third District Court of Appeal		
			730		
			Salaries and Benefits	36	
			From General Revenue Fund		653,942
			731		
			Other Personal Services		
			From General Revenue Fund		19,200
			732		
			Expenses		
			From General Revenue Fund		96,727
			733		
			Operating Capital Outlay		
			From General Revenue Fund		10,504

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Fourth District Court of Appeal			749 Other Personal Services		
734 Salaries and Benefits	30		From General Revenue Fund		1,700
From General Revenue Fund		572,785	750 Expenses		
735 Other Personal Services			From General Revenue Fund		23,012
From General Revenue Fund		500	750A Operating Capital Outlay		
736 Expenses			From General Revenue Fund		2,500
From General Revenue Fund		54,234	County Courts		
737 Operating Capital Outlay			751 Salaries and Benefits ..	328	
From General Revenue Fund		8,528	From General Revenue Fund		7,752,029
Circuit Courts and Other Related Matters			752 Other Personal Services		
738 Salaries and Benefits	715		From General Revenue Fund		5,000
From General Revenue Fund		15,789,241	753 Expenses		
From Grants and Donations Trust Fund		337,300	From General Revenue Fund		106,759
739 Other Personal Services			754 Special Categories		
From General Revenue Fund		5,000	Additional Compensation for County Judges		
740 Expenses			From General Revenue Fund		50,000
From General Revenue Fund		379,699	<p>Provided that a county court judge of a county of less than 40,000 population assigned to active judicial service in any of the courts created by Article V of the State Constitution, other than to a county court of a county having a population of less than 40,000 shall be paid as additional compensation for such service the difference between his normal salary and the salary then currently paid to a judge of the court to which he is assigned. The amount of such differential shall be computed on the basis of an eight hour day, or major fraction thereof, and certified by the chief judge to the Judicial administrative commission on a monthly basis.</p>		
From Grants and Donations Trust Fund		27,700	State Attorneys		
741 Special Categories			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
Payment to Jurors and Witnesses			<p>State Attorneys</p>		
From General Revenue Fund		4,753,377	<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
Funds from Item 741 shall not be transferred or made available for purposes other than the payment of jurors and witnesses.			<p>State Attorneys</p>		
742 Special Categories			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
Meals and Lodging for Jurors			<p>State Attorneys</p>		
From General Revenue Fund		100,000	<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
743 Special Categories			<p>State Attorneys</p>		
Printing Reports			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
From General Revenue Fund		85,698	<p>State Attorneys</p>		
744 Special Categories			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
State Attorneys on Executive Assignment			<p>State Attorneys</p>		
From General Revenue Fund		50,000	<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
745 Special Categories			<p>State Attorneys</p>		
Statewide Grand Jury Expenses			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
From General Revenue Fund		100,000	<p>State Attorneys</p>		
746 Special Categories			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
Compensation to Retired Judges			<p>State Attorneys</p>		
From General Revenue Fund		75,000	<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
747 Special Categories			<p>State Attorneys</p>		
Compensation and Expenses of Court Reporters			<p>Provided, however, that funds received by state attorneys, as enforcing authority under the provisions of Part II, Chapter 501, Florida Statutes, from voluntary payments from respondents entered pursuant to consent judgments, consent orders and other voluntary contributions or reimbursements shall be deposited in and credited to the general revenue fund of the state treasury unless otherwise provided by law.</p>		
From General Revenue Fund		552,500	<p>State Attorneys</p>		
Judicial Administrative Commission			First Judicial Circuit		
748 Salaries and Benefits ..	16		755 Lump Sum	62	
From General Revenue Fund		217,094			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
From General Revenue Fund		1,014,051	From General Revenue Fund		1,733,857
From Child Support Trust Fund		68,000	From Child Support Trust Fund		83,138
Second Judicial Circuit			Fourteenth Judicial Circuit		
756 Lump Sum	45		768 Lump Sum	51	
From General Revenue Fund		756,013	From General Revenue Fund		704,849
From Child Support Trust Fund		35,520	From Child Support Trust Fund		24,000
Third Judicial Circuit			Fifteenth Judicial Circuit		
757 Lump Sum	24		769 Lump Sum	85	
From General Revenue Fund		523,328	From General Revenue Fund		1,265,698
From Child Support Trust Fund		24,000	From Child Support Trust Fund		36,158
Fourth Judicial Circuit			Sixteenth Judicial Circuit		
758 Lump Sum	128		770 Lump Sum	25	
From General Revenue Fund		1,931,863	From General Revenue Fund		284,802
From Child Support Trust Fund		66,592	From Child Support Trust Fund		10,000
Fifth Judicial Circuit			Seventeenth Judicial Circuit		
759 Lump Sum	55		771 Lump Sum	125	
From General Revenue Fund		833,397	From General Revenue Fund		2,071,145
From Child Support Trust Fund		33,466	From Child Support Trust Fund		39,628
Sixth Judicial Circuit			Eighteenth Judicial Circuit		
760 Lump Sum	155		772 Lump Sum	73	
From General Revenue Fund		2,108,792	From General Revenue Fund		1,096,551
From Child Support Trust Fund		44,570	From Child Support Trust Fund		37,000
Seventh Judicial Circuit			Nineteenth Judicial Circuit		
761 Lump Sum	68		773 Lump Sum	35	
From General Revenue Fund		1,033,785	From General Revenue Fund		638,863
From Child Support Trust Fund		37,000	From Child Support Trust Fund		24,000
Eighth Judicial Circuit			Twentieth Judicial Circuit		
762 Lump Sum	49		774 Lump Sum	54	
From General Revenue Fund		775,124	From General Revenue Fund		804,739
From Child Support Trust Fund		28,987	From Child Support Trust Fund		27,732
Ninth Judicial Circuit			Provided, however, office space, and related expenses for custodial services and utilities shall continue to be provided by the counties as prescribed by Section 27.34(2), F.S. Any operating capital outlay Items now provided by county to the state attorneys shall continue to be provided. Notwithstanding Section 27.34(2), F.S., only centralized county services as provided in FY 73-74 to all units of county government for which cost of services are not prorated may be continued. Appropriation made in Items 755-774, notwithstanding the provisions of Section 216.292, F.S., may be transferred upon request of the state attorney with approval of the judicial administrative commission, to the state		
763 Lump Sum	87				
From General Revenue Fund		1,371,814			
From Child Support Trust Fund		36,365			
Tenth Judicial Circuit					
764 Lump Sum	66				
From General Revenue Fund		930,041			
From Child Support Trust Fund		24,000			
Eleventh Judicial Circuit					
765 Lump Sum	260				
From General Revenue Fund		3,921,642			
From Child Support Trust Fund		190,239			
Twelfth Judicial Circuit					
766 Lump Sum	54				
From General Revenue Fund		721,936			
From Child Support Trust Fund		24,000			
Thirteenth Judicial Circuit					
767 Lump Sum	107				

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
comptroller, to ac- counts established for each state attorney for disbursement pur- poses upon release of said appropriations by the Department of Ad- ministration.			From General Reve- nue Fund _____		213,401
Public Defenders			Seventeenth Judicial Circuit		
First Judicial Circuit			791 Lump Sum _____	68	
775 Lump Sum _____	41		From General Reve- nue Fund _____		907,998
From General Reve- nue Fund _____		581,897	Eighteenth Judicial Circuit		
Second Judicial Circuit			792 Lump Sum _____	80	
776 Lump Sum _____	31		From General Reve- nue Fund _____		495,499
From General Reve- nue Fund _____		547,091	Nineteenth Judicial Circuit		
Third Judicial Circuit			793 Lump Sum _____	17	
777 Lump Sum _____	16		From General Reve- nue Fund _____		284,252
From General Reve- nue Fund _____		255,926	Twentieth Judicial Circuit		
Fourth Judicial Circuit			794 Lump Sum _____	80	
778 Lump Sum _____	64		From General Reve- nue Fund _____		426,436
From General Reve- nue Fund _____		921,708	Provided, however, of- fice space, and related expenses for custodial services and utilities shall continue to be provided by the coun- ties as prescribed by Section 27.54(3), F.S. Any operating capital outlay items now pro- vided by county to the public defenders shall continue to be provided. Notwithstanding Sec- tion 27.54(3), F.S., only centralized county ser- vices as provided in FY 73-74 to all units of county government for which cost of services are not prorated may be continued. Provided, however, that funds made available in Items 775-794 include necessary expenses for probation and parole revocation hearings. Appropriations made in Items 775-794, notwith- standing the provisions of Section 216.292, F.S., may be transferred up- on request of the public defenders, with approv- al of the Judicial Ad- ministrative Commis- sion, to the State Comptroller, to ac- counts established for each public defender for disbursement pur- poses upon release of said appropriations by the Department of Ad- ministration.		
Fifth Judicial Circuit					
779 Lump Sum _____	24				
From General Reve- nue Fund _____		369,695			
Sixth Judicial Circuit					
780 Lump Sum _____	64				
From General Reve- nue Fund _____		883,065			
Seventh Judicial Circuit					
781 Lump Sum _____	32				
From General Reve- nue Fund _____		483,691			
Eighth Judicial Circuit					
782 Lump Sum _____	22				
From General Reve- nue Fund _____		368,994			
Ninth Judicial Circuit					
783 Lump Sum _____	48				
From General Reve- nue Fund _____		626,497			
Tenth Judicial Circuit					
784 Lump Sum _____	46				
From General Reve- nue Fund _____		649,451			
Eleventh Judicial Circuit					
785 Lump Sum _____	114				
From General Reve- nue Fund _____		1,941,874			
Twelfth Judicial Circuit					
786 Lump Sum _____	33				
From General Reve- nue Fund _____		483,304			
Thirteenth Judicial Circuit					
787 Lump Sum _____	51				
From General Reve- nue Fund _____		801,903	Judicial Qualifications Com- mission		
Fourteenth Judicial Circuit			795 Lump Sum _____	2	
788 Lump Sum _____	17		From General Reve- nue Fund _____		102,000
From General Reve- nue Fund _____		326,721	Judicial Council		
Fifteenth Judicial Circuit			796 Salaries and Benefits	2	
789 Lump Sum _____	39		From General Reve- nue Fund _____		29,833
From General Reve- nue Fund _____		710,577	797 Other Personal Serv- ices		
Sixteenth Judicial Circuit			From General Reve- nue Fund _____		1,800
790 Lump Sum _____	22				

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
798 Expenses			nesses without advance approval of the Joint Legislative Auditing Committee.		
From General Revenue Fund		4,700			
799 Deleted					
LAW REVISION COUNCIL			MILITARY AFFAIRS, DEPARTMENT OF General Activities		
800 Deleted			816 Salaries and Benefits	76	
801 Deleted			From General Revenue Fund		918,963
802 Deleted			817 Other Personal Services		
803 Deleted			From General Revenue Fund		4,745
LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL			818 Expenses		
804 Salaries and Benefits	192		From General Revenue Fund		477,563
From General Revenue Fund		2,814,783	819 Operating Capital Outlay		
From Grants and Donations Trust Fund		123,439	From General Revenue Fund		40,022
805 Other Personal Services			820 Data Processing Services		
From General Revenue Fund		30,106	From General Revenue Fund		38,451
From Grants and Donations Trust Fund		198,956	Camp Blanding Management		
806 Expenses			821 Salaries and Benefits	47	
From General Revenue Fund		430,407	From Camp Blanding Management Trust Fund		491,268
From Grants and Donations Trust Fund		184,534	822 Other Personal Services		
807 Operating Capital Outlay			From Camp Blanding Management Trust Fund		25,200
From General Revenue Fund		17,760	823 Expenses		
LEGISLATIVE BRANCH			From Camp Blanding Management Trust Fund		105,728
House of Representatives			824 Operating Capital Outlay		
808 Lump Sum			From Camp Blanding Management Trust Fund		52,138
From General Revenue Fund		9,584,417	NATURAL RESOURCES		
Senate			Office of Executive Director and Division of Administrative Services		
809 Lump Sum			825 Salaries and Benefits	112	
From General Revenue Fund		6,352,578	From General Revenue Fund		1,116,368
Joint Management			From Motorboat Revolving Trust Fund		217,649
810 Lump Sum			From State Park Trust Fund		39,115
From General Revenue Fund		3,345,968	826 Other Personal Services		
Statutory Committees			From General Revenue Fund		82,961
811 Lump Sum			From Motorboat Revolving Trust Fund		4,535
From General Revenue Fund		10,000	From State Park Trust Fund		5,958
Auditing Committee			827 Expenses		
812 Lump Sum			From General Revenue Fund		314,960
From General Revenue Fund		43,699	From Motorboat Revolving Trust Fund		313,173
Administrative Procedures Committee			From State Park Trust Fund		21,054
813 Lump Sum			828 Grants and Aids		
From General Revenue Fund		310,867	Suwannee River Authority		
Auditor General			From General Revenue Fund		21,250
814 Lump Sum			829 Grants and Aids		
From General Revenue Fund		7,896,709	Boating Related Activities		
From Federal Reimbursement Trust Fund		811,317			
Office of Public Counsel					
815 Lump Sum					
From General Revenue Fund		302,823			
Provided, no funds in Item 815 may be expended for expert wit-					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			Control Trust Fund		6,000
845			Special Categories National Ocean Survey From General Revenue Fund		172,750
846			Special Categories Topographic Mapping From General Revenue Fund		195,000
			Provided, two positions authorized for study of the White Amur project shall be deleted when the study is completed or total federal funding is no longer available.		
Recreation and Parks, Division of					
847	615		Salaries and Benefits From State Park Trust Fund		6,158,033
848			Other Personal Services From State Park Trust Fund		553,879
849			Expenses From State Park Trust Fund		2,206,437
849A			Grants and Aids Recreation Development Grants From Land Acquisition Trust Fund		1,500,000
850			Operating Capital Outlay From State Park Trust Fund		434,133
851			Deleted		
851A			Special Categories Transfer to State Game Trust Fund From State Park Trust Fund		450,000
			Provided that the funds appropriated in line Item 851A are contingent upon passage of SB 1009 or similar legislation.		
852			Debt Service From Land Acquisition Trust Fund From Working Capital Fund		5,155,748 8,197,946
853			Data Processing Services From State Park Trust Fund		26,052
			Provided that any future sales of general obligation bonds for environmentally endangered lands shall have as the first priority the repayment of monies expended for debt service from the Land Acquisition Trust Fund.		
Law Enforcement, Division of					
854	253		Salaries and Benefits From General Revenue Fund		3,139,776
			From Salt-Water Products Promotion Trust Fund		147,108
			From Coastal Protection Trust Fund		247,991
855			Other Personal Services From General Revenue Fund		15,830
			From Coastal Protection Trust Fund		5,283
856			Expenses From General Revenue Fund		366,648
			From Salt-Water Products Promotion Trust Fund		16,668
			From Coastal Protection Trust Fund		70,854
857			Operating Capital Outlay From General Revenue Fund		5,003
858			Special Categories Operation and Maintenance of Patrol Vehicles From General Revenue Fund		704,023
			From Motorboat Revolving Trust Fund		79,144
			From Coastal Protection Trust Fund		43,149
859			Special Categories Acquisition and replacement of Patrol Vehicles From General Revenue Fund		381,558
			From Motorboat Revolving Trust Fund		389,343
			From Coastal Protection Trust Fund		56,100
860			Special Categories Payments for Restoration and Damage From Coastal Protection Trust Fund		50,000
860A			Special Categories Upgrade Statewide Communication Equipment From Motorboat Revolving Trust Fund		150,000
			Provided, however, prior to funding any new or improved program or increasing funding over the 1975-76 level on current programs the Governor's Council on Criminal Justice shall allocate LEAA funds to fund this item.		
			OFFENDER REHABILITATION, DEPARTMENT OF		
			Provided that, notwithstanding the provisions of Section 17, Chapter 75-49, Laws of Florida, the Department of Offender Rehabilitation shall have until October 1, 1976, to implement all provisions of		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Chapter 75-49, Laws of Florida.			871 Operating Capital Outlay		
Office of the Secretary and Office of Management and Budget			From General Revenue Fund		7,764
861 Salaries and Benefits	106		From Grants and Donations Trust Fund		1,600
From General Revenue Fund		1,169,362	872 Special Categories Tuition Payments		
From Grants and Donations Trust Fund			From General Revenue Fund		100,000
From Road Prisons Trust Fund		34,969	Office of the Assistant Secretary for Operations		
From Industrial Trust Fund		144,789	Office of Assistant Secretary and Regional Administration		
862 Other Personal Services		108,542	873 Salaries and Benefits	1,177	
From General Revenue Fund			From General Revenue Fund		11,825,325
From Industrial Trust Fund		1,900	From Grants and Donations Trust Fund		1,051,717
863 Expenses		5,200	From Road Prisons Trust Fund		89,946
From General Revenue Fund		306,967	874 Expenses		
From Grants and Donations Trust Fund		8,630	From General Revenue Fund		2,021,323
From Road Prisons Trust Fund		79,688	From Grants and Donations Trust Fund		247,866
From Industrial Trust Fund		44,648	From Road Prisons Trust Fund		27,736
864 Operating Capital Outlay			875 Operating Capital Outlay		
From General Revenue Fund		12,312	From General Revenue Fund		183,168
865 Special Categories Return of Parole Violators		53,800	From Grants and Donations Trust Fund		16,332
866 Financial Assistance Payments Discharge and Travel Pay		327,000	875A Food Products		
From General Revenue Fund			From General Revenue Fund		3,184
867 Data Processing Services		292,097	From Grants and Donations Trust Fund		53,209
From General Revenue Fund			876 Special Categories Interstate Compact Services		
From Road Prisons Trust Fund		41,081	From General Revenue Fund		30,000
From Industrial Trust Fund		15,405	876A Data Processing Services		
Office of the Assistant Secretary for Programs			From General Revenue Fund		281,918
868 Salaries and Benefits	80		Major Institutions		
From General Revenue Fund		761,926	Appropriations made in Items 877-884A, notwithstanding the provisions of Section 216-292, F.S., may be transferred upon request of the department to the State Comptroller, to accounts established for each institution for disbursement purposes, and upon release of said appropriation by the Secretary of Administration. Provided, however, such transfers may only be made to accounts similar in purpose to the category of appropriation from which transferred.		
From Grants and Donations Trust Fund			From the funds provided in Items 877-882, the secretary shall contract with the Board of Regents to study the feasibility of develop-		
From Road Prisons Trust Fund		359,916			
From Industrial Trust Fund		15,274			
869 Other Personal Services		14,305			
From Grants and Donations Trust Fund		16,000			
870 Expenses		255,721			
From General Revenue Fund					
From Grants and Donations Trust Fund		54,779			
From Road Prisons Trust Fund		16,311			
From Industrial Trust Fund		8,000			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
			888 Operating Capital Outlay		
			From General Revenue Fund		271,821
			From Grants and Donations Trust Fund		4,579
			From Road Prisons Trust Fund		39,403
877 Salaries and Benefits	5,410		889 Food Products		
From General Revenue Fund		53,458,457	From General Revenue Fund		1,450,103
From Grants and Donations Trust Fund		2,192,275	From Road Prisons Trust Fund		567,648
From Industrial Trust Fund		1,935,556	PAROLE AND PROBATION COMMISSION, FLORIDA		
878 Other Personal Services			890 Salaries and Benefits	149	
From General Revenue Fund		142,239	From General Revenue Fund		2,018,251
From Grants and Donations Trust Fund		266,815	Provided that the Commissioners shall be considered exempt positions for the purpose of implementing this act.		
879 Expenses			891 Deleted		
From General Revenue Fund		14,926,958	892 Expenses		
From Grants and Donations Trust Fund		375,779	From General Revenue Fund		380,000
From Industrial Trust Fund		5,773,146	Provided that, notwithstanding the provisions of Chapter 216.292, Florida Statutes, the Commission may transfer funds from Item 892 to other personal services to provide necessary court reporter and contract janitorial services.		
880 Operating Capital Outlay			893 Operating Capital Outlay		
From General Revenue Fund		610,835	From General Revenue Fund		11,934
From Grants and Donations Trust Fund		322,512	894 Deleted		
From Industrial Trust Fund		412,303	895 Deleted		
881 Food Products			896 Data Processing Services		
From General Revenue Fund		8,700,308	From General Revenue Fund		10,100
882 Lump Sum Expansion of Correctional Industry Programs			PROFESSIONAL AND OCCUPATIONAL REGULATION, DEPARTMENT OF Office of the Secretary and Division of General Services		
From General Revenue Fund		750,000	897 Salaries and Benefits	30	
883 Deleted			From General Revenue Fund		307,802
884 Deleted			898 Other Personal Services		
Community Facilities and Road Prisons			From General Revenue Fund		24,719
885 Salaries and Benefits	637		899 Expenses		
From General Revenue Fund		4,262,408	From General Revenue Fund		269,029
From Grants and Donations Trust Fund		221,926	900 Operating Capital Outlay		
From Road Prisons Trust Fund		2,418,002	From General Revenue Fund		1,000
886 Other Personal Services			901 Data Processing Services		
From General Revenue Fund		74,506	From General Revenue Fund		159,886
From Grants and Donations Trust Fund		4,332	Provided however, and notwithstanding the provisions of Chapter 20.30, Florida Statutes, the boards and commissions of this department shall determine whether or not to uti-		
From Road Prisons Trust Fund		118,594			
887 Expenses					
From General Revenue Fund		1,369,486			
From Grants and Donations Trust Fund		34,234			
From Road Prisons Trust Fund		676,036			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
lize all or a portion of the administrative services of the secretary's office. Those boards and commissions who choose not to utilize these services shall administer their own funds and operate in a manner similar to other state agencies. Provided, further, and notwithstanding, the provisions of Chapter 216.262(1)(a), Florida Statutes, the Department of Administration may authorize additional positions in the office of the secretary to provide contractual services to any board requesting same. The cost of such services shall be assessed on a pro-rata basis to each board and paid from the board's operating trust fund. Provided, further, the total general revenue expenditures in items 897-901 shall not exceed seventy percent (70%) of the ten percent (10%) general revenue service charge paid by the boards and commissions within this department during the fiscal year.			Services		
			From Operating Trust Fund -----		7,670
			911 Expenses		
			From Operating Trust Fund -----		20,223
			912 Special Categories DPOR Contractual Services		
			From Operating Trust Fund -----		27,443
			913 Financial Assistance Payments Student Financial Assistance		
			From Operating Trust Fund -----		4,000
			Dentistry, Board of		
			914 Salaries and Benefits --	5	
			From Operating Trust Fund -----		63,905
			915 Other Personal Services		
			From Operating Trust Fund -----		79,901
			916 Expenses		
			From Operating Trust Fund -----		141,783
			917 Operating Capital Outlay		
			From Operating Trust Fund -----		925
			918 Special Categories DPOR Contractual Services		
			From Operating Trust Fund -----		10,000
			Professional Engineers and Land Surveyors, Board of		
			919 Salaries and Benefits	9	
			From Operating Trust Fund -----		108,871
			920 Other Personal Services		
			From Operating Trust Fund -----		57,562
			921 Expenses		
			From Operating Trust Fund -----		126,419
			922 Operating Capital Outlay		
			From Operating Trust Fund -----		453
			923 Special Categories DPOR Contractual Services		
			From Operating Trust Fund -----		5,893
			Foresters, Board of Registration for		
			923A Other Personal Services		
			From Operating Trust Fund -----		1,500
			924 Expenses		
			From Operating Trust Fund -----		2,404
			925 Deleted		
			Funeral Directors and Embalmers, Board of		
			926 Salaries and Benefits	6	
			From Operating Trust Fund -----		64,622
			927 Other Personal Services		
			From Operating Trust Fund -----		23,670
			928 Expenses		
			From Operating Trust Fund -----		73,194
Professions, Division of Accountancy, Board of					
902 Salaries and Benefits --	11				
From Operating Trust Fund -----		118,522			
903 Other Personal Services					
From Operating Trust Fund -----		218,970			
904 Expenses					
From Operating Trust Fund -----		212,235			
905 Operating Capital Outlay					
From Operating Trust Fund -----		5,766			
905A Special Categories University Research Grants					
From Operating Trust Fund -----		50,000			
906 Data Processing Services					
From Operating Trust Fund -----		4,294			
Architecture, Board of					
907 Salaries and Benefits --	5				
From Operating Trust Fund -----		63,822			
908 Other Personal Services					
From Operating Trust Fund -----		81,229			
909 Expenses					
From Operating Trust Fund -----		109,974			
Chiropractic Examiners, Board of					
910 Other Personal					

