



Journal of the Senate

Number 4

Friday, April 8, 1977

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Gordon	Myers	Tobiassen
Barron	Gorman	Peterson	Trask
Castor	Graham	Plante	Vogt
Chamberlin	Hair	Poston	Ware
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Saylor	Wilson
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Scott	Zinkil
Gallen	MacKay	Skinner	
Glisson	McClain	Spicola	

Excused: Senators Pat Thomas and Jon Thomas

Prayer by Senator Lewis:

Mr. President asked me to prepare a prayer for today and make a few comments about the day, Good Friday.

These are truly holy days and days of celebration both for Jewish and Christian people alike.

For the Jewish people the Passover was a celebration that relieved God's saving activity when Moses was raised up to lead the Jews out of Egypt. Jesus Christ chose the feast time of Passover to give himself up for man's sins. Christ gave us himself at the Last Supper with his apostles and then on Good Friday he gave up his life for us and the total redemption of man. So Good Friday is truly a day of sadness and joy. The sadness is that Christ had to suffer and die as he did for us. It is also a day of joy because without Good Friday there would never have been an Easter Sunday. It's long been a tradition for Christians to set aside three hours, from noon until 3 p.m., on Good Friday to contemplate Christ's sufferings on the cross. Today, however, sometimes people do this on their own or in different forms. So we are taking this time to request that all of you today... some on your way home this afternoon, to contemplate this most holy day.

Let us pray. Our heavenly Father, God of our universe, we thank you for all the blessings you have given your people and to us particularly here in the Senate. We thank you for getting us off to a good start this first week of the session. We want you to guide us and bless us in the remaining days of the session, making us ever aware of the sufferings that we have here in the state of Florida and that all of our decisions will be made in the future days of the session for the best interests of the people of this state. We ask this through your son, Jesus Christ. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Friday, April 8, 1977:

CS for SB's	SB 139	SB 226	SB 43
303 and 224	CS for SB 218	SB 116	CS for SB 25
SB 229	SB 93	SB 96	CS for SB 19
CS for SB 53	SB 265	CS for SB 24	SB 63

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Monday, April 11, 1977:

Consideration of SB 1224—1976 Session—the Governor's Veto notwithstanding.

SB 229	SB 96	SB 156	SB 282
CS for SB 53	SB 43	SB 174	SB 283
SB 139	CS for SB 19	SB 195	CS for SB 24
SB 93	SB 65	SB 279	CS for SB 25
SB 226	SB 26	SB 280	SB 265
SB 116	SB 30	SB 281	

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Agriculture recommends the following pass: SB 574

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

The Committee on Education recommends the following pass: SB 359

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

SB 364 with 7 amendments SB 401

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 575

The Committee on Finance, Taxation and Claims recommends the following pass: SB 95 with 5 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 370

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

The Committee on Judiciary-Civil recommends the following pass: SB 365, SB 366

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 384

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

The Committee on Agriculture recommends the following pass:

SB 329	SB 488 with 3 amendments
SB 467	SB 515
SB 468 with 1 amendment	SB 541 with 2 amendments

The Committee on Education recommends the following pass: SB 308 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass:

CS for SB 136 SB 309 SB 380 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass:

SB 18 SB 204
SB 40 SB 269 with 2 amendments
SB 179 with 2 amendments SB 272 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 478 with 2 amendments

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

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 563

The bill with Committee Substitute attached was placed on the calendar.

On motion by Senator Gallen, by two-thirds vote, the Special Order Calendar for Monday, April 11, was amended to include CS for SB 563 as the first bill for consideration.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 257 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SJR 143 was referred first to the Committee on Finance and Taxation and then to the Committee on Rules and Calendar.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 511 was withdrawn from the Committee on Commerce.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointment Subject to Confirmation by the Senate

The Secretary of State on April 6, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Max Register, Brooksville; Member, Pithlachascootee River Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1978

—which was referred to the Committee on Executive Business.

SPECIAL ORDER CALENDAR

On motion by Senator Peterson, consideration of CS for SB's 303 and 224 was deferred.

SB 229—A bill to be entitled An act relating to insurance; amending s. 627.351(6), Florida Statutes, 1976 Supplement; providing that the risk against flood loss to buildings and contents, and personal property in buildings in or below first floor level located in special flood hazard zones designated by the U. S. Department of Housing and Urban Development remain insured under the National Flood Insurance Program under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 26, insert after the word "designated": from time to time;

Amendment 2—On page 1, line 27, strike "as zones A, V, AO, and A1 through A30"

On motion by Senator W. D. Childers, by two-thirds vote SB 229, as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Spicola
Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Plante	Trask
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Saylor	Williamson
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Scott	Winn
Gordon	McClain	Skinner	Zinkil

Nays—None

By the Committee on Executive Business and Senator Dunn—

CS for SB 53—A bill to be entitled An act relating to vacancies in public office; amending ss. 114.01-114.04, Florida Statutes; specifying cases in which offices shall be deemed vacant; requiring the Governor, in the case of certain vacancies, to file an executive order with the Secretary of State; providing procedures by which officers other than cabinet officers may absent themselves from the state for up to a specified period without a vacancy resulting; providing procedures by which cabinet officers may absent themselves from the state for in excess of a specified period without a vacancy resulting; providing procedures for appointment of officers to fill vacancies in state, district, or county offices; creating s. 114.05, Florida Statutes; providing procedures for Senate confirmation of appointment of officers to fill vacancies; providing procedures for the rejection or refusal of the Senate to confirm an appointment; providing a limitation on the reappointment of an appointee who has been rejected for confirmation; providing procedures for the creation of a vacancy in office upon the failure of the Senate to act upon confirmation; providing for rejection of reappointment upon failure of Senate to act on reappointment; providing for information to be furnished to the Senate or its appropriate standing or select committee or subcommittee; repealing s. 112.071, Florida Statutes, which prescribes procedure for Senate confirmation of appointments; providing an effective date.

—was read the first time by title and SB 53 was laid on the table.

On motion by Senator Poston, by two-thirds vote CS for SB 53 was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 4, strike lines 14 through 21 to the period after election and insert: 114.04 Filling vacancies.—Except as otherwise provided in the State Constitution, the Governor shall fill by appointment any vacancy in a state, district, or county office (other than a member or officer of the Legislature) for the remainder of the term of an appointive officer and for the remainder of the term of an elective office if there is less than 28 months remaining in the term, otherwise, until the first Tuesday after the first Monday following the next general election.

On motion by Senator Poston, by two-thirds vote CS for SB 53 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Myers	Tobiassen
Barron	Gorman	Peterson	Trask
Castor	Graham	Plante	Vogt
Chamberlin	Hair	Poston	Ware
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Saylor	Wilson
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Scott	Zinkil
Gallen	MacKay	Skinner	
Glisson	McClain	Spicola	

Nays—None

SB 139—A bill to be entitled An act relating to the county road system; amending s. 336.59(2), Florida Statutes, 1976 Supplement; providing the time that each county shall distribute road and bridge taxes to municipalities; providing an effective date.

—was read the second time by title.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, following the word "Cities" insert: , urban service districts

On motion by Senator Lewis, by two-thirds vote SB 139 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Childers, Don	Hair	Poston	Vogt
Childers, W. D.	Henderson	Renick	Ware
Dunn	Holloway	Saylor	Williamson
Firestone	Johnston	Scarborough	Winn
Gallen	Lewis	Scott	Zinkil
Glisson	McClain	Skinner	
Gordon	Myers	Spicola	

Nays—None

Vote after roll call:

Yea—Chamberlin

By the Committee on Health and Rehabilitative Services and Senators Castor, Spicola, and McClain—

CS for SB 218—A bill to be entitled An act relating to hospital and nursing home plans review; amending ss. 395.09(1) and (2) and 400.23(2); creating ss. 395.09(3) and 400.23(3) and (4); requiring that all plans and specifications for hospital or nursing home construction be approved within 60 days of receipt by the Department of Health and Rehabilitative Services; defining the date of receipt; providing for automatic approval of plans not disapproved within 60 days of receipt; providing a 15 day extension period subject to the approval of the Secretary of the Department of Health and Rehabilitative Services; authorizing "fast track" and other construction techniques; authorizing the Department of Health and Rehabilitative Services to collect appropriate fees for services rendered in plans and specifications review; authorizing a trust fund for fees paid; providing for the use of trust funds; providing an effective date.