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
929 Special Categories DPOR Contractual Services From Operating Trust Fund -----		20,310	Osteopathic Medical Examiners, Board of 946A Salaries and Benefits .. From Operating Trust Fund -----	2	18,000
Landscape Architects, Board of			947 Other Personal Serv- ices From Operating Trust Fund -----		22,460
930 Other Personal Serv- ices From Operating Trust Fund -----		8,980	948 Expenses From Operating Trust Fund -----		44,285
931 Expenses From Operating Trust Fund -----		8,049	949 Special Categories DPOR Contractual Services From Operating Trust Fund -----		24,750
932 Special Categories DPOR Contractual Services From Operating Trust Fund -----		10,126	Pharmacy, Board of		
Medical Examiners, Board of			950 Salaries and Benefits .. From Operating Trust Fund -----	12	208,936
933 Salaries and Benefits From Operating Trust Fund -----	17	229,163	951 Other Personal Serv- ices From Operating Trust Fund -----		42,565
934 Other Personal Serv- ices From Operating Trust Fund -----		90,375	952 Expenses From Operating Trust Fund -----		101,111
935 Expenses From Operating Trust Fund -----		157,964	953 Operating Capital Out- lay From Operating Trust Fund -----		125
936 Special Categories DPOR Contractual Services From Operating Trust Fund -----		4,123	Podiatry Examiners, Board of		
Nursing, Board of			954 Other Personal Serv- ices From Operating Trust Fund -----		13,500
937 Salaries and Benefits From Operating Trust Fund -----	41	425,342	955 Expenses From Operating Trust Fund -----		15,303
938 Other Personal Serv- ices From Operating Trust Fund -----		164,152	956 Special Categories DPOR Contractual Services From Operating Trust Fund -----		18,129
939 Expenses From Operating Trust Fund -----		364,512	Psychology, Board of Examiners of		
940 Operating Capital Out- lay From Operating Trust Fund -----		12,969	957 Other Personal Serv- ices From Operating Trust Fund -----		4,500
941 Special Categories DPOR Contractual Services From Operating Trust Fund -----		12,539	958 Expenses From Operating Trust Fund -----		9,412
942 Data Processing Serv- ices From Operating Trust Fund -----		23,570	959 Special Categories DPOR Contractual Services From Operating Trust Fund -----		18,729
Optometry, Board of			Veterinary Medicine, Board of		
942A Salaries and Benefits .. From Operating Trust Fund -----	1	10,660	959A Salaries and Benefits .. From Operating Trust Fund -----	1	8,750
943 Other Personal Serv- ices From Operating Trust Fund -----		54,100	960 Other Personal Serv- ices From Operating Trust Fund -----		19,040
944 Expenses From Operating Trust Fund -----		32,591	961 Expenses From Operating Trust Fund -----		13,488
945 Deleted			962 Special Categories DPOR Contractual Services From Operating Trust Fund -----		13,685
946 Financial Assistance Payments Student Financial As- sistance From General Reve- nue Fund -----		9,000	Nursing Home Administra- tors, Board of Examiners of		
			963 Other Personal Serv- ices		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
964 From Operating Trust Fund ----- Expenses		5,000	982 Expenses From Operating Trust Fund -----		241,619
965 From Operating Trust Fund ----- Special Categories DPOR Contractual Services		22,967	983 Operating Capital Outlay From Operating Trust Fund -----		3,854
From Operating Trust Fund -----		29,982	984 Special Categories DPOR Contractual Services From Operating Trust Fund -----		19,226
Pilot Commissioners, Board of			985 Financial Assistance Payments Student Financial Assistance From Operating Trust Fund -----		1,000
966 Other Personal Services From Operating Trust Fund -----		200	986 Data Processing Services From Operating Trust Fund -----		7,200
967 Expenses From Operating Trust Fund -----		8,040	Electrical Contractors' Licensing Board		
968 Special Categories DPOR Contractual Services From Operating Trust Fund -----		13,548	987 Other Personal Services From Operating Trust Fund -----		7,950
Occupations, Division of Barbers' Sanitary Commission			988 Expenses From Operating Trust Fund -----		24,806
969 Salaries and Benefits From Operating Trust Fund -----	10	93,938	989 Operating Capital Outlay From Operating Trust Fund -----		500
970 Other Personal Services From Operating Trust Fund -----		10,607	990 Special Categories DPOR Contractual Services From Operating Trust Fund -----		33,531
971 Expenses From Operating Trust Fund -----		75,170	Massage, Board of		
972 Operating Capital Outlay From Operating Trust Fund -----		1,060	991 Other Personal Services From Operating Trust Fund -----		1,125
973 Special Categories DPOR Contractual Services From Operating Trust Fund -----		1,800	992 Expenses From Operating Trust Fund -----		4,849
Construction Industry Licensing Board			993 Deleted		
974 Salaries and Benefits From Operating Trust Fund -----	33	394,415	994 Special Categories DPOR Contractual Services From Operating Trust Fund -----		13,494
975 Other Personal Services From Operating Trust Fund -----		249,541	Naturopathic Examiners, Board of		
976 Expenses From Operating Trust Fund -----		445,950	995 Other Personal Services From Operating Trust Fund -----		60
977 Operating Capital Outlay From Operating Trust Fund -----		11,175	996 Expenses From Operating Trust Fund -----		545
978 Special Categories DPOR Contractual Services From Operating Trust Fund -----		3,007	997 Special Categories DPOR Contractual Services From Operating Trust Fund -----		852
979 Data Processing Services From Operating Trust Fund -----		32,385	Opticians, Board of Dispensing		
Cosmetology, Board of			998 Other Personal Services From Operating Trust Fund -----		9,505
980 Salaries and Benefits From Operating Trust Fund -----	27	285,501	999 Expenses From Operating Trust Fund -----		16,581
981 Other Personal Services From Operating Trust Fund -----		39,100	1000 Deleted		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1001 Special Categories DPOR Contractual Services From Operating Trust Fund -----		21,230			
Real Estate Commission					
1002 Salaries and Benefits -- From Operating Trust Fund -----	154	1,631,041	1018 Data Processing Serv- ices From Regulatory Trust Fund -----		87,636
1003 Other Personal Serv- ices From Operating Trust Fund -----		192,593	Provided, however, that \$149,716 allocated for relocation of the com- mission to the Fletcher Building shall be re- leased only if the relo- cation takes place dur- ing fiscal year 1976-77.		
1004 Expenses From Operating Trust Fund -----		1,023,392			
1005 Operating Capital Out- lay From Operating Trust Fund -----		17,735			
1006 Special Categories Continuing Education From Operating Trust Fund -----		19,000	REVENUE, DEPARTMENT OF Office of the Executive Direc- tor and Division of Adminis- tration		
1007 Data Processing Serv- ices From Operating Trust Fund -----		45,200	1019 Salaries and Benefits From General Reve- nue Fund ----- From Administrative Trust Fund -----	110	1,033,866
Sanitarians' Registration Board			1020 Other Personal Services From Administrative Trust Fund -----		253,507
1008 Other Personal Serv- ices From Operating Trust Fund -----		2,300	1021 Expenses From Administrative Trust Fund -----		186,707
1009 Expenses From Operating Trust Fund -----		2,481	1022 Grants and Aids For Transfer to Local Government Additional Homestead Exemption Trust Fund From General Reve- nue Fund -----		18,342,250
1010 Special Categories DPOR Contractual Services From Operating Trust Fund -----		4,307	1023 Operating Capital Out- lay From Administrative Trust Fund -----		60,690
Watchmakers' Commission			1024 Data Processing Serv- ices From Administrative Trust Fund -----		47,783
1011 Other Personal Serv- ices From Operating Trust Fund -----		1,500	Ad Valorem Tax, Division of		
1012 Expenses From Operating Trust Fund -----		15,661	1025 Salaries and Benefits From Administrative Trust Fund -----	91	1,475,646
1013 Special Categories DPOR Contractual Services From Operating Trust Fund -----		16,573	1026 Other Personal Services From Administrative Trust Fund -----		49,495
PUBLIC SERVICE COMMISSION			1027 Expenses From Administrative Trust Fund -----		323,279
1014 Salaries and Benefits From Regulatory Trust Fund -----	352	5,153,640	1028 Deleted		
1015 Other Personal Services From Regulatory Trust Fund -----		142,238	1029 Data Processing Serv- ices From Administrative Trust Fund -----		140,045
1016 Expenses From Regulatory Trust Fund -----		1,621,405	Corporate, Estate, and Intan- gible Tax, Division of		
1017 Operating Capital Out- lay From Regulatory Trust Fund -----		226,666	1030 Salaries and Benefits From General Reve- nue Fund ----- From Intangible Tax Trust Fund -----	279	1,135,598
1017A Lump Sum Public Service Com- mission Salary Ad- justments From Regulatory Trust Fund -----		192,000	1031 Other Personal Services From General Reve- nue Fund ----- From Intangible Tax Trust Fund -----		1,774,415
Provided, however, that of the \$192,000 appro- priated in Item 1017A,			1032 Expenses From General Reve- nue Fund -----		43,889
					49,351
					407,923

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1033 From Intangible Tax Trust Fund		659,031	1048 Expenses		
Grants and Aids			From General Revenue Fund		301,076
County Tax Forms			From Flag Trust Fund		5,000
1034 From Intangible Tax Trust Fund		545,000	1049 Operating Capital Outlay		
Operating Capital Outlay			From General Revenue Fund		7,590
From General Revenue Fund	400		1050 Data Processing Services		
From Intangible Tax Trust Fund		556	From General Revenue Fund		10,000
1035 Data Processing Services			Elections, Division of		
From General Revenue Fund	33,258		1051 Salaries and Benefits	40	
From Intangible Tax Trust Fund		342,316	From General Revenue Fund		352,002
Sales and Use Tax, Division of			From Publications Revolving Trust Fund		36,835
1036 Salaries and Benefits	452		1052 Other Personal Services		
From General Revenue Fund		5,150,691	From General Revenue Fund		18,030
1037 Other Personal Services			From Publications Revolving Trust Fund		4,515
From General Revenue Fund		24,589	1053 Expenses		
1038 Expenses			From General Revenue Fund		138,681
From General Revenue Fund		1,389,308	From Operating Trust Fund		25,000
1039 Operating Capital Outlay			From Publications Revolving Trust Fund		162,623
From General Revenue Fund		20,220	Provided, however, that \$60,000 of General Revenue in Item 1053 shall only be used for the expenses associated with Article XI, Section 5, of the Florida Constitution and Chapter 100.342, Florida Statutes, involving the publication of constitutional amendments in one newspaper in each county of the state twice prior to being voted upon.		
1040 Special Categories			1054 Grants and Aids		
National Association of Tax Administrators			Special Elections		
From General Revenue Fund		4,100	From General Revenue Fund		50,000
1041 Data Processing Services			Provided, however, that \$50,000 in Item 1054 shall only be used for the cost of reimbursing counties for special elections as stated in Chapter 100-102, Florida Statutes.		
From General Revenue Fund		447,857	1054A Grants and Aids		
Miscellaneous Tax, Division of			Special Elections		
1042 Salaries and Benefits	73		From General Revenue Fund		111,184
From General Revenue Fund		474,272	Provided, however, that 1054A shall only be used to reimburse Broward County and Dade County for expenses of special elections to fill the vacancy in the 94th District of the House of Representatives.		
From Administrative Trust Fund		418,455	1055 Grants and Aids		
1043 Other Personal Services			Petition Signature Verification		
From General Revenue Fund		1,562	From General Revenue Fund		10,000
From Administrative Trust Fund		5,025			
1044 Expenses					
From General Revenue Fund		100,097			
From Administrative Trust Fund		115,309			
1045 Operating Capital Outlay					
From Administrative Trust Fund		9,995			
1046 Data Processing Services					
From General Revenue Fund		283			
From Administrative Trust Fund		37,053			
SECRETARY OF STATE AND DEPARTMENT OF STATE					
Office of the Secretary and Division of Administrative Services					
1047 Salaries and Benefits	93				
From General Revenue Fund		1,080,122			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1056 Operating Capital Outlay			From Book Processing Center Trust Fund		1,785
From General Revenue Fund		3,187	1070 Expenses		
1057 Special Categories Election Investigations and Hearings			From General Revenue Fund		86,725
From General Revenue Fund		35,000	From Book Processing Center Trust Fund		48,888
Archives, History, and Records Management, Division of			1071 Grants and Aids		
1058 Salaries and Benefits	83		Library Grants		
From General Revenue Fund		899,652	From General Revenue Fund		1,400,000
From Operating Trust Fund		101,012	From Library Services Trust Fund		1,700,000
From Microfilm Revolving Trust Fund		33,267	1072 Operating Capital Outlay		
1059 Other Personal Services			From General Revenue Fund		53,830
From General Revenue Fund		23,703	From Library Services Trust Fund		100,000
From Operating Trust Fund		31,738	From Book Processing Center Trust Fund		1,140
From Microfilm Revolving Trust Fund		139,500	Licensing, Division of		
1060 Expenses			1073 Salaries and Benefits	37	
From General Revenue Fund		158,961	From General Revenue Fund		427,709
From Operating Trust Fund		41,361	1074 Other Personal Services		
From Microfilm Revolving Trust Fund		164,674	From General Revenue Fund		24,274
1061 Operating Capital Outlay			1075 Expenses		
From General Revenue Fund		7,192	From General Revenue Fund		113,555
From Operating Trust Fund		54,049	1076 Deleted		
1062 Data Processing Services			Cultural Affairs, Division of Office of the Division Director		
From General Revenue Fund		6,000	1077 Salaries and Benefits	7	
Provided that three positions and \$112,663 appropriated in Items 1058-1062 are contingent upon receiving federal historic preservation survey and planning funds.			From General Revenue Fund		91,348
Corporations, Division of			From Fine Arts Council Trust Fund		9,763
1063 Salaries and Benefits	96		1078 Expenses		
From General Revenue Fund		793,364	From General Revenue Fund		29,138
1064 Other Personal Services			1079 Grants and Aids		
From General Revenue Fund		40,000	Art Grants		
1065 Expenses			From General Revenue Fund		300,000
From General Revenue Fund		176,036	From Fine Arts Council Trust Fund		550,000
1066 Deleted			Provided that moneys appropriated in Item 1079 from General Revenue shall, pursuant to contract or grant agreement with local groups engaged in or concerned with the Arts, be used to supplement the financial support of:		
1067 Data Processing Services			(1) Productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence and		
From General Revenue Fund		192,989	(2) Productions meeting professional standards or standards of authenticity, irrespective of ori-		
Library Services, Division of					
1068 Salaries and Benefits	57				
From General Revenue Fund		499,002			
From Book Processing Center Trust Fund		133,795			
1069 Other Personal Services					
From General Revenue Fund		11,418			