—was read the first time by title and SB 218 was laid on the table.

On motion by Senator Castor, by two-thirds vote CS for SB 218 was read the second time by title.

Senator McClain offered the following amendments which were moved by Senator Castor and adopted:

Amendment 1—On page 2, line 10, strike the comma

Amendment 2—On page 2, line 11, strike "a" and insert: one

Amendment 3—Strike all of lines 6-30 on page 4 and all of lines 1-19 on page 5 and insert: Section 2. Subsection (6) of section 400.23, Florida Statutes, 1976 Supplement, is amended and subsections (7) and (8) are added to said section to read:

400.23 Rules; minimum standards; fee for review of plans.—

(6) The department shall approve or disapprove the plans and specifications within 60 days after receipt of the plans review fee payment as required in s. 400.23(8). The department may be granted one 15-day extension for the review period, if the secretary of the department so approves. If the department fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the department disapproves plans and specifications, it shall set forth in writing the reasons for said disapproval. Necessary conferences and consultations may be provided as necessary, is authorized to charge a fee not to exceed \$50 for services rendered in reviewing preliminary plans of each new project, whether an alteration or addition. Counties or municipalities shall be exempt from payment of this fee.

(Renumber subsection (3) [page 5, line 20] and (4) [page 6, line 23] as subsections (7) and (8) respectively.)

Senator Scott presiding

Senator Graham moved the following amendments which were adopted:

Amendment 4—On page 4, line 6, insert: (4) When the licensing agency determines that a county or municipality is qualified to inspect and review plans and specifications, the licensing agency may delegate to that county or municipality the authority to review and approve plans and specifications based upon the statewide standards of the licensing agency. The time limits for approval or disapproval of plans and specifications by the licensing agency established in subsection (1) shall apply to the county or municipality. When such county or municipal approval is used in lieu of licensing agency approval, the fee charged by the licensing agency for such services shall be waived.

Amendment 5—On page 6, line 9, insert: (9) When the department determines that a county or municipality is qualified to inspect and review plans and specifications, the department may delegate to that county or municipality the authority to review and approve plans and specifications based upon the statewide standards of the department. The time limits for approval or disapproval of plans and specifications by the department established in subsection (6) shall apply to the county or municipality. When such county or municipal approval is used in lieu of departmental approval, the fees charged by the department for such services shall be waived.

Senator Holloway moved the following amendment which was adopted:

Amendment 6—On page 2, line 9, after "specifications" insert: or release for Fast-track Const. Scheduling.

Senator Graham moved the following title amendments which were adopted:

Amendment 7—On page 1, line 4, insert after the word "and": (4) and

Amendment 8—On page 1, line 5, strike "and (8);" and insert: , (8) and (9);

Amendment 9—On page 1, line 15, insert after the semi-colon: authorizing the delegation of authority to review and approve plans and specifications to certain counties and municipalities;

Senator McClain moved the following title amendments which were adopted:

Amendment 10—On page 1, line 12, strike "a" and insert: one

Amendment 11—On page 1, strike all of lines 3 through and including line 5 and insert: plans review; amending s. 395.09, Florida Statutes; amending 400.23(6), Florida Statutes, 1976 Supplement, and adding subsections (7) and (8) to said section; requiring that all plans and

On motion by Senator Castor, by two-thirds vote CS for SB 218 as amended was read the third time by title.

Senator Scarborough moved that further consideration of CS for SB 218 be deferred and the motion failed by the following vote:

Yeas—14

Barron	Gorman	Renick	Trask
Childers, Don	Hair	Scarborough	Williamson
Childers, W. D.	Lewis	Skinner	
Gallen	Peterson	Tobiassen	

Nays—19

Castor	Graham	Myers	Ware
Chamberlin	Holloway	Plante	Wilson
Firestone	Johnston	Poston	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Vogt	

The President presiding

Senator Scarborough moved the following amendment which failed:

Amendment 12—On page 2-7, strike lines 19 through and including line 30, and all of pages 3, 4, 5, and 6 and lines 1 through and including line 3

Senator Holloway moved the following title amendment which was adopted:

Amendment 13—On page 1, line 6, after "specifications" insert: or release for fast track construction scheduling

Senator Lewis raised a point of order that CS for SB 218 authorized the charge of a fee for services rendered and pursuant to Rule 4.8 should be referred to the Committee on Appropriations.