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
gin, which are of significant merit and which without such assistance would otherwise be unavailable to citizens of Florida.			Ringling Museum of Art, Board of Trustees of the John and Mable		
Subject to the recommendations of the Fine Arts Council of Florida and approval of the Secretary of State, the total grant amount to any group shall not exceed 50 per centum of the non-federal share of the cost of such production, except that not more than 20 per centum of the funds appropriated for this purpose may be available for grants and contracts without regards to such limitation.			1092 Salaries and Benefits	82	850,000
Provided further that moneys appropriated in Item 1079 shall expressly include a \$15,000 grant to fund the Annual Cross and Sword Presentation.			From General Revenue Fund		
1080 Deleted			From Incidental Trust Fund		500,397
Historic Pensacola Preservation Board			1093 Other Personal Services		
1081 Salaries and Benefits	13		From Incidental Trust Fund		73,827
From Operating Trust Fund		176,492	1094 Expenses		
1082 Other Personal Services			From Incidental Trust Fund		402,623
From Operating Trust Fund		30,776	1095 Operating Capital Outlay		
1083 Expenses			From Incidental Trust Fund		32,840
From Operating Trust Fund		74,985	From Investment Trust Fund		90,000
1084 Operating Capital Outlay			Asolo State Theater of Florida		
From Operating Trust Fund		11,854	1096 Expenses		
1085 Special Categories Transfer to Operating Trust Fund			From General Revenue Fund		104,325
From General Revenue Fund		157,691	Stephen Foster Memorial, Board of Trustees of the		
Historic St. Augustine Preservation Board			1097 Salaries and Benefits	27	85,711
1086 Salaries and Benefits	33		From General Revenue Fund		
From Operating Trust Fund		355,995	From Operating Trust Fund		164,618
1087 Other Personal Services			1098 Other Personal Services		
From Operating Trust Fund		35,208	From Operating Trust Fund		43,900
1088 Expenses			1099 Expenses		
From Operating Trust Fund		152,199	From Operating Trust Fund		208,658
1089 Operating Capital Outlay			1100 Deleted		
From Operating Trust Fund		5,250	1101 Financial Assistance Payments		
1090 Special Categories Transfer to Operating Trust Fund			Payment of Scholarships		
From General Revenue Fund		214,152	From Operating Trust Fund		2,000
1091 Debt Service			Historic Tallahassee Preservation Board		
From Operating Trust Fund		11,400	1102 Salaries and Benefits	4	
			From Operating Trust Fund		53,824
			1103 Other Personal Services		
			From Operating Trust Fund		3,700
			1104 Expenses		
			From Operating Trust Fund		25,049
			1104A Operating Capital Outlay		
			From Operating Trust Fund		560
			1105 Special Categories Transfer to Operating Trust Fund		
			From General Revenue Fund		62,529
			Historic Key West Preservation Board		
			1106 Salaries and Benefits	2	
			From Operating Trust Fund		25,819
			1107 Other Personal Services		
			From Operating Trust Fund		21,440
			1108 Expenses		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
1143 Other Personal Services From Working Capital Trust Fund ...		199,836	1159 Special Categories Risk Management Insurance From Working Capital Trust Fund ...		360,138
1144 Expenses From Working Capital Trust Fund ...		4,277,934	1160 Special Categories Transportation Materials and Equipment From Working Capital Trust Fund ...		6,958,937
1145 Operating Capital Outlay From Working Capital Trust Fund ...		335,866	Tampa-Hillsborough County Expressway Authority		
1146 Special Categories Overtime From Working Capital Trust Fund ...		793,565	1161 Special Categories Administrative Expense From Hillsborough County Expressway and Project Construction Trust Fund ...		19,756
1147 Special Categories Right of Way O.P.S. Fees From Working Capital Trust Fund ...		342,215	1162 Special Categories Construction Engineering From Hillsborough County Expressway and Project Construction Trust Fund ...		58,994
1148 Special Categories Consultant Fees From Working Capital Trust Fund ...		5,646,400	1163 Special Categories Construction Contracts From Hillsborough County Expressway and Project Construction Trust Fund ...		72,006
1149 Special Categories Prison Labor Services From Working Capital Trust Fund ...		4,239,732	Burns Data Center		
1150 Special Categories Road Construction Contracts From Working Capital Trust Fund ...		264,622,800	1164 Salaries and Benefits From Working Capital Trust Fund ...	93	996,690
Provided that the Department of Transportation and Department of Offender Rehabilitation shall submit a plan to the 1977 Session of the Legislature, for phasing out the financing of road prisons from primary road funds. Provided, that moneys appropriated for purchase of dump trucks and crew cab trucks shall be by competitive bid from more than one company.			1165 Other Personal Services From Working Capital Trust Fund ...		14,000
1151 Special Categories Payments for Centralized Support Services From Working Capital Trust Fund ...		26,216,986	1166 Expenses From Working Capital Trust Fund ...		2,031,474
1152 Special Categories Transportation Materials and Equipment From Working Capital Trust Fund ...		2,852,482	1167 Operating Capital Outlay From Working Capital Trust Fund ...		1,590
1153 Debt Service From Working Capital Trust Fund ...		7,189,896	1168 Special Categories Overtime From Working Capital Trust Fund ...		11,773
Centralized Mobile Equipment and Warehouse Operations			1169 Special Categories Payments for Centralized Support Services From Working Capital Trust Fund ...		3,800
1154 Salaries and Benefits From Working Capital Trust Fund ...	349	3,987,115	Total of Section 01		
1155 Other Personal Services From Working Capital Trust Fund ...		1,605	From General Revenue Fund		2,342,383,760
1156 Expenses From Working Capital Trust Fund ...		6,843,730	From Trust Funds		2,472,159,404
1157 Operating Capital Outlay From Working Capital Trust Fund ...		10,076,932	From Working Capital Fund		8,847,946
1158 Special Categories Overtime From Working Capital Trust Fund ...		24,438	From Federal Revenue Sharing Fund		69,200,000

Section 2. The moneys in the following items are appropriated from the named funds for the 1976-77 fiscal year to the Department of General Services for Fixed Capital Outlay for the following agencies. The sums provided herein are the maximum sums appropriated; however, where an appropriation is for a named project, and where it is found to be in excess of that needed to fully complete that project, the excess may be transferred, notwithstanding the provisions of Section 216.301(2), Florida Statutes, with the approval of the Department of Administration, to another project named herein in the same fund and within the same department where a deficiency is found to exist.

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
<p>Provided, further, that the responsibility for maintaining the appropriated accounting records may be delegated by the Department of General Services to the named agencies herein for all Capital Outlay Appropriations, including those certified forward by the Department of Administration on July 1, 1976.</p> <p>For purposes of improved contract administration, the Department of Administration may authorize consolidation of two or more of the following items for an agency provided the original scope and purpose of each project is not significantly changed.</p>			<p>EDUCATION, DEPARTMENT OF Florida School for the Deaf and the Blind 4 Deleted 5 Deleted</p>		
<p>AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Marketing, Division of</p>			<p>GAME AND FRESH WATER FISH COMMISSION, FLORIDA</p>		
1 Fixed Capital Outlay Lump Sum—Market Improvements From Working Capital Trust Fund		1,163,400	6 Fixed Capital Outlay Repair and Replacement of Facilities From General Revenue Fund		58,500
Provided, however, this appropriation may be used for minor renovations and repairs which shall not be subject to review of the Department of General Services. Provided, further, that this appropriation is a revolving fund for state farmers' markets improvements and is not subject to reversions as provided by Section 216.301(3), Florida Statutes.			From State Game Trust Fund		4,500
Forestry, Division of			7 Fixed Capital Outlay Drawdown Pumps, Lake Carlton From State Game Trust Fund		22,500
2 Fixed Capital Outlay Planning Relocation of District Facilities, Lake City From General Revenue Fund		20,000	7A Fixed Capital Outlay Sport Fish Introductions Project From State Game Trust Fund		17,400
Provided that this planning shall include a plan for the sale of existing facilities and use of the proceeds for relocation.			Provided however, this appropriation is to be funded from interest earnings accruing after July 1, 1976 to the Land Acquisition Trust Fund.		
2A Fixed Capital Outlay Refrigerated Seedling Storage, Andrews and Munson Nurseries From General Revenue Fund		59,711	GENERAL SERVICES, DEPARTMENT OF		
2B Fixed Capital Outlay Maypan Coconut Seed Orchard Facilities, Dade County From General Revenue Fund		15,381	8 Fixed Capital Outlay Analysis and Feasibility Study, Whitfield Building From General Revenue Fund		15,000
CITRUS, DEPARTMENT OF			9 Fixed Capital Outlay Analysis and Feasibility Study, Segal Building From General Revenue Fund		500
3 Fixed Capital Outlay Replacement of Roof, Lakeland From Citrus Advertising Trust Fund		70,000	10 Fixed Capital Outlay Correction of Fire Code Deficiencies, State Office Building From Supervision Trust Fund		135,700
COMMERCE, DEPARTMENT OF			11 Fixed Capital Outlay Provisions for Accessibility by the Physically Handicapped, State Office Buildings From Supervision Trust Fund		61,775
3A Fixed Capital Outlay Solar Energy Heating and Cooling System for I-95 Welcome Station From Grants and Donations Trust Fund		276,405	12 Fixed Capital Outlay Roof Repairs—Carlton and Executive Buildings From Supervision Trust Fund		26,000
			13 Deleted		
			HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF		
			14 Fixed Capital Outlay Correction of Fire Safety Deficiencies, State Mental Hospitals From General Revenue Fund		500,000
			15 Deleted		
			16 Deleted		
			17 Fixed Capital Outlay Security Fence, Youth		

Item	Positions \$	Amount \$	Item	Positions \$	Amount \$
Development Center/ Lancaster					
From General Revenue Fund		160,000	meet the needs of forensic patients and submit said plan to the Appropriations Committees of the Legislature. Provided further, that this new facility shall not be constructed in Broward County.		
18 Fixed Capital Outlay Renovation and Repair, Training Schools			24 Fixed Capital Outlay Major Repairs and Renovations, Gainesville Sunland		
From General Revenue Fund		381,000	From General Revenue Fund		94,400
18A Fixed Capital Outlay Fixed Capital Outlay Port St. Joe Park— Phase IV			25 Fixed Capital Outlay Renovation of Water Storage Tank, Orlando Sunland		
From General Revenue Fund		143,400	From General Revenue Fund		8,000
18B Fixed Capital Outlay Renovation and Conversion of W. T. Edwards Hospital to a District Office Facility			26 Fixed Capital Outlay Replacement of Roofs, Florida School for Boys		
From General Revenue Fund		713,288	From General Revenue Fund		250,000
18C Fixed Capital Outlay Security Fence, Fla. School for Boys/Okee			27 Fixed Capital Outlay Replacement of Roofs on Porter and Hanson Buildings, Jacksonville		
From General Revenue Fund		236,250	From General Revenue Fund		28,000
19 Fixed Capital Outlay Correction of Fire and Health Deficiencies, Youth Detention Facilities Statewide			28 Fixed Capital Outlay Renovation of Patient Facilities, Florida State Hospital		
From General Revenue Fund		77,400	From General Revenue Fund		104,800
20 Fixed Capital Outlay Correction of Fire Safety Deficiencies, Florida School For Boys			28A Fixed Capital Outlay Improvements to Electrical Distribution System - FSH		
From General Revenue Fund		29,000	From General Revenue Fund		125,000
21 Fixed Capital Outlay Correction of Life Safety Deficiencies, Orlando Sunland			29 Fixed Capital Outlay Major Repairs and Renovations, G. Pierce Wood Hospital		
From General Revenue Fund		84,500	From General Revenue Fund		106,000
22 Fixed Capital Outlay Renovation and Replacement of Equipment—Laundry, Florida State Hospital			30 Fixed Capital Outlay Major Repairs and Renovations, Northeast Florida State Hospital		
From General Revenue Fund		237,700	From General Revenue Fund		60,300
23 Fixed Capital Outlay Cottage Improvements for ICF, Retardation Centers			31 Fixed Capital Outlay Major Repairs and Renovations, South Florida State Hospital		
From General Revenue Fund		360,000	From General Revenue Fund		258,200
Provided the use of these funds is Contingent upon approval by the Department of Administration of a program plan for intermediate care services.			32 Fixed Capital Outlay Major Repairs and Renovations of Community-Based Youth Treatment Facilities, Statewide		
23A Fixed Capital Outlay New Institution for 500 Forensic Patients for South Florida			From General Revenue Fund		141,300
From General Revenue Fund		1,500,000	33 Fixed Capital Outlay Renovation of Cottage Air Conditioning, Gainesville Sunland		
Provided, however, that prior to committing funds for design or land acquisition, the Department of Health and Rehabilitative Services and the Department of Administration shall develop a plan and program to			From General Revenue Fund		127,600
			34 Fixed Capital Outlay Renovation of Cottage Heating, Gainesville Sunland		

Item	Positions \$	Amount \$
60A Fixed Capital Outlay Equipment Repair Shop—Pensacola Complex From Working Cap- ital Trust Fund ----		308,840
Total of Section 02		
From General Reve- nue Fund -----	29,689,730	
From Trust Funds ..		7,959,820

Section 3. The moneys in the following items are appropriated from the named funds for the 1976-77 fiscal year to the state agencies indicated, as amounts for fixed capital outlay. The sums provided herein are the maximum sums appropriated; however, where an appropriation is for a named project, and where it is found to be in excess of that needed to fully complete that project, the excess may be transferred, notwithstanding the provisions of Section 216.301(2), Florida Statutes, with the approval of the Department of Administration, to another project named herein in the same fund and within the same department where a deficiency is found to exist.

**AGRICULTURE AND
CONSUMER SERVICES,
DEPARTMENT OF, AND
COMMISSIONER OF
AGRICULTURE**

Administration, Division of

AA Fixed Capital Outlay Engineering—Plan- ning/Administration and Forestry Building From General In- spection Trust Fund -----		15,000
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Forestry, Division of

1 Fixed Capital Outlay Perimeter Fence, Gainesville From General Reve- nue Fund -----		4,500
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**CRIMINAL LAW
ENFORCEMENT,
DEPARTMENT OF**

2 Fixed Capital Outlay Program Development for Regional Crime Laboratory From General Reve- nue Fund -----		10,000
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**GAME AND FRESH
WATER FISH
COMMISSION, FLORIDA**

3 Fixed Capital Outlay Land Acquisition From State Game Trust Fund ----- From Land Acquisi- tion Trust Fund ---		281,500 1,020,000
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**HEALTH AND
REHABILITATIVE
SERVICES,
DEPARTMENT OF**

4 Fixed Capital Outlay Equipment for Evalua- tion Center, Gaines- ville From General Reve- nue Fund -----		409,800
4A Fixed Capital Outlay Regional Juvenile De- tention Center—Jack- sonville From General Reve- nue Fund -----		2,975,000
4B Fixed Capital Outlay Improvements to Fo- rensic Facilities SFSH		

Item	Positions \$	Amount \$
From General Reve- nue Fund -----		478,000
4C Fixed Capital Outlay Regional Juvenile De- tention Center, West Palm Beach From General Reve- nue Fund -----		1,366,200
4D Fixed Capital Outlay Regional Juvenile De- tention Center, Orlan- do From General Reve- nue Fund -----		1,366,200
4E Fixed Capital Outlay Regional Detention Center, Tampa From General Reve- nue Fund -----		1,000,000
4F Fixed Capital Outlay Planning, Construc- tion, and improve- ments of Youth Deten- tion Facilities From General Reve- nue Fund -----		212,600
4G Fixed Capital Outlay Expansion, Bay Re- gional Juvenile Deten- tion Center From General Reve- nue Fund -----		55,000
Notwithstanding the provisions of Sections 20.22 and 255.25, Florida Statutes, relating to construction plans and contracts, the Department of Health and Rehabilitative Services shall have the sole responsibility for implementing this appropriation pertaining to Items 4A through 4G. They shall file copies of construction drawings and contracts with the Division of Building Construction and Property Management for information. Further, provisions of Section 287.055 shall apply and the Department of Health and Rehabilitative Services is authorized to contract for the use & re-use of plans.		
NATURAL RESOURCES, DEPARTMENT OF Recreation and Parks, Divi- sion of		
5 Fixed Capital Outlay Repairs to Existing Facilities From Land Acquisi- tion Trust Fund ---		385,300
6 Fixed Capital Outlay Acquisition of Lands From Land Acquisi- tion Trust Fund ---		12,931,539

Item	Positions \$	Amount \$
Provided that up to \$1,909,687 in funds appropriated in Item 6 may be transferred to the Division of State Parks for Local Development Grants.		
OFFENDER REHABILITATION, DEPARTMENT OF		
7 Fixed Capital Outlay Renovation of Freezer—Florida Correctional Institution From General Revenue Fund		16,500
7A Fixed Capital Outlay Additional Facilities for 375 Inmates—Lawtey From General Revenue Fund		3,152,057
7B Fixed Capital Outlay Fixed Capital Outlay Conversion/Expansion Road Prisons and Forestry Camp From General Revenue Fund		13,085,563
Provided, however, the funds in Item 7B shall be used to convert or expand the following facilities: Niceville Road Prison, Doctor's Inlet Road Prison, Brooksville Road Prison, East Palatka Road Prison, Loxahatchee Road Prison, Arcadia Road Prison, Copeland Road Prison and the Berrydale Forestry Camp.		
7C Fixed Capital Outlay Additional Facilities for 400 Inmates—Cross City From General Revenue Fund		3,500,000
7D Fixed Capital Outlay Fixed Capital Outlay Expansion/Apalachee/Glades Correctional Institutions From General Revenue Fund		6,679,655
Provided, said expansion may be in either Glades or Hendry County		
7E Fixed Capital Outlay Fixed Capital Outlay Support Facilities Men Unit—FCI From General Revenue Fund		198,700
7F Fixed Capital Outlay Community Correction Centers 3—256 Beds From General Revenue Fund		1,725,000
7G Fixed Capital Outlay Additional Facilities for Expanding an Industries Program Including Central Food Processing Plant and Auto Rehab Center From General Revenue Fund		3,000,000
Notwithstanding the provisions of Section		

20.22 and 255.25, Florida Statutes, Items 7A—7G relating to construction plans and contracts, the Department of Offender Rehabilitation shall have the sole responsibility for implementing this appropriation. They shall file copies of construction drawings and contracts with the Division of Building Construction and Property Management for information. The Department of Offender Rehabilitation has the sole responsibility for the construction of these facilities by contract or using force account procedures, employing supervisory labor and other employees required for the management of the work. The Department of Offender Rehabilitation is authorized to purchase materials as is required, to insure continuity in construction. Further, provisions of Section 287.055 shall apply and the Department of Offender Rehabilitation is authorized to contract for the use and reuse of plans.

SECRETARY OF STATE AND DEPARTMENT OF STATE

Archives, History and Records Management, Division of

8 Fixed Capital Outlay Shelving, State Records Center From General Revenue Fund	6,000
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TRANSPORTATION, DEPARTMENT OF

8A Fixed Capital Outlay Interstate System Matching From General Revenue Fund	8,000,000
Provided, these funds may only be expended for completion of interstate system.	

Total of Section 03

From General Revenue Fund	47,240,775	
From Trust Funds		14,633,339

Section 4. There is hereby appropriated from the General Revenue Fund the sum of twenty-five thousand (\$25,000) per day for each day of any special, extended or extra session of the Legislature, to be allocated pursuant to the provision of Chapter 11, Florida Statutes.

Section 5. There is hereby appropriated the amounts necessary from the General Revenue Fund to reimburse the Senate appropriation and/or the House appropriation under the actual expenses of witnesses and other costs incurred under the provisions of Article III, Sections 5 and 17, and Article IV, Section 7, of the Florida Constitution, and Chapter 11, Florida Statutes.

Section 6. For the purpose of reimbursing state agencies for payments made to the Department of Commerce as their share

of unemployment compensation benefits paid to their former employees, the amount necessary is hereby appropriated to the Department of Administration from trust funds. Moneys appropriated herein, and in Section 1, Item 6, may be transferred by the Department of Administration to the appropriate agencies for expenditure.

Section 7. Notwithstanding the provisions of Section 215-32(2)(c), Florida Statutes, the moneys appropriated in Section 1, Items 10 and 11, Deficiency and Emergency, may be made available in the manner provided in Section 216.231(1), Florida Statutes, for the purposes defined as follows:

A. A deficiency is defined as a condition existing when a General Revenue Fund appropriation for a state agency's operations is inadequate because the workload and/or cost of the operation exceeds that anticipated by the Legislature and a determination has been made by the Administration Commission that the deficiency will result in an impairment of an agency's activities to the extent that the agency is unable to carry out its program as provided by the Legislature in the regular appropriation acts. These funds shall not be used to create any new agency or program or for attorney fees, increases of salary or the construction or equipping of additional buildings.

B. An emergency is defined as a condition existing when an act(s) or circumstance(s) caused by an act of God, civil disturbance, natural disaster, or other circumstances of an emergency nature threatens, endangers or damages the property, safety, health or welfare of the state, or of its citizens, which condition has not been provided for in other appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to agencies' personnel called upon to perform extra duty because of civil disturbances or natural disasters and to provide the required state match for federal grants under the Federal Disaster Relief Act.

When the emergency or deficiency need arises, the allocation approved shall be transferred to the General Revenue Appropriation Accounts of the affected agencies as may be necessary. Any appropriation balance not disbursed but expended or contracted to be expended shall revert back to the fund from which appropriated, unless certified forward by the Department of Administration in accordance with Section 216.301, Florida Statutes.

Section 8. Moneys appropriated in Section 1, Item 8, for salary increases for exempt positions may be transferred by the Department of Administration to the appropriate state agencies for expenditure.

Section 9. Provided, however, that in the event the Federal revenue sharing funds available during 1976-77 do not achieve the appropriated level in Section 1, Item 344 of this bill, each general revenue appropriation in Section 1 of this bill shall be reduced pro rata by an amount equal to the above short fall and the resulting reduction in general revenue shall be added to the amount appropriated in Item 344 from the General Revenue Fund.

Section 10. There is hereby appropriated to the Board of Regents for fixed capital outlay—buildings and improvements, all receipts derived from the sale of revenue certificates supported by the capital improvement fee and such other funds as may be pledged for the payment of debt service thereon under the authority granted by Chapter 243, Florida Statutes. The proceeds of said revenue certificate shall be allocated for fixed capital outlay projects at the several universities by the Board of Regents with the confirmation of the State Board of Education. Proceeds from said revenue certificates may be combined with bond funds secured in accordance with Article XII, Section 9, of the State Constitution, or with grants and donations, matching funds, funds from the University System Capital Improvement Revolving Trust Fund, from sources other than state funds, or by a combination of such funds.

Section 11. The moneys in Items 465-474 are appropriated to pay the salaries and other expenditures of the named data centers. Provided, that all receipts shall be deposited in the General Revenue Fund unallocated by the State Comptroller on certification by the data center of the charges to each user agency; any provisions of the Florida Statutes to the contrary notwithstanding.

Section 12. The Department of General Services shall develop detailed plans for improving the state's electronic data

processing. Upon approval by the Governor and Cabinet of the plan, notwithstanding the provisions of Section 216.292, Florida Statutes, the Department of Administration may transfer personnel; equipment, including all rights, title, interest or equity therein; and appropriations directly related to electronic data processing functions in existing data centers, as may be necessary to implement the plan. The Department of Administration may also approve inter-department transfers of funds appropriated to user agencies for payment of data processing services.

Section 13. The Department of General Services, Division of Building Construction and Property Management, is hereby authorized to levy and assess an amount for supervision of the construction of each fixed capital outlay project on which they serve as owner-representative on behalf of the State. The amount is subject to the approval of the Department of Administration and is to be transferred to the Architects Incidental Trust Fund of said division from appropriate construction funds upon the award of construction contract.

Section 14. Notwithstanding the provisions of Section 216-292(2), Florida Statutes, moneys appropriated for data processing services in Section 1 to user agencies assigned to the Carlton, Larson, and Mayo data centers, shall not be transferred to any other appropriation category or between budget entities without approval of the Administration Commission.

Section 15. Moneys appropriated in Section 1, Item 5, for moving and reassigning state agencies to office space in the Tallahassee area, may be transferred by the Department of Administration to such state agencies for expenditure.

Section 16. Notwithstanding the provisions of Section 402-17(3), Florida Statutes, all claims of the state for the care and maintenance of any residential and non-residential client of Mental Health and Retardation Services, Department of Health and Rehabilitative Services may be utilized to fund the care and treatment of such individuals and administrative costs of collection.

Section 17. A state agency, financed jointly in this act by appropriations from the General Revenue Fund and a trust fund, may transfer moneys released from a General Revenue Fund salaries appropriation to a trust fund salaries account for the purpose of processing centralized payroll expenditures, the provisions of Section 216.292, F.S., notwithstanding.

Section 18. From the twenty-five million dollars (\$25,000,000) in federal revenue sharing funds appropriated as part of Section 4, Item 1 of Chapter 74-300, Laws of Florida, for the purpose of implementing Section 235.211(1), Florida Statutes, any unencumbered funds shall be carried forward for the purpose of: (a) purchasing or contracting for purchase of additional panels, doors, mullions, battens, copings, and other necessary parts required by districts to convert configurations of classroom space; (b) providing a contingency; (c) providing hitches and running gear; and (d) providing contracted services for management, engineering, drafting, and evaluation. Any unused funds shall be allocated to the school districts in accordance with section 236.084, Florida Statutes.

Section 19. The salaries of the following officers during the fiscal year 1976-77 shall be paid at the annual rates shown below:

Governor	\$50,000
Lieutenant Governor	40,000
Secretary of State	40,000
Comptroller	40,000
Treasurer, State	40,000
Attorney General	40,000
Education, Commissioner of	40,000
Agriculture, Commissioner of	40,000
Supreme Court Justice	40,000
Judges—District Courts of Appeal	38,000
Judges—Circuit Courts	36,000
Commissioner—Public Service Commission	36,000

Judges—County Courts:
 Counties with 40,000 population or less 26,000

A county court judge of a county of less than 40,000 population assigned to active judicial service in any of the courts created by Article V of the State Constitution, other than to a county court of a county having a population of less than 40,000 shall be paid as additional compensation for such service the difference between his normal salary and the

salary then currently paid to a judge of the court to which he is assigned. The amount of such differential shall be computed on the basis of an eight hour day, or major fraction thereof, and certified by the chief judge to the Judicial Administrative Commission on a monthly basis.

Counties over 40,000	34,000
State Attorneys:	
Circuits with 100,000 population or less	32,000
Circuits with a population from	
1001 through 200,000	34,000
Circuits with a population from	
200,001 through 1,000,000	36,000
Circuits over 1,000,000	38,000
Public Defenders:	
Circuits with 100,000 population or less	29,000
Circuits with a population from	
100,001 through 200,000	31,000
Circuits over 200,000	33,000

All population figures relating to county judge, state attorney, and public defender salaries referred to herein shall be based on the most recent projected population for July 1, 1976 prepared for the Department of Administration. Salaries based on population shall become effective July 1, 1976 and shall not be changed based on projections or estimates made subsequent to July 1, 1976.

Section 20. Provided that none of the officers whose salaries have been fixed in Section 19 shall receive from any county or municipality, except the state attorney in the 11th judicial circuit, any supplemental salary, except as provided elsewhere in this act.

Section 21. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided for, then, notwithstanding the provisions of Section 216.262 and 216.292, F.S., the Department of Administration may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 22. Any individual filling a position authorized in Items 1-1169 of Section 1 of this act for any state agency cannot be transferred to or his services utilized by any other state agency, except as specifically authorized by law, or unless the using agency pays for such services which are in excess of one (1) week.

Section 23. Any section of this act, or any item herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other sections or other items contained in this act.

Section 24. Each and every state official, state department, state board, state court, or state agency of any kind issuing public documents shall furnish the Division of Library Services of the Department of State a list of every public document issued during the last fiscal year, indicating which public documents are periodical and which documents are nonperiodical. Such lists shall include the total number of each publication distributed as well as the total amount of postage required for each publication and shall be furnished to the division no later than 30 days following the close of the fiscal year.

Section 25. Moneys appropriated in Section 1, Item 9, for telephone rate increases may be transferred by the Department of Administration to the appropriate state agencies for expenditure.

Section 26. Provided, the efforts of the Organized Crime Coordinating Council and the Bureau of Strategic Investigations of the Department of Criminal Law Enforcement, the Division of Securities in the Department of Banking and Finance shall be directed as a first priority toward the investigation and solution of the land note-mortgage fraud problems in the state. In this endeavor, the Departments of Legal Affairs and Banking and Finance shall devote all necessary available personnel and resources, under the coordination of the Comptroller, State of Florida.

Section 27. The Department of Transportation shall designate a portion of Item of 1150, \$264,622,800 road construction contracts for matching the federal appropriated funds to repair the Florida Keys bridges. Such matching funds for FY 1976-77 are not to exceed \$6,000,000.

Section 28. Moneys appropriated in Section 1 for the purpose of paying for telephone services provided by the state communication system in the Department of General Services, Division of Communications, shall be paid by the 10th of each month for the preceding month on an estimated basis. The monthly

estimate shall be determined by the Division of Communications and reconciled for actual billing to the agencies on a quarterly basis. Upon approval of the Department of Administration, estimated amounts not paid by the user agencies, shall be transferred from user agencies to the communications working capital trust fund by the state comptroller. Provided, further, the Division of Communications shall transfer \$700,000 of previous advances to the General Revenue Fund no later than June 30, 1977.

Section 29. Funds appropriated in Section 1, Items 475-482 to the Division of Building Construction and Property Management contemplates the collection of rent during 1976-77 at the rate in effect during 1975-76 from all state agencies occupying assigned-leased space in state owned buildings.

Section 30. Moneys are included in the agency appropriations in this act to provide salary adjustments and incentive increases to career service employees effective July 1, 1976, as follows:

A. Competitive salary adjustments shall be 70% of the pay adjustments recommended by the Governor in his recommended budget for the fiscal year 1976-77. Each agency shall implement these pay adjustments in accordance with written instructions issued by the Department of Administration, such instructions to be in accordance with the method of implementation contained in the Governor's recommended budget.

B. Each employee who is filling a salaried position and who has more than 12 months continuous state employment on June 30, 1976, shall receive a minimum annual salary increase of \$350. If the pay adjustment provided in paragraph A. of this section exceeds \$350 per year, the employee shall receive an increase of \$350 plus the difference between \$350 and the amount of the adjustment provided in paragraph A. is less than \$350, the employee shall receive an increase of \$350.

C. Incentive pay increase moneys equal to one and four-tenths percent (1.4%) of the actual June 30, 1976 salary rate of the authorized current positions of each budget entity. These funds are to be used at the discretion of management to provide employees in the budget entity with six months or more of continuous and satisfactory service as of June 30, 1976 an incentive pay increase of up to 10% of the employee's actual June 30, 1976 annual salary rate irrespective of the employee's current salary. No funds other than those appropriated in this act for career service incentive pay increases may be so utilized during fiscal year 1976-77, and all such increases shall be awarded and effective as of July 1, 1976.

The Department of Administration is authorized to review each position that was established as a result of the reorganization acts of 1975 and the salary of each employee who received a salary increase as a result of such reorganizations or as a result of special pay increase or special appointment rates approved by the Department of Administration and to withhold the salary adjustments provided in A. and B. of this section where such changes create inequities between these positions and those that have not been changed as a result of reorganization.

The Department of Administration is hereby authorized to implement the state employee life insurance program authorized by Section 112.075, Florida Statutes, when it has determined that all agencies have sufficient funds available within the amounts appropriated to pay the cost thereof for the 1976-77 fiscal year.

Section 31. All General Revenue Fund receipts during fiscal year 1976-77 in excess of such funds appropriated in this act and other legislative acts passed during the 1976 Legislative Session and becoming law are hereby appropriated to be transferred to the Working Capital Fund.

Section 32. This act shall take effect July 1, 1976.

Item	Positions \$	Amount \$
Total this General Appropriation Act	91,444	
From General Revenue Fund		2,419,314,265
From Trust Funds		2,494,752,563
From Working Capital Fund		8,847,946
From Federal Revenue Sharing Fund		69,200,000

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled an Act making appropriations; providing moneys for the annual period beginning July 1, 1976 and ending June 30, 1977 to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending Sections 27.34(2), 27.54(3), 215.32(2)(C), 216.262, 216.292, 216.301(2), 230.767(4)(B), 230.767(2), 216.011(1)(C), 216.181, 219.192, 216.351, 20.22, 20.30, 255.25, 402.17(3), 287.161, F.S., Section 11(1) Chapter 75-48, Laws of Florida, and Section 17 Chapter 75-49, Laws of Florida; providing an effective date.

On motion by Senator Gordon the Conference Committee Report was adopted, and HB 3500 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—28

Mr. President	Holloway	Poston	Thomas, P.
Brantley	Johnston	Renick	Tobiassen
Childers, D.	Lane, J.	Saunders	Trask
Childers, W. D.	Lewis	Scarborough	Vogt
Gallen	McClain	Sims	Ware
Gordon	Peterson	Stolzenburg	Winn
Hair	Plante	Thomas, J.	Zinkil

Nays—10

Deeb	Glisson	Myers	Wilson
Dunn	Graham	Sayler	
Firestone	MacKay	Spicola	

Vote after roll call:

Yea—Lane, D.

SPECIAL ORDER

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

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3050 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

MacKay

Vote after roll call:

Yea—Hair

On motion by Senator Vogt 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 Vogt—

SB 515—A bill to be entitled An act relating to jurors; amending ss. 40.231, 40.24, Florida Statutes; authorizing jurors placed in jury pools to elect to be on call; denying compensation to jurors on call unless required to attend court; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that House of Representatives requests the return of SB 515.