The President stated that CS for SB 218 had been on the Special Order Calendar, before the Senate, since April 5, and in accordance with rulings by previous presiding officers, due to the tardiness of the point being raised, the point was not well taken.

Senator Williamson moved that the Senate reconsider the vote by which amendment 12 failed.

Senator Trask moved as a substitute motion that further consideration of CS for SB 218 be deferred. The substitute motion was adopted.

SB 93—A bill to be entitled An act relating to community colleges; requiring athletic scholarship recipients to be graduates of Florida public or private high schools or to have been a Florida resident for the preceding 2 years; providing a savings clause; providing an effective date.

—was read the second time by title.

Senators Gallen, Gorman and Tobiassen offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 1, line 11, after the word "athletic" insert: or academic

Senator Peterson moved the following amendment which was adopted:

Amendment 2—On page 1, line 14, strike the period and insert: providing however, the State Board of Education may by rule establish guidelines to waive this requirement in extenuating circumstances.

Senator Peterson moved the following title amendment which was adopted:

Amendment 3—On page 1, line 6, after the semi-colon insert: providing for waiver of requirement;

Senators Gallen, Gorman and Tobiassen offered the following title amendment which was moved by Senator Tobiassen and adopted:

Amendment 4—On page 1, line 3, after the word "athletic" insert: and academic

On motion by Senator Tobiassen, by two-thirds vote SB 93 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Glisson	MacKay	Spicola
Barron	Gordon	McClain	Tobiassen
Castor	Gorman	Myers	Trask
Chamberlin	Graham	Peterson	Vogt
Childers, Don	Hair	Plante	Ware
Childers, W. D.	Henderson	Poston	Winn
Dunn	Holloway	Renick	Zinkil
Firestone	Johnston	Saylor	
Gallen	Lewis	Scarborough	

Nays—1

Wilson

Vote after roll call:

Yea—Williamson

SB 265—A bill to be entitled An act relating to combinations restricting trade or commerce; creating s. 542.13, Florida Statutes; prohibiting certain corporations from granting or accepting certain documents in the course of trade if they contain provisions requiring discrimination or the refusal to grant or accept such documents on the ground that they do not contain a discriminatory provision; providing an exception; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Gordon and adopted:

Amendment 1—On page 2, between lines 3 and 4 insert: (c) Request or furnish information with regard to or reflective of a person's race, religion, sex, ethnic or national origin, or presence or absence on a blacklist for the use of a foreign country, its nationals, or residents in order to comply with, further or support a foreign boycott.

(d) Request or furnish information with regard to or reflective of the place where commodities were not manufactured or did not originate for the use of a foreign country, its nationals, or residents in order to comply with, further or support a foreign boycott.

Amendment 2—On page 2, line 2, strike "goods or services" and insert: commodities

Amendment 3—On page 1, line 26, strike "corporation" and insert: person

Amendment 4—On page 1, line 19, strike "corporation which" and insert: person who

On motion by Senator Gordon, by two-thirds vote SB 265 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Myers	Tobiassen
Chamberlin	Graham	Peterson	Trask
Childers, Don	Hair	Plante	Vogt
Childers, W. D.	Henderson	Poston	Ware
Dunn	Holloway	Renick	Williamson
Firestone	Johnston	Saylor	Wilson
Glisson	Lewis	Scott	Winn
Gordon	MacKay	Spicola	Zinkil

Nays—None

SB 226—A bill to be entitled An act relating to planning and budgeting; amending s. 216.023, Florida Statutes; providing that each state agency submit to the Governor, together with its legislative budget, a statement of the number of employees employed by such agency as of a specified date; renumbering s. 216.151(5), Florida Statutes, and adding a new subsection (5) to said section; providing that the secretary of the Department of Administration shall prepare an annual report of the number of employees employed by each state agency and furnish such report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Ware moved the following amendments which were adopted:

Amendment 1—On page 2, line 16, insert new Section 3 and re-number subsequent Section. Section 3. Section 110.0611, F.S., is amended to read:

110.0611 Personnel Information system; payroll procedures.—The Division of Personnel of the Department of Administration shall establish and maintain, in coordination with the payroll system of the Department of Banking and Finance, a complete personnel information system for all authorized and established positions in the state service, with the exception of employees of the legislature. The specifications shall be developed in conjunction with the payroll system of the Department of Banking and Finance and in coordination with the auditor general. The Department of Banking and Finance shall determine that the position occupied by each employee has been authorized and established in accordance with the provisions of s. 216.251. The Department of Administration shall develop and maintain a position numbering system that will identify each established position, and such information shall be a part of the payroll system of the Department of Banking and Finance. With the exception of employees of the legislature, this system shall include all career service positions and those positions exempted from career service provisions, notwithstanding the funding source of the salary payments, and information regarding persons receiving payments from other sources. Necessary revisions will be made in the personnel and payroll procedures of the state to avoid duplication insofar as is feasible. A report shall be furnished to the head of each state agency periodically which shall include, but not be limited to, each employee's name, length of service with the state, current salary, and position classification and whether the employee is overlapped, in a multiple-filled position, or hired out-of-class. ~~A listing by department, division, or agency shall be presented to the Speaker of the House of Representatives and the President of the Senate by March 1, 1976, and each year thereafter and shall show, as of February 1—~~

- (1) Filled positions, exempt or nonexempt from career service.
- (2) Vacant positions.
- (3) Turnover percentages by classes of positions for each department, division, or agency and statewide turnover percentages by classes of positions.
- (4) The number of employees who have been hired out of their salary classification.

Amendment 2—On page 1, line 14 in title, after the “;” insert: amending s. 110.0611, Florida Statutes; deleting requirement that a personnel listing be presented to the Speaker of the House and President of the Senate by the Division of Personnel each year;

On motion by Senator Ware, by two-thirds vote SB 226 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Firestone	Holloway	Plante
Barron	Glisson	Johnston	Poston
Castor	Gordon	Lewis	Renick
Chamberlin	Gorman	MacKay	Sayler
Childers, Don	Graham	McClain	Scott
Childers, W. D.	Hair	Myers	Spicola
Dunn	Henderson	Peterson	Tobiassen

Trask	Ware	Wilson	Zinkil
Vogt	Williamson	Winn	
Nays—None			

SB 116—A bill to be entitled An act relating to institutions of higher learning; amending s. 240.052(4), Florida Statutes; changing provisions with respect to deferred payment of registration fees by veterans at institutions within the State University System and community college system; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendment:

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

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

Section 1. Subsection (4) of section 240.052, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of subsection. See s. 240.052(4), F.S., 1976 Supp., for present text.)

240.052 Admission of students; fees.—

(4)(a) It is the intent of the Legislature that any eligible veteran or other person who wishes to pursue an approved program of education or training, within the meaning of Chapter 34 or Chapter 35, Title 38, United States Code, at any institution within the State University System or community college system and who presents a certificate of eligibility to receive educational benefits from the United States Veterans Administration, or applies for certification of such educational benefits through the institution, shall be granted, upon his or her request, one 60-day deferment for the payment of registration fees in each calendar year. No deferment shall be granted to an eligible person who has received advanced or prepaid educational benefits. Such deferment shall be limited to the first term of enrollment in any school year, or the first term of enrollment following a break in the receipt of benefits from the United States Veterans Administration. The deferment shall begin on the first day of registration for the first term of enrollment in any school year of the institution to be attended by the veteran or eligible person. No eligible person who has received a deferment under the provisions of this paragraph and who has failed to pay the deferred fees shall be allowed to re-enroll in any institution within the State University System or community college system until such indebtedness has been satisfied. No period of deferment granted under the provisions of this paragraph shall exceed the number of days of the term for which the eligible person is registered. If the academic term is for less than 60 days, the deferment shall be limited to 10 days less than the number of days of the term.

(b) Any institution within the State University System or community college system may grant, in the discretion of the institution, a 60-day deferment for the payment of registration fees to any eligible veteran or other person for any term subsequent to the first term of enrollment in any school year.