Allen Morris, Clerk

On motion by Senator Vogt, SB 515 was returned to the House as requested.

Special Order, continued

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

—was read the second time by title.

Senator Glisson moved the following amendment which was adopted:

Amendment 1—On page 2, lines 9-13, strike all material on said lines and insert: *respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.*

On motion by Senator Glisson, by two-thirds vote HB 3051 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Holloway	Plante	Tobiassen
Brantley	Johnston	Poston	Vogt
Childers, D.	Lane, J.	Renick	Ware
Childers, W. D.	Lewis	Scarborough	Winn
Firestone	MacKay	Sims	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, J.	
Gordon	Peterson	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Vogt, 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 HB 3621 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Hazouri and Mattox—

HB 3621—A bill to be entitled An act relating to nursing; amending ss. 464.071(3), 464.121(3), Florida Statutes; increas-

ing the fees for the licensure of registered professional nurses and licensed practical nurses; amending s. 464.151(1)(a), (3), Florida Statutes; increasing the fee for renewal of licenses; providing a fee for classifying a licensed nurse as inactive; amending s. 464.152, Florida Statutes; increasing the fee for the issuance to another jurisdiction of a statement evidencing licensure; creating ss. 464.105, 464.153, Florida Statutes; providing for certification in advanced or specialized nursing practice; providing a fee for such certification and for renewal thereof; providing an effective date.

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

Special Order, continued

SB 590 was taken up and on motion by Senator Vogt, HB 3621, a companion measure, was substituted therefor. On motion by Senator Vogt, by two-thirds vote HB 3621 was read the second time by title.

Senator Graham moved the following amendment which failed:

Amendment 1—On page 4, line 14, insert new sections 5 through 8 and renumber subsequent sections: Section 5. Legislative intent.—It is the intent of the Legislature to encourage the development of programs for community-based nursing care for the elderly as an alternative to institutionalization. The Legislature finds and declares that routine nursing care provided on an outpatient basis is one such program, the availability of which would fill an unmet need, improve the quality and quantity of health care available to elderly persons while minimizing the cost of such care, and reduce the incidence of unnecessary or premature institutionalization of elderly persons. The purpose of this act is to encourage the development of geriatric outpatient nurse clinics to make such services available. The Legislature intends that existing and available nursing facility treatment rooms be used for geriatric outpatient nurse clinics in order that the cost of such programs be kept low.

Section 6. Definitions.—As used in this act:

(1) "Geriatric patient" means any patient who is 60 years of age or older.

(2) "Geriatric outpatient nurse clinic" means a site for the provision of nursing care to geriatric patients on an outpatient basis which is managed and staffed by a nurse certified by the Florida State Board of Nursing in an advanced level of nursing practice.

(3) "Department" means the Department of Health and Rehabilitative Services.

(4) "Nursing facility" means a facility licensed under part I of chapter 400, Florida Statutes.

Section 7. Subsection (3) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing facilities.—Every facility shall comply with all applicable standards, rules, and regulations of the department and shall:

(3) Provide for the access of its residents to dental and other health-related services, recreational services, rehabilitative services, and social-work services appropriate to their needs and conditions and not directly furnished by the facility. *In conducting a geriatric outpatient nurse clinic in accordance with rules adopted by the department, outpatients attending such a clinic shall not be counted as part of the nursing facility's general patient population in determining requirements of licensure, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility.*

Section 8. Evaluation and report.—The department shall evaluate the effectiveness of geriatric outpatient nurse clinics to determine the feasibility and desirability of continuing to encourage the development of such clinics, the suitability of nursing facilities as the location for such clinics, the appropriateness of having such clinics conducted by nurses certified by the Florida State Board of Nursing in an advanced level of nursing practice, and the impact of a rural or urban location on

such clinics. This evaluation shall cover the period October 1, 1976, through September 30, 1977, and shall include the following items: a description of clinic facilities, equipment, personnel, and patient eligibility criteria; a summary of numbers and types of clients served, type of care provided, and cost per patient, including direct and indirect costs; and such other factors as the department deems necessary for an accurate analysis of the costs and benefits associated with the establishment and operation of geriatric outpatient nurse clinics. The results of the evaluation shall be reported to the President of the Senate and the Speaker of the House of Representatives not later than January 1, 1978. The department shall report annually, in a like fashion, the ongoing experience of geriatric outpatient nurse clinics in the state, for as long as such reports are deemed appropriate by the department.

(Renumber remaining sections.)

On motion by Senator Vogt, by two-thirds vote HB 3621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote After Roll Call:

Yea—Hair

SB 590 was laid on the table.

MESSAGE 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 Committee on Ways and Means—

CS for SB's 804, 807, 808, 809, 833, 845, 846, 847 and 960—A bill to be entitled An act relating to taxes; amending s. 198.15, Florida Statutes; changing interest to a monthly rate; amending s. 198.18, Florida Statutes; providing for the payment of interest with respect to delinquent or deficient estate taxes; amending s. 199.052(8)(b), Florida Statutes; providing for interest on overdue intangible personal property taxes; amending s. 201.17(2), Florida Statutes; providing for payment of interest on delinquent documentary stamp tax payments; creating s. 203.06, Florida Statutes; providing for interest on delinquent payments of the gross receipts tax; amending ss. 206.44, 206.94, Florida Statutes; providing that interest be paid on delinquent motor fuel tax payments; amending s. 210.14(1), Florida Statutes, and republishing s. 562.17, Florida Statutes; increasing the interest rate on delinquent cigarette and beverage taxes and penalty; amending s. 212.12(3), (5), Florida Statutes; increasing the effective interest rates on delinquent sales and use taxes; requiring the collection of charges for extensions of time granted for making sales and use tax returns; prohibiting collection of other penalties and interest; amending s. 214.43(1), (6), Florida Statutes; increasing the interest rate on delinquent taxes or erroneously refunded taxes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 8, line 7, strike "0.5" and insert: 0.75

Amendment 2—On page 8, line 9, strike "1" and insert: 1.5

Amendment 3—On page 8, line 14 after the words "amount of tax" strike remainder of paragraph and insert a period and: Any dealer who remits an estimated tax payment shall be granted a normal extension period in which to file and remit the actual tax due without the interest charge provided hereunder being imposed, unless the estimated tax payment remitted by the dealer is less than 90% of the actual tax due for that month.

On motions by Senator Gordon, the Senate concurred in House Amendments 1, 2 and 3.

CS for SB's 804, 807, 808, 809, 833, 845, 846, 847 and 960 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—29

Mr. President	Graham	Myers	Thomas, J.
Brantley	Holloway	Peterson	Thomas, P.
Childers, D.	Johnston	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Ware
Firestone	Lane, J.	Sayler	Winn
Gallen	Lewis	Scarborough	
Glisson	MacKay	Sims	
Gordon	McClain	Spicola	

Nays—3

Stolzenburg	Wilson	Zinkil
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Vote After Roll Call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

Consideration of CS for HB 2635 was deferred.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3289 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes—

CS for HB 3289—A bill to be entitled An act relating to the Department of Commerce; adding subsection (21) to s. 288.03, Florida Statutes; authorizing the Division of Economic Development to provide, arrange, and pay expenses for transportation, lodging, meals, etc., of certain persons; providing an effective date.

—was read the first time by title. On motion by Senator Brantley, the rules were waived and CS for HB 3289 was placed on the calendar.

On motion by Senator Firestone, by two-thirds vote, CS for HB 3289 was read the second time by title.

Senator Firestone moved that the rules be waived and CS for HB 3289 be read the third time by title. The motion failed.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4096 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 4096—A bill to be entitled An act relating to grapefruit; creating s. 601.1515, Florida Statutes; providing for the Department of Citrus to establish a Grapefruit Offshore Export Indemnity Program to indemnify Florida handlers against losses from unforeseen foreign governmental actions; imposing on the producer an excise tax of a specified amount per standard packed

box of grapefruit entering the primary channel of trade in Florida; providing a limitation on the amount of such tax; providing that the provisions of s. 601.15, Florida Statutes, shall apply to this act except to the extent of inconsistencies; providing for payment of taxes collected into a trust fund; providing purpose for expenditure of funds by the Department of Citrus; providing authority for the Department of Citrus to adopt rules governing administration of the program; providing a deductible factor on all claims; providing authority for the Department of Citrus to contract for technical and professional services; providing authority for the Department of Citrus to enter into contracts or agreements to carry out objectives of this act; providing for expiration of tax; providing authority for Department of Citrus to transfer and repay funds in trust fund; providing for termination of program; providing an appropriation of the funds collected by the excise tax to the Department of Citrus; providing for liberal construction; providing for appointment of an advisory committee; providing for producer referendum to implement this act; providing an effective date.

—was read the first time by title. On motion by Senator Brantley, the rules were waived and HB 4096 was placed on the calendar.

Special Order, continued

SB 1262 was taken up and on motion by Senator Peterson, HB 4096, a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 4096 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Sims

Votes after roll call:

Yeas—Hair and Thomas, J.

SB 1262 was laid on the table.

MESSAGE 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 2911 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fortune—

HB 2911—A bill to be entitled An act relating to the support of dependent children; providing legislative intent to modify and supplement existing legislation regarding the support of dependent children; providing definitions; designating the Department of Health and Rehabilitative Services as the state agency for administering the child support enforcement program; providing that public assistance payments constitute a debt to the department; providing for determination of the amount of payment and assignment and subrogation of rights and limitations to collection of the debt; providing for the institution of actions for support and determination of paternity; providing for handling of payment; providing for an agreement with the responsible parent; providing for services to individuals not otherwise eligible; providing a limitation on court, sheriff, witness fees and bond; providing for assignment of earnings; providing for the protection of employee debtor rights; providing for a parent locator service; provid-

ing for department use of clearing accounts and revolving funds; providing for interest on debts and waiver by the department; providing that the department may write off certain child support debts as uncollectible; providing a special account to hold unidentifiable moneys for a certain period of time; providing for reports to the Legislature; repealing ss. 409.2452-409.2509, all Florida Statutes, relating to enforcement of support for dependent children; providing for the retention of pending actions; providing an effective date.

—was read the first time by title.

On motion by Senator Brantley, the rules were waived and the bill was placed on the calendar.

On motions by Senator Gordon, by two-thirds vote HB 2911 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

HB 4004—A bill to be entitled An act relating to judges; amending s. 26.031 (1)(c), (d), (e), (f), (g), (i), (j), (k), (m), (o), (q), (s), and (t), Florida Statutes, increasing the number of circuit court judges in specified circuits; amending s. 34.022(1), (3), (5), (6), (13), (16), (36), (44), (48), (50), (52), (53), (58), (59), and (64), Florida Statutes, increasing the number of county court judges in specified counties; amending s. 36.06, Florida Statutes, increasing the number of district court of appeal judges in specified districts; providing for the election of newly created judges in 1976; providing an effective date.

—was read the second time by title.

Senators J. Thomas and Zinkil offered the following amendments which were moved by Senator J. Thomas and failed:

Amendment 1—On page 1, line 30, strike "4" and insert: 3

Amendment 2—On page 2, line 24, strike "10" and insert: 12

On motion by Senator Gallen, by two-thirds vote HB 4004 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—5

Plante	Stolzenburg	Thomas, J.	Zinkil
Sims			

Vote after roll call:

Yea—Hair

The Senate resumed—

SB 527—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, Florida Statutes, to provide that the employer pay three-fourths of the contribution with respect to each justice, judge, state attorney, or public defender who is a member of the Elected State Officers' Class; giving any member who is eligible to be a member of the Elected State Officers' Class who is not a member of such class the right, for a limited period, to transfer to such class; to provide that Public Defenders may elect to participate in the Elected State Officers' Class; providing an effective date.

On motions by Senator Gallen, the Senate reconsidered the vote by which the Senate concurred in House Amendments 1 and 2 as amended.

Senators Sayler and Gallen offered the following amendments which were moved by Senator Gallen and adopted:

Senate Amendment 2 to House Amendment 1—On pages 1-23, strike everything appearing on pages 1 through 23

Senate Amendment 2 to House Amendment 2—Strike all of pages 1 and 2

On motions by Senator Gallen, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House Amendments.

SB 527 passed as further amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—29

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

Nays—6

Childers, D.	Saunders	Stolzenburg	Vogt
Glisson	Sims		

Vote after roll call:

Yea—Hair

SB 1020 was taken up and pending further consideration thereof, on motions by Senator Tobiassen, by two-thirds vote HB 3398 was withdrawn from the Committee on Ways Means, placed on the calendar and substituted for SB 1020.

Further consideration of HB 3398 was deferred.

On motion by Senator Vogt, 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 4137 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Easley—

HB 4137—A bill to be entitled An act relating to noise emission standards for new motor vehicles; amending s. 403.415(4) (b) and (c), Florida Statutes; extending the dates after which a certain class of new motor vehicles may produce no more than the prescribed levels of noise; creating s. 403.4153, Florida Statutes; providing that noise emission standards prescribed by provisions of state law for new motor vehicles shall remain

in effect until federal standards take effect; providing an effective date.

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

Special Order, continued

SB 1111 was taken up and on motion by Senator Vogt, HB 4137, a companion measure, was substituted therefor. On motions by Senator Vogt, by two-thirds vote HB 4137 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

SB 1111 was laid on the table.

HB 4092—A bill to be entitled An act relating to corporations; amending ss. 48.091, 607.011(2)(n), 607.021, and 607.027(1), Florida Statutes; adding subsections (3)-(6) to s. 607.034, Florida Statutes; amending ss. 607.054(6), 607.157(4), 607.161, 607.224(3), 607.234(1)(b), 607.251(2)(a), 607.264(1), 607.267(1), and 607.284, Florida Statutes; adding subsection (4) to s. 607.301, Florida Statutes; and amending ss. 607.314, 607.337(2), 607.354(2), 607.357(1), 607.361(4), and (5), and 607.371, Florida Statutes; providing for designation of registered agent and office for service of process; providing for examination of corporate books and records under certain circumstances; providing penalty for failure to comply; clarifying provisions relating to corporate powers, defense of ultra vires, and revocation of voluntary dissolution proceedings; authorizing renewal of name reservation; eliminating the prohibition on receiving promissory notes as consideration for shares; eliminating the requirement of filing duplicate articles of incorporation or dissolution with the Department of State; providing that the filing of articles of merger or consolidation in the county be permissive rather than mandatory; deleting certain filing requirements with respect to merger or consolidation of domestic and foreign corporations; providing that liquidation proceedings do not affect enforceability of a recorded mortgage, lien, or the perfected security interest of persons in possession of property; providing that after dissolution a majority of the surviving trustees of the corporation may act as the board of trustees; providing procedures relating to change of name by foreign corporations; providing that failure of a foreign corporation to obtain authority to transact business does not impair the validity of deeds, mortgages, security interests or liens; requiring the names and mailing addresses of directors to be in the annual report; providing for fees; granting the Department of State authority to make rules; amending 15.09(1)(a), Florida Statutes, to provide that no fee shall be charged for certain information requests relating to general corporate information; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 4092 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Graham	Lewis
Brantley	Firestone	Holloway	McClain
Childers, D.	Gallen	Johnston	Myers
Childers, W. D.	Glisson	Lane, D.	Peterson
Deeb	Gordon	Lane, J.	Poston

Renick	Spicola	Tobiassen	Wilson
Sayler	Stolzenburg	Trask	Winn
Scarborough	Thomas, J.	Vogt	Zinkil
Sims	Thomas, P.	Ware	

Nays—None

Vote after roll call:

Yea—Hair

MESSAGE 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 Committee on Rules and Calendar and Senator Ware—

CS for SB 1384—A bill to be entitled An act relating to administrative rules; amending s. 11.60(2), Florida Statutes; creating s. 120.547, Florida Statutes; authorizing the Administrative Procedures Committee to disapprove and temporarily suspend a rule of an executive agency; providing that the committee may recommend to the Legislature that it disapprove the rule by concurrent resolution; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 30 insert: *However, by a majority vote of the governor and cabinet, the suspension may be deferred until acted upon by the legislature.*

Amendment 2—On page 5, following line 5 insert: (7) By a majority vote of the governor and cabinet, the suspension of any rule may be deferred until acted upon by the legislature.

(Renumber subsequent subsection)

Amendment 3—In the title, on page 1, line 9, insert between the semicolon and the word "Providing": providing for deferral of rule suspensions by vote of the governor and cabinet;

On motions by Senator Ware, the Senate concurred in House Amendments 1, 2 and 3.

CS for SB 1384 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Dunn

Votes after roll call:

Yeas—Hair and Peterson

Yea to Nay—Graham

The bill was ordered engrossed and then enrolled.

Consideration of CS for SB 1257 was deferred.

SB 1085 was taken up and pending further consideration thereof, on motion by Senator Holloway, the rules were waived and by two-thirds vote HB 3301 was withdrawn from the Committee on Governmental Operations and placed on the calendar. On motion by Senator Holloway—

HB 3301—A bill to be entitled An act relating to state uniform traffic control; adding paragraph (c) to s. 316.016(3), Florida Statutes, authorizing chartered municipalities to employ parking enforcement specialists who meet certain Police Standards and Training Commission requirements to perform limited duties; amending s. 943.12(1), Florida Statutes, directing the commission to establish minimum standards with respect to parking enforcement specialists; providing an effective date.

—a companion measure to SB 1085 was substituted therefor and read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 3301 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

SB 1085 was laid on the table.

MESSAGE 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 HB 3321 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Forbes—

HB 3321—A bill to be entitled An act relating to inventions; creating s. 501.136, Florida Statutes; providing definitions; requiring invention development service contracts to meet certain requirements; providing a method for the cancellation of contracts; requiring certain disclosures in contracts; prohibiting the invention developer from acquiring certain interests; prohibiting contracts or assignments thereof from infringing upon certain rights; requiring the invention developer to make quarterly reports of services rendered; mandating certain terms in contracts; providing for certain disclosures prior to a contract being made; providing for remedies by a person affected by a violation of this act and by the Attorney General or State Attorneys; requiring a surety bond or cash deposit in lieu thereof executed by invention developers; requiring records to be maintained; prohibiting certain information in advertisements by invention developers; providing that this act shall not apply to any contract entered into before its effective date; providing an effective date.

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

On motions by Senator Vogt, by two-thirds vote HB 3321 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Lane, D.	Renick	Trask
Brantley	Lane, J.	Saunders	Vogt
Childers, D.	Lewis	Scarborough	Ware
Childers, W. D.	MacKay	Spicola	Winn
Dunn	McClain	Stolzenburg	Zinkil
Glisson	Myers	Thomas, J.	
Gordon	Peterson	Thomas, P.	
Graham	Poston	Tobiassen	

Nays—6

Firestone	Johnston	Sims	Wilson
Gallen	Plante		

Vote after roll call:

Yea—Hair

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 328 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Forbes and others—

HB 328—A bill to be entitled An act relating to "mopeds" propelled by helper motors; amending s. 316.003(2), (21), (22), (23), and (64), Florida Statutes; providing for a change in the definition of motorcycle; providing that "mopeds" propelled by certain helper motors be included in the definition of "bicycle" and excluded from the definitions of "motor vehicle," "motor-driven cycles," and "vehicle"; adding subsections 316.111(14) and (15), Florida Statutes; providing that no person under age 15 shall operate a motor-propelled bicycle; providing that "mopeds" shall not be operated on bicycle paths; adding s. 316.183(7), Florida Statutes; providing maximum lawful speed limit for "mopeds"; amending ss. 320.01(1)(a), (23), 322.01(1), (2), 324.021(1), Florida Statutes; excluding "mopeds" from the definitions of "motor vehicle," "motor-driven cycle," and "vehicle"; providing an effective date.

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

On motions by Senator Johnston, by two-thirds vote HB 328 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Glisson	Plante	Tobiassen
Brantley	Johnston	Saunders	Trask
Childers, D.	Lane, D.	Sayler	Vogt
Childers, W. D.	Lane, J.	Scarborough	Wilson
Dunn	Lewis	Sims	Winn
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, P.	

Nays—11

Gordon	Myers	Renick	Ware
Graham	Peterson	Stolzenburg	Zinkil
Holloway	Poston	Thomas, J.	

Vote after roll call:

Yea—Hair

The Honorable Dempsey J. Barron, President

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

By Senator Zinkil—

SB 823—A bill to be entitled An act relating to revenues from taxes levied for road and bridge purposes; amending s. 336.59(2), Florida Statutes; providing that the share of such revenues turned over to cities and towns by the county commissioners may be used for the construction of roads, streets, and bridges; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 823.

Allen Morris, Clerk

On motion by Senator Zinkil, SB 823 was returned to the House as requested.

Special Order, Continued

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

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 3808 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3634 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representative Gordon and others—

HB 3634—A bill to be entitled An act relating to community mental health services; amending various sections of part IV of chapter 394, Florida Statutes, to conform to governmental reorganization of the Department of Health and Rehabilitative Services; adding subsections (8)-(10) to s. 394.66, Florida Statutes, providing legislative intent; amending s. 394.67(1), (2), (3), (5), (6), (9), (10), and (11), Florida Statutes, and adding subsections (12), (13) and (14) thereto, providing definitions; repealing s. 394.68, Florida Statutes, relating to the establishment of service districts by the former Division of Mental Health; amending s. 394.69, Florida Statutes, providing that a district mental health board shall be established in districts or subdistricts as determined by the district administrator; directing the district administrator to initiate and coordinate the reorganization of mental health board; providing for the transfer of the powers and responsibilities of district mental health boards established under the former Division of Mental Health to the boards established by this act; providing a budget for the board; amending s. 394.70(1) and (2), Florida Statutes, deleting obsolete provisions relating to nonprofit corporations petitioning for appointment to such boards; providing that first priority be given to certain individuals for such membership; providing for 2-year terms; providing a procedure for filling of vacancies; increasing the number of successive terms such members may serve; prohibiting appointment of certain persons to boards; increasing the number of board members; providing that each county in a board district be represented by at least one member; providing a weighted voting formula for board members; requiring boards to define "malfeasance" and "misfeasance"; providing for replacement of members guilty of malfeasance or misfeasance; amending s. 394.71(3), Florida Statutes, and adding subsection (6) thereto, relating to duties of such boards; providing that such boards contract with district administrators for state funds; requiring well publicized meetings with certain community groups at least annually; amending s. 394.72, Florida Statutes, providing that staffs of the district administrator and of mental health boards shall not duplicate activities; providing that board staff members shall not serve on staffs of mental health service providers; amending s. 394.73(1) and (4), Florida Statutes, conforming

terminology; amending s. 394.74(2)(c) and adding a paragraph, relating to service contracts, requiring the department to develop certain standard forms; amending s. 394.75(1) and (5), Florida Statutes, requiring such boards to submit district plans for services; amending s. 394.76, Florida Statutes, relating to financial provisions; providing that district administrators shall inform such boards of services to be funded by the state; deleting certain fees from the formula determining the state's share of financial participation; providing that upon application for state funds, district administrators may allow a board to provide or contract for the providing of certain services under certain circumstances; authorizing district administrators to authorize the use of Certified Public Accountants for audits; providing that claims for state reimbursement of expenditures shall utilize a purchase of service approach; providing that certain capital improvements be subject to certain provisions; requiring district governing bodies to provide 25 percent of funds for district services; amending s. 394.77, Florida Statutes, providing for the establishment of certain cost control systems; amending s. 394.78, Florida Statutes, relating to operation and administration, conforming terminology; deleting provisions relating to the 6-year plan; providing procedures in unresolved disputes between providers and boards; amending s. 394.79(1) and (2), Florida Statutes, requiring the Mental Health Program Office to list core programs in the state plan; amending s. 394.81, Florida Statutes, continuing current state financial aid to certain programs under certain circumstances; providing effective dates.

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

On motions by Senator Gordon, by two-thirds vote HB 3634 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 2038 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 2038—A bill to be entitled An act relating to excise tax on documents; amending s. 201.11(2), Florida Statutes, 1974 Supplement, requiring appointed agents to deduct commissions prior to remitting the tax collected by such agent; prohibiting a grant of such deduction or allowance in certain instances; providing an effective date.

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

On motions by Senator Gordon, by two-thirds vote HB 2038 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Childers, D.	Deeb	Firestone
Brantley	Childers, W. D.	Dunn	Gallen

Glisson	MacKay	Renick	Thomas, P.
Gordon	McClain	Sayler	Tobiassen
Holloway	Myers	Scarborough	Trask
Johnston	Peterson	Sims	Ware
Lane, J.	Plante	Spicola	Wilson
Lewis	Poston	Thomas, J.	Winn

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Brantley, the Senate reconsidered the vote by which—

CS for HB 3289—A bill to be entitled An act relating to the Department of Commerce; adding subsection (21) to s. 288.03, Florida Statutes; authorizing the Division of Economic Development to provide, arrange, and pay expenses for transportation, lodging, meals, etc., of certain persons; providing an effective date.

—failed to be placed on third reading.

On motion by Senator Brantley, by two-thirds vote CS for HB 3289 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Mr. President	Sayler	Sims	Stolzenburg
McClain			

Votes after roll call:

Yea—Hair

Nay to yea—McClain

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 4190 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Education—

CS for HB 4190—A bill to be entitled An act relating to education; requiring the State Board of Education to make certain allocations for specified capital outlay projects; amending s. 235.41, Florida Statutes, including state universities and the state system for public education within the Commissioner of Education's budget request for educational facilities construction and fixed capital outlay needs; expanding the information to be included within the budget request; amending s. 235.42, Florida Statutes; empowering the Office of Educational Facilities Construction to transfer funds with the Public Education Capital Outlay and Debt Service Trust Fund to various projects; providing that the temporary advancement of trust funds shall be prior to the sale of bonds or collection of gross receipts taxes; changing the revenue sources for the trust fund; appropriating certain grants, donations, and student building and capitol improvement fees to the trust fund; requiring the transfer of certain funds to boards or institutions to cover anticipated capital outlay disbursements; restricting the power of boards or institutions to enter into contracts; specifying a procedure for the allocation of funds for construction by district school

boards; amending s. 236.084(6), Florida Statutes, relating to funds for comprehensive school construction and debt service, to change the procedure by which allocations to school districts are adjusted; requiring the development of a pilot program for the use of solar energy in public schools; amending s. 230.-756, Florida Statutes, requiring community colleges to be constructed in accordance with the State Uniform Building Code for Public Educational Facilities and state board of education rules; repealing ss. 229.815 and 229.820, Florida Statutes, abolishing the State Planning Council for Post High School Education; repealing s. 235.423, Florida Statutes, as amended, relating to the financing of approved capital outlay projects for educational facilities; providing an effective date.

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

On motion by Senator Gordon, by two-thirds vote CS for HB 4190 was read the second time by title.

Senator Graham moved the following amendment:

Amendment 1—On page 2, line 22, strike everything after the enacting clause and insert: Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Art. XII of the State Constitution, as amended, and s. 240.141, Florida Statutes, and any other law. In accordance therewith, the moneys in following items are authorized to be expended for the enumerated authorized fixed capital outlay projects:

(1) From the moneys becoming available pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution, as amended, the State Board of Education through the Office of Educational Facilities Construction shall allocate:

(a) Eighty-one million, one hundred thirty-three thousand nine hundred ninety dollars to the school boards of the 67 school districts. The office shall determine each district's allocation of the amount appropriated, pursuant to the formula set forth in ss. 235.42(13) and 236.084, Florida Statutes, and the list of projects for the school districts included in the integrated comprehensive budget request as required by s. 235.-41, Florida Statutes, as approved or amended by the Legislature. The allocation made to each district shall be considered a part of the annual appropriation from the Florida Education Finance Program for the Comprehensive School Construction and Debt Service Program. Of the amount appropriated in this paragraph to the 67 school districts, three million dollars shall be allocated by the office to those districts which provide multi-district programs for exceptional students pursuant to the list of projects included in the integrated comprehensive budget request as required by s. 235.41, Florida Statutes; provided however, that fifty thousand dollars of the amount appropriated herein shall be expended for the renovation of existing facilities to initiate a program in 1976-77 for students who are both deaf and blind.

(b) Twenty-seven million five hundred fifty-four thousand nine hundred forty dollars to the boards of trustees of the 28 community colleges. The office shall determine the allocation among the 28 boards of the amount appropriated. The allocation shall be made pursuant to the list of projects for the community colleges included in the integrated comprehensive budget request as required by s. 235.41, Florida Statutes.

(c) Twenty-two million nine hundred sixty-two thousand four hundred fifty dollars to the Board of Regents. The board shall determine each state university's allocation of the amount appropriated. The allocation shall be made pursuant to the list of projects for the state universities included in the integrated comprehensive budget request as required by s. 235.41, Florida Statutes, within the amount appropriated in this paragraph to the Board of Regents, there is allocated \$2,630,665 to the Board of Regents for allocation to the University of West Florida for an educational research and development center included in the list of projects in the integrated comprehensive budget request required by s. 235.41, Florida Statutes.

(d) Twenty-one million four hundred thirty-one thousand six hundred twenty dollars to the district school boards which have designated area vocational technical centers. The office shall determine each district's allocation pursuant to the list of projects included in the integrated comprehensive budget request as required by s. 235.41, Florida Statutes.

(e) Seven hundred fifty thousand dollars to the Board of Trustees of the Florida School for the Deaf and Blind to be used for needed capital outlay projects, including facilities repair and renovation, and included in the budget request presented to the Legislature pursuant to chapters 216 and 235, Florida Statutes.

(f) For facilities constructed pursuant to the provisions of ss. 235.211(2), \$2,667,000. The office shall allocate the funds as follows:

1. To South Florida Junior College, \$667,000.
2. To Broward Community College, \$2,000,000.

(g) 1. For public broadcasting facilities, \$4,600,000. The office shall allocate the funds as follows:

- a. To WEDU, Tampa, Florida \$2,250,000.
- b. To WJCT, Jacksonville, Florida, \$2,250,000.

c. For public broadcasting equipment in the new capitol building, \$100,000.

2. The Commissioner of Education shall approve building plans for the facilities to be constructed to assure that space is included in such plans for use by public schools, community colleges or universities.

Section 3. Section 235.41, Florida Statutes, is amended to read:

Substantial rewording of section. See s. 235.41, F. S., for present text.)

(1) The State Board of Education, through the Office of Educational Facilities Construction, shall develop a uniform, comparable, system for determining total fixed capital outlay needs, inventorying existing facilities, conducting utilization studies, projecting enrollment, and for any other procedure deemed appropriate in arriving at the amounts required to fund net unmet needs as reflected in the integrated comprehensive budget request required by this section.

(2) The commissioner, through the Office of Educational Facilities Construction, shall submit to the Legislature an integrated comprehensive budget request for educational facilities construction and fixed capital outlay needs for the Public Schools, the 23 Community Colleges, the institutions in the state university system, and the state system of public education. The request shall include information necessary to develop the report required by the commissioner in subsection (3) of this section.

(3) The commissioner through the Office of Educational Facilities Construction shall submit his integrated comprehensive budget request to the Department of Administration and to the Legislature no later than 60 days prior to the legislative session each fiscal year. The integrated comprehensive budget request shall include, the provisions of s. 216.043, notwithstanding:

(a) Projects currently under construction and the estimated amounts to be disbursed in the current fiscal year from the Public Education Capital Outlay and Debt Service Trust Fund and from any other source of funds available to all divisions for capital outlay.

(b) The estimates of funds appropriated that shall be encumbered for construction and the amounts of such funds encumbered that will be disbursed in the current fiscal year.

(c) The actual cash balance from the preceding fiscal year to include a separate identification of encumbered cash and unencumbered cash by fund source.

(d) The estimated cash balance as of June 30 of the current fiscal year to include a separate identification of encumbered cash and unencumbered cash by fund source.

(e) A 5-year assessment of educational facilities needs.

(f) A request for fixed capital outlay funds for the ensuing fiscal year for each level of education reflecting the actual ability of the various boards to encumber and disburse the funds requested.

(g) Recommendations for the priority of expenditure of funds among the various levels of education with reasons for the recommended priorities.

(h) Other recommendations which relate to the effectiveness of the educational facilities construction program.

Section 3. Section 235.42, Florida Statutes, is amended to read:

235.42 Educational facilities construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(1) *To provide for maximum use of cash available and to expedite the construction of authorized projects the Office of Educational Facilities Construction, with the approval of the State Board of Education, is empowered and directed to transfer appropriations and cash among and within the authorized projects appropriated from the Public Education Capital Outlay and Debt Service Trust Fund. This transfer authority shall include appropriations authorized in prior years and certified forward by the Department of Administration pursuant to s. 216.301. The State Board of Education is empowered and directed to receive the funds appropriated by the Legislature for the comprehensive school construction and debt service program as established by s. 236.004 and any other funds appropriated by the Legislature or from any other source whatsoever which are made available by the state for educational facilities construction at whatever level of education and to provide for the allocation of these funds to the appropriate district school boards, the Division of Community Colleges for each community college board of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind, and the Board of Regents.*

(2) *The commissioner through the Office of Educational Facilities Construction shall administer the Public Education Capital Outlay and Debt Service Trust Fund. Prior to the sale of bonds he shall provide for the timely advances of cash necessary to meet the disbursement requirements of the boards to plan or construct facilities which have been approved by the State Board of Education on the list of eligible capital outlay projects required by s. 235.41. Records shall be maintained by the Office of Educational Facilities Construction to identify appropriations, State Board of Education allocations, encumbrance, authorizations, disbursements, and each source of revenue for the Public Education Capital Outlay and Debt Service Trust Fund. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund. There is hereby established in the State Treasury a trust fund to be known as the "Educational Facilities Working Capital Trust Fund." The commissioner through the Office of Educational Facilities Construction shall administer the trust fund and shall provide for the temporary advance of funds to the various boards and institutions eligible to receive such funds in order to finance the planning and actual construction costs of educational facilities. The Department of Education shall pay the administrative costs of the trust fund from the funds which comprise the trust fund.*

(3) *The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources which are hereby appropriated to the trust fund:*

(a) *Proceeds from the sale of public education bonds and that portion of the revenues, in excess of the debt service and reserve requirements, which accrue from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, interest on investments, and federal interest subsidies.*

(b) *All student building fees, and capital improvement fees collected or to be collected by the Board of Regents except that portion that may be required for debt service and reserve requirements. That portion of the revenues in excess of the debt service and reserve requirements which accrue for educational facilities construction from the sale of motor vehicle licenses as provided in s. 9(d), Art. XII of the State Constitution.*

(c) *That portion of federal revenue sharing funds appropriated for educational facilities construction and certified forward as of June 30, 1976; and*

(d) *Any other funds for educational facilities construction including all federal grants and donations.*

(e) *All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.*

(f) *There is hereby appropriated from the trust fund all certifications forward to this fund and all previous alloca-*

tions by the Board of Regents from student building and capital improvement fees.

However, any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the Public Education Capital Outlay and Debt Service Trust Fund of the resources of funds so segregated or maintained.

(4) Upon the request of each board in connection with projects approved on the list of capital outlay projects, the Office of Educational Facilities Construction shall transfer to the boards amounts sufficient to cover capital outlay disbursements anticipated from such encumbrance authorization for the following month. Encumbrance of these capital outlay funds shall be made pursuant to the most recent survey conducted under regulations prescribed by the State Board of Education to determine the capital outlay disbursement requirements of each board.

(5) The office may authorize each board to enter into contracts for a period exceeding 1 year, within amounts appropriated and budgeted for authorized projects, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years. This subsection shall be incorporated verbatim in all executory contracts of a division.

(6) No board of the department shall, during any fiscal year, expend any money, incur any liability, or enter into any contract which, by its terms, involves expenditure of money in excess of the amounts appropriated and budgeted or in excess of the cash that will be available to meet the disbursement requirements. Prior to entering into an executory or any other contract, the boards shall obtain certification from the Office of Educational Facilities Construction that cash will be available to meet the disbursement requirements. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money shall be paid thereon.

(7)(4) The State Board of Administration is authorized to invest the trust funds of any state-supported retirement system, and any other state funds available for investment, in loans to the trust fund at a rate of interest that is no less favorable than would have been received had such moneys been invested in accordance with authorized practices.