(c)1. Each person who receives a deferment under the provisions of this subsection shall first execute, as principal, a promissory note under seal and deliver the note to the president of the institution he is attending or to a representative designated by the president to receive such notes. Each note shall be made payable to the institution for the amount of deferred fees and shall be conditioned for payment upon expiration of the period of deferment.

2. Each institution authorized to grant deferments under the provisions of this subsection may enforce the collection of and otherwise settle any delinquent deferral notes and, upon default of payment, shall enter the fact of such default upon the institutional record of the principal of the note. Upon satisfactory payment of a delinquent deferral note, the notation of a default of payment entered upon the institutional record of the principal of the note shall be removed by the institution involved.

(d) All applications for deferments under the provisions of this subsection shall be notarized and shall be made upon

forms furnished by the Department of Education which, in addition to any other information the department may require, shall be in the following form:

Application for 60-day deferment of registration fees

Name _____
 Student No. _____
 Veteran No. _____
 Address _____
 Reason for deferment request _____

The undersigned agrees to execute a promissory note made payable to . . . (name of institution) . . . for the amount of the deferred fees.

The undersigned agrees that no student grades or transcripts will be released by . . . (name of institution) . . . until the amount of deferred fees has been paid.

The undersigned realizes that failure to pay the deferred fees will be entered into the undersigned's permanent record and, on the day after the last day of deferment, the undersigned will be subject to appropriate administrative action pursuant to the administrative policies of . . . (name of institution) . . . ; and, if applicable, notice of failure to pay will be forwarded to the United States Veterans Administration as reason for the administrative action taken by the institution.

I . . . (name of deferred person) . . . certify that I am not indebted for the payment of registration fees granted by a previous deferment to any institution within the State University System or community college system.

I . . . (name of deferred person) . . . have read and understand the application for the 60-day deferment of registration fees and hereby authorize . . . (name of institution) . . . to take all necessary steps as set forth in this application in the event that I fail to pay the required amount of deferred fees.

Section 2. Subsection (3) is added to section 201.08, Florida Statutes, to read:

201.08 Tax on promissory notes, written obligations to pay money, assignments of wages, etc.; *exception.*—

(3) *No documentary stamps shall be required on promissory notes executed in compliance with s. 240.052(4) and the holder of such promissory notes shall not lose any rights incident to the payment of said stamp costs.*

Section 3. Section 230.7686, Florida Statutes, is created to read:

230.7686 *Deferment of registration fees.*—*Each institution shall defer registration fees for any eligible veteran or other person who may be entitled to same as is set forth in s. 240.052(4).*

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

The Committee on Education offered the following amendment to Amendment 1 which was moved by Senator MacKay:

Amendment 1A—On page 1, line 19-27, strike everything after the word "system" on line 19 through and including the (.) on line 27 and insert: *shall be entitled to one 60 day extension per calendar year of the fee payment deadline for the program in which he is enrolled upon request and demonstration of need resulting from a delay in receipt of veteran's benefit payments. During subsequent registration periods in the same calendar year, the institution may at its discretion grant a veteran a 60 day extension of the fee payment deadline.*

On motion by Senator MacKay SB 116 with pending amendments was deferred.

SB 96—A bill to be entitled An act relating to educational facilities; requiring each school district with insufficient classroom space to conduct a survey to determine if space suitable for classroom use is available in any public or private facilities to meet the short-term needs of the districts; requiring the school district to submit a report to the Department of Education prior to taking any steps to acquire or construct additional classroom space; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 1, line 17 strike the word "classroom" line 19 strike the word "classroom" line 21 strike the word "classroom" line 25 strike the word "classroom" line 27 strike the word "classroom" line 30 strike the word "classroom" and insert: on line 17, 19, 21, 25, the word "instructional" on line 27 insert the words "instructional space" on line 30 insert the word "instructional"

Amendment 2—On page 1, line 31, strike "October" and insert: July

Amendment 3—On page 1, lines 4, 6, and 11 in title, strike the word "classroom" and insert: instructional

On motion by Senator Sayler, by two-thirds vote SB 96 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gordon	McClain	Tobiassen
Barron	Gorman	Myers	Vogt
Castor	Hair	Poston	Ware
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Sayler	Winn
Dunn	Johnston	Scott	Zinkil
Glisson	Lewis	Spicola	