(8)(5) Agencies authorized to participate in the trust fund are district school boards, the Division of Community Colleges for each community college boards of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind, and the Board of Regents, and other units of the state system of public education.

(9)(6) The agency shall make application to the Office of Educational Facilities Construction for approval to participate in advance funding from the trust fund. The agency's application shall present the following information relative to the facilities for which advance funding is requested:

(a) Proof that the facility or project has been authorized by law.

(b) Certification that the facility or project is intended to be financed from the sale of bonds pursuant to either s. 9(a)(2) or s. 9(d), Article XII of the State Constitution or currently authorized appropriations.

(c) Certification that sufficient funds have been allocated to finance the proposed facility or project or that sufficient funds shall be combined from various sources, including federal revenue sharing funds, to finance the proposed facility or project.

(d) Certification that there are no other or insufficient funds currently available to pay for planning or actual construction costs.

(e) A schedule of the cash disbursements estimated advance payments necessary and a schedule of the repayment of advances and any interest, where applicable, to the trust fund.

(10)(7) When borrowed funds are commingled with working capital trust funds and advanced to an agency, that agency shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

(11) (8) The Office of Educational Facilities Construction, after determining that the request for facility advanced funding of a project is eligible, shall recommend the agency's request to the State Board of Education for approval. When approved by the state board, the office shall certify this action to the requesting agency. Upon receipt of this certification, and an encumbrance authorization, from the office, the agency is authorized to enter into contracts for planning, or constructing, or equipping the approved facility. The agency shall certify to the office that no funds are available to the agency to pay progress payments to contractors when such payments are due within the next 30 00 days and request a cash disbursement ~~an advancement~~ from the trust fund. The office, after determining that the request is reasonable, shall request the State Comptroller to issue a warrant payable to the requesting agency, and such warrant shall be promptly transmitted. The office is empowered to provide for the release of funds to individual boards and institutions so as to assure that the funds are expended in the most effective and efficient manner practicable. The intent of the Legislature is to assure that facilities to provide needed adequate student stations for all students be constructed as rapidly as possible. Except as provided in s. 235.22, (as created by this act), ~~agencies that have received cash disbursements advance payments~~ from the trust fund shall repay the total amount of such advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that agency participates or from any cash receipts deposited in the trust fund that have been allocated to that agency.

Section 4. Subsection (6) of section 236.084, Florida Statutes, is amended to read:

236.084 Funds for comprehensive school construction and debt service.—The annual allocation from the Florida Education Finance Program to each district for the comprehensive school construction and debt service program shall be determined as follows:

(6) In the event that a change, correction, or recomputation of data during any year, including the 1973-74 fiscal year, results in a reduction or increase of the calculated amount previously allocated to a school district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the districts' future appropriations. However, no change, correction or recomputation of data shall be made subsequent to 2 years of the initial annual allocation. In the event that a change, correction, or recomputation of data during any year, including the 1973-1974 fiscal year, results in a reduction or increase of the calculated amount previously allocated to a school district, the allocation to that district shall be adjusted correspondingly.

(a) If such recomputation results in a reduction of the calculated amount, any unencumbered portion of the excess allocation shall be returned to the department for reallocation to eligible districts in the next fiscal year. Any encumbered portion of the excess allocation shall be carried forward and deducted from future entitlements to the districts until the excess allocation is returned in total.

(b) If such recomputation results in an increase of the calculated amount, such additional amount shall be added to the allocation to the district from future appropriations.

Section 5. Section 235.195, Florida Statutes, is created to read:

235.195 Cooperative use of facilities by two or more school districts.—

(1) Two or more school districts desiring to participate in a cooperative project to establish a common school facility to accommodate pupils residing in the respective districts shall:

(a) Adopt and submit to the Commissioner of Education a joint resolution of the participating district school boards indicating their commitment to the utilization of the requested facility;

(b) Request the Commissioner of Education to have a school facility needs survey conducted to determine the school facility necessary for the proposed use; and

(c) Designate the school district in which the facility is to be located and which is to assume responsibility for the operation, maintenance, and control of the facility.

(2) The commissioner shall cause the requested school facility needs survey to be conducted within 90 days after receiving the joint resolution and shall evaluate the findings of the survey in terms of the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed facility. The commissioner shall then present his evaluation of the request to the State Board of Education and, if his evaluation is in favor of the project, shall request the approval of the board for the project. Upon approval of the project by the board, the commissioner shall allocate the funds necessary to construct the approved facility; provided that the participating districts shall through cooperative efforts provide the State Board of Education with the site for such facility.

(3) All facilities established pursuant to this section shall maximize the use of modular and relocatable units.

(4) The State Board of Education shall adopt rules necessary to carry out the intent of this section.

Section 6. Subsections (1), (2), and (3) of section 215.61, Florida Statutes, are amended to read:

215.61 State system of public education capital outlay bonds. —

(1) The issuance of school bonds, payable primarily from revenues as provided in s. 18, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of s. 9(d), Art. XII of the State Constitution and the provisions of ss. 215.57-215.83, "The State Bond Act," ~~except where excluded.~~

(2) The issuance of bonds to finance or refinance capital outlay projects authorized by the Legislature for the state system of public education, primarily payable from revenues as provided in s. 19 ~~0~~, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution and the provisions of ss. 215.57-215.83, "The State Bond Act."

(3) No bonds authorized by s. 9(a)(2), Art. XII of the State Constitution shall be issued in an amount exceeding 90 percent of the amount which the State Board of Education determined can be serviced by the revenues derived from the gross receipts tax levied and collected pursuant to chapter 203. In determining the amount which can be serviced by the gross receipts tax, the State Board of Education shall utilize the average annual amount of revenue collected for the ~~24 months~~ ~~eight quarters~~ immediately preceding the most recent ~~January 1 or July 1~~ prior to the date of issuance of any such bonds ~~the determination.~~ However, 100 percent of the amount required to provide for the debt service for the current fiscal year of the bonds issued prior to July 1, 1975, under the provisions of s. 9(a)(2), Art. XII of the State Constitution shall be deducted in making the determination.

Section 7. Section 235.22, Florida Statutes, is created to read:

235.22 (1) The office shall establish, as a part of the public education capital outlay and debt service trust fund, a separate account in an amount established by law or in the general appropriations act to be known as the special facility construction account. The special facility construction account shall be used to provide necessary construction funds to school districts that have urgent construction needs but lack sufficient resources at present, or cannot reasonably anticipate sufficient resources for these purposes within the period of the next five years from currently authorized sources of revenue.

(2) Those districts in need of such facilities shall have the facilities recommended in an up-to-date school plant survey; present evidence that the requested facilities are for the one local project that is highest in order of priority for the district; present evidence that existing cash resources, and resources to be reasonably anticipated within the next five fiscal years, will not provide the resources necessary to construct these facilities; adopt an official resolution requesting advance funding from the special facility construction account in an amount, which when added to the district's current cash resources, will provide sufficient funds with which to construct these needed and highest priority facilities; and shall officially waive any future annual allocations from the educational facilities construction working capital trust fund until such time that the advancement is repaid or for the next seven fiscal years, whichever is the earlier.

(3) Each district desiring to participate in securing approval for advanced funding as described herein, shall submit the required evidence and resolutions to the office of educational facilities construction prior to August 1, in any year. The office of educational facilities construction shall evaluate all requests and shall, prior to October 1, recommend to the state board of education those projects to be approved for advanced funding that year.

The state board of education shall either approve or disapprove each recommended project within 30 days after receipt of the recommendations. Upon approval by the state board of education, the districts having approved projects shall be officially notified of such approval, and upon receipt of such notification shall be authorized to enter into contract, as soon as possible thereafter, for the approved facilities.

Section 9. Section 235.4235, Florida Statutes, is created to read:

(1) As moneys become available pursuant to s. 9(a)(2), Art. XII of the State Constitution, as amended, the State Board of Education through the Office of Educational Facilities Construction may allocate such moneys among the above authorized projects in such amounts as the board in its discretion shall see fit. However, no allocation to any one group of projects shall exceed the total amount authorized in this section for such group projects.

(2) The capital outlay projects approved annually by the legislature are to be financed in accordance with s. 9(a)(2) Art. XII of the State Constitution, as amended, or other legally available state funds, or grants, donations and matching funds, or by a combination of such funds.

(3) The sums designated annually by the legislature are the maximum sums to be expended from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, as amended. However, funds appropriated from this source and remaining unexpended from previously authorized projects along with grants, donations, and matching funds from other sources may be added to such maximum sums for any item or category when so approved by the State Board of Education.

Section 10. Sections 1, 4, 5, or Chapter 75-292, Laws of Florida, and sections 229.815, 229.820, and 235.423, Florida Statutes, are hereby repealed.

Section 11. This act shall take effect July 1, 1976.

Senators MacKay and Saylor offered the following amendment to Amendment 1 which was moved by Senator MacKay and failed:

Amendment 1A—On page 18, line 27, insert: Section 10. The total expenditures for the purpose of this act shall not exceed \$133,000,000.

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

Amendment 1B—On page 3, line 11, strike "four hundred thirty-one" and insert: eleven and on line 31 add d. For instructional television equipment \$420,000.

Amendment 1 was adopted by the following vote:

Yeas—24

Brantley	Hair	Peterson	Stolzenburg
Childers, W. D.	Lane, D.	Poston	Thomas, J.
Firestone	Lane, J.	Renick	Thomas, P.
Gallen	Lewis	Saunders	Trask
Gordon	McClain	Scarborough	Winn
Graham	Myers	Spicola	Zinkil

Nays—14

Mr. President	Glisson	Saylor	Ware
Childers, D.	Johnston	Sims	Wilson
Deeb	MacKay	Tobiassen	
Dunn	Plante	Vogt	

Senator Graham moved the following title amendment which was adopted:

Amendment 2—On page 1, line 3, strike the title and insert: A bill to be entitled An act relating to education; providing that the State Board of Education determine the allocation of the amount appropriated from the Public Education Capital Outlay and Debt Service Trust Fund; providing procedures; amending s. 235.41, Florida Statutes; providing for submission of an integrated comprehensive budget request to the Legislature; providing contents of such budget request; amending s. 235.42, Florida Statutes; providing for transfer of funds for construction of authorized projects; providing for administration of the Public Education Capital Outlay and Debt Service Trust Fund; providing contents of such fund; providing an appropriation to such fund; providing expenditure procedures; amending subsection (6) of s. 236.084, Florida Statutes; providing for recalculation of allocation; creating s. 235.195, Florida Statutes; providing for cooperative use of facilities; amending subsections (1), (2), and (3) of s. 215.61, Florida Statutes; providing technical corrections to existing language; creating s. 235.22, Florida Statutes; providing for the advance funding of certain fixed capital outlay projects; creating section 235.4235, Florida Statutes, providing for expenditure and reallocation of fixed capital outlay funds provided pursuant to s. 9(a)(2), Art. XII of the State Constitution as amended; repealing sections 1, 4, 5, chapter 75-292 Laws of Florida, and s. 235.423, Florida Statutes, relating to appropriation and expenditure of certain funds and ss. 229.815 and 229.320, Florida Statutes, abolishing the State Planning Council for Post High School Education; providing an effective date.

On motion by Senator Gordon, by two-thirds vote, CS for HB 4190 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Lane, D.	Renick	Tobiassen
Brantley	Lane, J.	Saunders	Trask
Childers, W. D.	Lewis	Scarborough	Ware
Firestone	MacKay	Sims	Winn
Gallen	McClain	Spicola	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Thomas, J.	
Hair	Poston	Thomas, P.	

Nays—8

Childers, D.	Dunn	Plante	Vogt
Deeb	Johnston	Sayler	Wilson

Votes after roll call:

Yea—Holloway
Nay to Yea—Dunn

Senator Saunders moved that SB 1236 be taken up as a special and continuing order. The motion was adopted by the following vote:

Yeas—27

Childers, D.	Hair	Poston	Thomas, P.
Childers, W. D.	Holloway	Renick	Tobiassen
Deeb	Johnston	Saunders	Vogt
Dunn	Lewis	Sayler	Ware
Firestone	MacKay	Sims	Wilson
Glisson	McClain	Stolzenburg	Winn
Graham	Plante	Thomas, J.	

Nays—9

Mr. President	Gordon	Scarborough	Trask
Brantley	Myers	Spicola	
Gallen	Peterson		

Votes after roll call:

Nay—J. Lane
Nay to Yea—Spicola

Senator Scarborough presiding

The President presiding

SB 1236 was taken up and pending consideration thereof, on motions by Senator Saunders, the rules were waived and by

two-thirds vote HB 3989 was withdrawn from the Committees on Commerce, Transportation and Ways and Means and placed on the calendar. On motion by Senator Saunders—

HB 3989—A bill to be entitled An act relating to transportation; amending s. 337.143, Florida Statutes, providing legislative intent; requiring documentation of certain costs; prohibiting the Department of Transportation from making cost adjustments under certain circumstances in the contract unit price for bituminous materials included in road construction contracts; providing an effective date.

—a companion measure to SB 1236 was substituted therefor and read the second time by title.

On motions by Senator Saunders, by two-thirds vote HB 3989 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1236 was laid on the table.

Consideration of SB 435 and HJR 801 was deferred.

Senator Trask moved that HB 1274 be made a special and continuing order following consideration of HB 2635.

Senator Wilson moved as an amendment to the motion, following HB 1274 insert: CS for SB 239

Senator Childers moved as a substitute motion that HB 1274 be immediately considered.

Senator Brantley moved as an amendment to the substitute motion, following HB 1274 insert: HB 4002.

The question was put on each of the foregoing motions and the motions failed.

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 CS for HB 2635 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative Conway—

CS for HB 2635—A bill to be entitled An act relating to education; amending s. 239.67(4) and (8), Florida Statutes; increasing the period of residency required of a student as a condition upon participation in the short-term loan program; authorizing the Department of Education to assess a service charge with respect to students participating in the short-term loan program; amending s. 239.671, Florida Statutes, increasing the amount of student registration or tuition fees required to be paid into the Student Financial Aid Trust Fund; creating s. 215.515, Florida Statutes, relating to investment accounts and charges for services; providing for adjustment of such fees under certain circumstances; amending s. 239.705, Florida Statutes, increasing the maximum principal amount of bonds which may be issued pursuant to Section 15 of Article VII of the State Constitution, relating to revenue bonds for scholarship loans; amending s. 239.715, Florida Statutes, permitting loans from the Student Financial Aid Trust Fund to be made to students admitted to attend certain ac-

credited institutions and community colleges; amending s. 239.72, Florida Statutes, authorizing the Department of Education to contract for the purchase of certain federally insured student loans; providing limitations; amending s. 239.80(4), Florida Statutes, and adding a new subsection (5) to said section, authorizing the charge-off of certain delinquent student loan accounts as uncollectible; prohibiting the furnishing of academic transcripts and other student records of certain delinquent student loan borrowers; amending s. 230.23(7)(d), Florida Statutes, providing for the establishment and maintenance of a school library media services program; amending s. 230.33(9)(d), Florida Statutes, providing that the superintendent shall recommend plans for a school library media services program; repealing s. 233.29, Florida Statutes, relating to establishment and maintenance of libraries by school boards; amending s. 230.234, Florida Statutes, providing for the payment of costs of legal services for officers and employees of school boards; providing for public meeting; amending s. 230.23(5)(d), Florida Statutes, authorizing district school boards to pay instructors and other employees retroactively under certain circumstances; amending s. 215.425, Florida Statutes, exempting such authority from provisions which prohibit the payment of extra compensation out of the State Treasury after service has been rendered; amending s. 228.091, Florida Statutes; providing a penalty for the trespass by certain persons upon the grounds or facilities of educational institutions; increasing the penalty for the failure of such persons to leave after being ordered to do so; amending s. 234.03, Florida Statutes, to require liability insurance or other means of compensation for bodily injury or death or property damage on school buses and other motor vehicles, to set limits of coverage, and to require reports of accidents; providing exemption for private schools; amending s. 768.28(2), Florida Statutes, to clarify legislative intent by including school boards in the waiver of sovereign immunity in tort actions; providing applicability; adding a new subsection (12) to s. 233.25, Florida Statutes, 1974 Supplement; requiring publishers and manufacturers of instructional materials to give permission for the reproduction of the material in Braille, large print, or as sound recordings for visually handicapped students as a prerequisite to providing such instructional materials to the state; amending s. 229.814, Florida Statutes, relating to high school equivalency diplomas; removing provisions which require district school boards to administer examinations for such diplomas pursuant to rules of the State Board of Education, which place limitations upon admission to examinations and which exempt persons awarded the diplomas from compulsory school attendance; amending s. 231.10(1), Florida Statutes, relating to Florida Council on Teacher Education, to change procedure relating to the nomination of members to the council; amending s. 231.57(1), (2), (3) and (5), Florida Statutes, relating to the Professional Practices Council, to change the composition of, and procedure relating to the nomination of members to, the council; providing an effective date.

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

On motion by Senator Lewis, by two-thirds vote CS for HB 2635 was read the second time by title.

Senator Brantley moved the following amendments which were adopted:

Amendment 1—On page 2, line 9, strike everything after the enacting clause and insert: Section 1. Subsections (4) and (8) of section 239.67, Florida Statutes, are amended to read:

239.67 Student Financial Aid Fund; administration.—

(4) Scholarship loans from said fund, as determined by the department, shall be made only to full-time students in good academic and conduct standing who can demonstrate financial need. Said loans shall be made only to students who are citizens of the United States, or who are in the United States for other than a temporary purpose with the intent to become a permanent resident thereof, and who have been bona fide residents of Florida for the preceding ~~3 years~~ *year*. Priority shall be given to applicants who have demonstrated the most promise for academic success as evidenced by a standardized examination or their record of academic achievement. Such loans shall be granted only for unmet financial need for educational expenses and shall not exceed a total of \$1800 per academic year to any one individual applicant. Recipients of such loans may attend any institution of higher learning in Florida, either private or public, which is a member of the Southern Association of Colleges and Secondary Schools or

whose credits are acceptable for transfer to state universities in Florida or professional nursing diploma schools.

(8) No loans authorized by subsections (4) and (5) shall be made after June 30, 1975, except to students who received such loans prior to June 30, 1975, and who continue their eligibility as defined by this section. To the extent that they are not required for purposes of the Student Financial Aid Trust Fund, moneys deposited in the trust fund shall be used to support a program of short-term loans to students who have applied for a Florida-insured student loan but who have not received such loan by the first day of registration of the school term for which the insured loan applies. Only students attending state universities [or] public community colleges will be eligible for the short-term loans authorized by this section. Of the moneys available for this purpose, a maximum of \$1,000,000 may be used each year. One-half of the funds shall be allocated to each institution in the same proportion as its total amount of Florida insured student loans for the preceding year is to the total amount of Florida-insured student loans for all state universities and public community colleges for that year, and one-half of the funds shall be allocated proportionally according to enrollment. However, each eligible institution shall receive a minimum allocation of \$1000. It is further provided that no loan authorized by this section shall exceed the amount of disbursement to be made to the student by the forthcoming insured loan. The Department of Education is authorized to prescribe such rules and regulations for this program as are necessary for its efficient and orderly administration, and to assess a fixed nonrebateable service charge equal to 50 cents on each \$100, or major fraction thereof, loaned to students participating in the short-term loan program.

Section 2. Section 239.671, Florida Statutes, is amended to read:

239.671 Increased registration or tuition fees for funding scholarship loan program.—Student registration or tuition fees at each state university and public community college shall include up to \$4.68 ~~will be increased \$3 per quarter or \$7.02 \$4.50~~ per semester per full-time student or the per student credit hour equivalents of such amounts. These funds shall be paid into the Student Financial Aid Trust Fund, to be maintained in a separate account therein, and administered by the Department of Education under the provisions of this act. To the extent that these funds are not required for the purposes of the Student Loan Trust Fund, they shall only be used to assist in the funding of the scholarship loan program for state university and public community college students. *The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 239.705.*

Section 3. Section 239.705, Florida Statutes, is amended to read:

239.705 Issuance of revenue bonds pursuant to s. 15, Art. VII.—

(1) The issuance of revenue bonds to finance the establishment of the fund, to be payable primarily from payments of interest, principal, and handling charges to the fund from the recipients of the loans, and with the other revenues authorized hereby being pledged as additional security, is ~~hereby~~ *hereby* authorized, subject and pursuant to the provisions of s. 15, Art. VII, State Constitution; the State Bond Act, ss. 215.57-215.83; and ss. 239.70-239.76.

(2) The amount of such revenue bonds to be issued shall be determined by the Division of Bond Finance of the Department of General Services. However, the total principal amount issued shall not exceed ~~\$65~~ *\$40* million.

Section 4. Section 239.715, Florida Statutes, is amended to read:

239.715 Eligibility requirements for loans.—Loans may be made from the fund to students who have been admitted to attend any institution of higher learning or community college in Florida, private or public, which is a member of the Southern Association of Colleges and Secondary Schools, or any institution of higher learning or community college accredited by an association which is a member of the Council on Postsecondary Accreditation, or whose credits are acceptable for transfer to state universities in Florida; any professional nursing diploma schools; any public vocational training centers, as provided in chapter 230; any accredited

private vocational schools approved for veterans' training under Chapter 36, Title 38, U.S.C., and standards adopted by the State of Florida or to students certified as participants in the Southern Regional Education Board program or other such programs as may be approved by the legislature. However, loans shall be made only to students who are domiciled in Florida and have been residents of the State of Florida for the preceding 1 year.

Section 5. Section 239.72, Florida Statutes, is amended to read:

239.72 Approval of loans; administration of fund.—

(1) The loans to be made with the proceeds of the fund shall be determined and approved by the Department of Education, pursuant to rules and regulations promulgated by the State Board of Education. The fund shall be administered by the Department of Education as provided by law and shall be maintained and secured in the same manner as other public trust funds.

(2) *The Department of Education is authorized to contract for the purchase of federally insured student loans to be made by other eligible lenders under the federally insured student loan program; provided, that any such loans must comply with all applicable requirements of s. 15, Art. VII, of the State Constitution, ss. 239.70-239.76, the rules of the State Board of Education relating to the federally insured student loan program, and the proceedings authorizing the student loan revenue bonds; provided, further, that the loans so purchased shall have been made during the period specified in the contract.*

Section 6. Subsection (4) of section 239.80, Florida Statutes, is amended, subsection (5) of said section is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

239.80 Delinquent accounts.—

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan agreements which are at least 3 years delinquent and which prove uncollectible after good-faith collection efforts; *provided, that delinquent accounts with past due balances of \$25 or less may be charged off as uncollectible when an account becomes 6 months past due and the cost of further collection effort or assignment to a collection agency would not be warranted.*

(5) *No individual borrower who has been determined to be delinquent in making legally required scholarship loan or student loan repayments shall be furnished with his academic transcripts or other student records until such time as the delinquent status has been removed.*

Section 7. This act shall take effect July 1, 1976.

Amendment 2—On page 1 strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 239.67(4) and (8), Florida Statutes; increasing the period of residency required of a student as a condition upon participation in the short-term loan program; authorizing the Department of Education to assess a service charge with respect to students participating in the short-term loan program; amending s. 239.671, Florida Statutes, increasing the amount of student registration or tuition fees required to be paid into the Student Financial Aid Trust Fund; providing for adjustment of such fees under certain circumstances; amending s. 239.705, Florida Statutes, increasing the maximum principal amount of bonds which may be issued pursuant to Section 15 of Article VII of the State Constitution, relating to revenue bonds for scholarship loans; amending s. 239.715, Florida Statutes, permitting loans from the Student Financial Aid Trust Fund to be made to students admitted to attend certain accredited institutions and community colleges; amending s. 239.72, Florida Statutes, authorizing the Department of Education to contract for the purchase of certain federally insured student loans; providing limitations; amending s. 239.80(4), Florida Statutes, and adding a new subsection (5) to said section, authorizing the charge-off of certain delinquent student loan accounts as uncollectible; prohibiting the furnishing of academic transcripts and other student records of certain delinquent student loan borrowers; providing an effective date.

On motion by Senator Lewis, by two-thirds vote CS for HB 2635 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted with amendment SCR 1463 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Senator Scarborough and others—

SCR 1463—A concurrent resolution authorizing the Department of Transportation to covenant to complete Section I of the proposed 1977 project as a part of the Jacksonville expressway system in Duval County, Florida, and approving such covenant to complete as required by s. 339.12(5)(d), Florida Statutes; providing an effective date.

Amendment 1—On page 2, line 17, strike all of line and insert: July 1, 1976

On motion by Senator Scarborough, the Senate refused to concur in the House amendment and the House was requested to recede therefrom. The action, with the bill and amendment, was certified to the House.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has failed to adopt the Conference Committee Report on CS for HB 2812.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 3500 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS/HB's 2825, 3042, 3043, 3044 and 3155, as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

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

HB 4006	HB 1381	HB 1826
HB 3444	HB 3445	HB 3418
HB 3679	HB 3281	HB 2010
HJR 1779	HB 2903	HB 2360
CS for HB 3140	HB 180	HB 276
HB 400	HB 421(cs)	HB 881(cs)
HB 2433	HB 2476	CS for HB 2635
HB 2957	HB 2965	HB 3051
CS for HB 3170	HB 3504	HB 3586
HB 3639	HB 3775	HB 3779
HB 3913	HB 3914	HB 3919
HB 3925	CS for HB 3957	HB 3966
HB 3996	HB 4057	HB 4063
HB 4081	CS for HB 4190	HB 4211

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 915.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has recalled from Senate, reconsidered passage, reconsidered amendment, withdrew amendment and passed CS for SB 1257.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 325, SB 331.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 258 and SB 1195.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

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

SB 132	CS for SB 1200	SB 866
SB 1102	SB 1462	SB 1377
SB 1419	SB 1429	SB 1442
SB 1444	SB 1445	SB 1447
SB 1455	SB 1454	SB 1453
SB 1421	SB 1457	SB 624
SB 1451	SB 583	SB 1340

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has recalled from Senate, reconsidered passage, reconsidered amendments and withdrew amendments and passed SB 823.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 814.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 1413.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 2, 3 and 4 and passed SB 935.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed SB 415.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from the House Amendment and passed SB 524.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed SB 1206.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, reconsidered amendments, withdrew amendments and passed SB 515.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 928.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, reconsidered amendments, failed amendments and passed CS for SB 1064.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

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

SB 182 SB 457 SB 611 SB 733

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

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

CS for SB 1278 CS for SB 1264 SB 1219

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted SM 234.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 988.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has reconsidered, withdrawn amendments, and passed SB 505.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 300, SB 1010, SB 1047.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 3, has concurred in Senate Amendments to House Amendments 1 and 4, and has passed as amended CS for SB 949.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 2 to CS for SJR's 619 and 1398 and passed as amended by the required Constitutional three-fifths vote of the membership of the House.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 and 2 and passed SB 527 as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment to SB 859 and passed, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 & 2 to House Amendment and passed SB 895, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 586 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 107 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 and 2 and passed CS for SB 512, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments to Senate Amendments to House Amendments and passed SB 64 as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Title Amendment 1 to the House Amendment and passed SB 1015, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 575 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 321 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 3 and 4 and passed SB 1204 as amended.

Allen Morris, Clerk

The bills contained in the above messages were ordered engrossed and then enrolled.

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

INTRODUCTION

By Senators Winn, Poston and Firestone—

SR 1464—A resolution commending Richard and Joyce Chicvara for their acts of heroism in saving the life of a state trooper.

—was read the first time by title. On motion by Senator Winn, SR 1464 was read the second time in full and unanimously adopted.

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

SR 1465—A resolution commending Dr. Robert M. McMillan for his service as Chaplain of the Senate.

WHEREAS, Dr. Robert M. McMillan, Pastor of the First Baptist Church in Tallahassee, has diligently prayed for us almost daily during this session, interceding on our behalf and asking divine guidance for us, and

WHEREAS, Dr. McMillan, in addition to administering to our spiritual needs, has helped in coordinating the visits of guest ministers—guiding, directing, and coordinating their visits and prayers, and

WHEREAS, Dr. McMillan has served in an outstanding manner as Chaplain of the Senate this session as well as in each of the three preceding years, NOW, THEREFORE,

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

That the members of this body hereby express our appreciation to Dr. Robert M. McMillan for his outstanding service as Chaplain of the Senate.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate and that copies of this resolution, duly attested, be presented to Dr. McMillan, his family, and the First Baptist Church of Tallahassee.

—was read the first time by title. On motion by Senator Brantley, SR 1465 was read the second time in full and unanimously adopted.

The motion by Senator Ware to reconsider the vote by which CS for HB 3385 passed this day was not taken up and therefore was abandoned. The bill was certified to the House.

The motion by Senator Graham to reconsider the vote by which HB 3451 passed this day was not taken up and therefore was abandoned. The bill was certified to the House.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 878, 969, 1042 and 1043 which will become law without his signature.

The Governor advised that he had filed in the office of the Secretary of State SB 472 which he had approved on June 4, 1976.

ENROLLING REPORTS

CS for SB 212	SB 128
SB 468	SB 224
SB 1386	SB 290
SB 7	SB 347
CS for SB 97, 102, 208	SB 356
CS for SB 98	SB 1009
SB 104	CS for SB 1156
SB 116	SB 1224

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 4, 1976.

Joe Brown, Secretary

SB 311	SB 871	SB 1000	SB 1348
SB 405	SB 950	SB 1117	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 3, 1976.

Joe Brown, Secretary

SCR 1459 and SJR 266 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 4, 1976.

Joe Brown, Secretary

SCR 149	SM 478	SCR 1446
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—have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 3, 1976.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Renick—CS for SB's 297 and 641; Senator W. D. Childers—SB 615; Senator Trask—SB 1346

The Journal of June 3 was corrected and approved as follows:

Page 611, column 2, strike lines 11 through 13 and insert: tions; amending s. 607.161, Florida Statutes, removing the authority of domestic or foreign corporations to act as incorporator or incorporators of a corporation; providing an effective

Page 613, column 1, between lines 2 and 3 insert: CS for HB 1808—A bill to be entitled An Act relating to un-

Page 613, column 1 in lines 24 and 27 before "HB" insert: CS for

Page 613, counting from bottom of column 1, strike line 24 and insert: On motion by Senator Lewis, by unanimous consent—HB 4191—A bill to be entitled An act relating to education; amending s. 231.10(1), Florida Statutes, relating to the Florida Council on Teacher Education, to change procedure relating to the nomination of members to the council; amending s. 231.57(1), (2), (3) and (5), Florida Statutes, relating to the Professional Practices Council, to change the composition of, and procedure relating to the nomination of members to, the council; providing an effective date.

Page 617, column 1, strike line 27 and insert: the Senate failed to confirm and took no action on the appointments identified in the fore-

Page 623, column 1, line 25, after "16," strike rest of line and line 26 and insert: strike "in a blind or revocable trust" and after "percent" add: owned individually, including a one-half percent interest in a blind or revocable trust,

Page 628, column 2, after line 32, insert: revenues, for the purpose of financing or refinancing such

Page 639, counting from bottom of column 1, strike line 9 and insert:—which was read the first time by title and SB 804 was laid on the table. On motion by Senator Gordon, by two-thirds vote CS for SB's 804, 807, 808, 809, 833, 845, 846, 847, and 960 was read the second time by title.

Page 639, counting from bottom of column 1, between lines 33 and 34 insert: SB 804 was taken up, together with

Page 640, counting from bottom of column 1, between lines 13 and 14 insert: SB 1018 was taken up, together with: By the Committee on Ways and Means—

Page 640, column 2, strike line 5 and insert: —which was read the first time by title and SB 1018 was laid on the table. On motion by Senator Poston, by two-thirds vote CS for SB 1018 was read the second time by title.

The Journal of June 2 was further corrected and approved as follows:

Page 552, column 1, strike lines 7 and 8 and insert: viding for method and time of such election; providing for assumption of office by members of the board; providing for

Page, 558, counting from bottom of column 2, line 15, strike "2493" and insert: 2943

Page 566, column 1, lines 25 and 26, strike "passed and certified to the House" and insert: and failed to pass

Page 571, counting from bottom of column 1, line 38, after "States" insert: as a whole, issued by the United States

Page 583, column 1, line 17, strike "\$200,000" and insert: \$20,000

The Journal of June 1 was further corrected and approved as follows:

Page 467, column 1, line 15, strike "and Ware"

Page 488, column 1, line 2, strike "and on" and insert: , together with, by the Committee on Judiciary-Criminal and Senator Zinkil, CS for SB 395, which was read the first time by title and SB 395 was laid on the table. On

Page 488, column 2, line 2, strike "and on" and insert: , together with, by the Committee on Health and Rehabilitative Services, CS for SB 1201 which was read the first time by title and SB 1201 was laid on the table. On

Page 501, column 1, line 4, strike "first" and insert: second

Page 501, column 2, strike line 17 and insert: Amendment 1— On page 1, strike entire line 23 and insert: Section 2. This act

Page 511, counting from bottom of column 2, line 32, strike "ceed the maximum" and insert: shall be that amount

Page 512, column 2, between lines 4 and 5 insert:

Vote after roll call:

Yea—Hair

The Journal of May 31 was further corrected and approved as follows:

Page 456, counting from bottom of column 2, strike lines 17, 18 and 19 and insert: 1384 was read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 5, insert on line 26 after “of”: CS for on line 27 after “Number”: 619 & 1398

On motion by Senator Ware, by two-thirds vote CS for SB 1384 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Page 461, column 1, strike lines 15 and 16 and insert: nated as the “Perdido River Basin—Perdido Bay Coastal Area—Lower Conecuh River—Escambia River Basin”

The Journal of May 28 was further corrected and approved as follows:

Page 419, counting from bottom of column 2, line 31, after “3” insert: and 4

Page 436, column 1, between lines 1 and 2 insert: SB 754 was taken up, together with: By the Committee on Judiciary-Criminal and Senator Dunn—

Page 436, column 1, strike lines 27 and 28 and insert: —which was read the first time by title and SB 754 was laid on the table. On motions by Senator Dunn, by two-thirds vote CS for SB 754 was read the second time by title and by two-thirds vote was read the third

Page 437, counting from bottom of column 1, between lines 3 and 4 insert: SB 1254 was taken up, together with: By the Committee on Commerce and Senators W. D. Childers and Tobiassen—

Page 437, column 2, between lines 12 and 13 insert: —which was read the first time by title and SB 1254 was laid on the table. On motion by Senator W. D. Childers, by two-thirds vote CS for SB 1254 was read the second time by title.

The Journal of May 27 was further corrected and approved as follows:

Page 403, counting from bottom of column 2, between lines 16 and 17 insert: CS for SJR’s 49 and 81 as amended was read in full as follows:

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 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.

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 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, 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.

On motion by Senator Brantley, the Senate recessed at 7:47 p.m. to reconvene at 12:01 a.m., June 5, 1976.

Pursuant to Article III, Section 3, of the Constitution of the State of Florida, the Senate in 1976 regular session adjourned sine die at 12:00 midnight.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 28, 1976 THROUGH JUNE 4, 1976

Name & Address; Entity Represented & Address if different; Legislation Involved; Association with Legislator if any

Blue, John R. Box 1550 Bradenton 33506 Jimmie Carl Smith Rt 2 Bradenton Claims Bill

Booth, Richard C. Div of Fla Land Sales & condominiums Johns Bldg Tallahassee 32304 Div of Fla Land Sales & Condominiums Business regulation

Carter, Calvin W. 125 E Kennedy Blvd Tampa 33601 O. H. Carter Co. Insurance

Chazal, Richard A. 104 SE 1st Ave Ocala 32670 Dick Chazal Insurance Agency No Fault Insurance

Crane, Donald R., Jr. 31st St 3rd Ave N St Petersburg 33733 Self Crane's Roost New Port Richey Insurance

Cunningham, Anthony W. 403 Morgan St Tampa 33602 Academy of Fl Trial Lawyers Box 590 Tallahassee Judicial, Insurance, General

Hughes, Wallace E. 1310 E Robinson Orlando 32803 Self Insurance

Jackson, W. L., Jr. Box 116 Lakeland 33802 Lakeland Cash Feed Co Inc HB 4205

Le Crenier, Harry F., Jr. Box 6207 W Palm Beach 33402 Self 146 Rutland Blvd W Palm Beach 33405 Insurance

Lombard, Rocci 920 N Fed Highway Ft Lauderdale 33304 Self Insurance

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