Nays—4

Chamberlin	Graham	Plante	Scarborough
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Votes after roll call:

Yeas—Firestone, MacKay and Skinner
 Nay—Peterson

Senator Skinner presiding

By the Committee on Judiciary-Civil and Senator Zinkil—

CS for SB 24—A bill to be entitled An act relating to mechanics' liens; amending ss. 713.01(3), (7), (10), (12), (19), 713.02(6), 713.03(3), 713.05, 713.06(1), (2)(a), (3)(c), (d), (h), 713.08(1)(h), (2), (4)(c), 713.13(1)(f) and (g), and adding a new paragraph to said subsection, 713.14, 713.16(2), 713.22(1), 713.23, 713.29, 713.32, Florida Statutes; changing definitions; providing procedures for acquiring liens; designating who qualifies as a lienor; providing notice requirements for perfecting liens; providing forms for payment of bonds and notices of such bonds; requiring notice to interested persons; extending the effectiveness of a lien by recording a notice of lis pendens; changing the determination of attorney's fees in legal proceedings and on appeal; changing requirements of a notice of commencement; requiring copies of contracts and statements or account upon demand; providing liabilities and penalties; repealing s. 627.756(1), Florida Statutes, relating to performance and payment bonds; repealing s. 713.02(7), (8), Florida Statutes, relating to types of lienors; providing an effective date.

—was read the first time by title and SB 24 was laid on the table.

On motion by Senator Zinkil, by two-thirds vote CS for SB 24 was read the second time by title.

Senator Zinkil moved the following amendments which were adopted:

Amendment 1—On page 3, line 5, strike "or a subcontractor, or" and insert: *a subcontractor, or a subsubcontractor, or*

Amendment 2—On page 3, between lines 13 and 14, insert: (11) "Materialman" means any person who furnishes materials under contract to the owner, contractor, or subcontractor or subsubcontractor on the site of the improvement or for direct delivery to the site of the improvement or for specially

fabricated materials off the site of the improvement for the particular improvement, and who performs no labor in the installation thereof.

Amendment 3—On page 6, line 16, insert the following: A materialman to a subsubcontractor shall also serve a copy of the notice to owner or the subcontractor of the subsubcontractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien.

The President presiding

Amendment 4—On page 14, line 26, and page 15, line 2, strike "30" and insert: 45

Amendment 5—On page 14, line 30, strike "or" and insert: and in either case if,

Amendment 6—On page 17, line 10, strike "the contract" and insert: the bond

Senator Myers moved the following amendment which was adopted:

Amendment 7—On page 14, line 24, insert after "failure.": *If payment bond is furnished, the owner, within 10 days after receipt of a notice to owner, shall give written notice, to the person who serves such notice to owner, of the existence of the payment bond including the name and address of the surety and principal under the bond.*

Senator McClain moved the following amendment which was adopted:

Amendment 8—On page 2, line 23, between the words "rugs" and "that" insert: or appliances

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

Amendment 9—On page 6, lines 21-27, strike "The notice must be served regardless of the method of payments by the owner, whether proper or improper, shall not give to the lienor serving the notice any priority over other lienors in the same category and the failure to serve the notice shall be a complete defense to payment by any person except a person with whom the lienor failing to serve the notice has a contract."

Amendment 9 failed by the following vote:

Yeas—9

Chamberlin	Glisson	Sayler	Ware
Childers, Don	McClain	Skinner	
Dunn	Peterson		

Nays—19

Firestone	Holloway	Poston	Williamson
Gordon	Johnston	Renick	Wilson
Gorman	Lewis	Scott	Winn
Graham	Myers	Spicola	Zinkil
Hair	Plante	Vogt	

Senator McClain moved the following amendments which failed:

Amendment 10—On page 13, line 20, strike "and punitive"

Amendment 11—On page 13, lines 29 and 30, and page 14, lines 1 and 2, strike "The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for a valuable consideration and without notice unless a notice of lis pendens is recorded."

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

Amendment 12—On page 14, lines 24-31, and page 15, lines 1-8, beginning with the words "A lienor" strike all underlined language and all stricken language.

Senator McClain moved the following amendment which was adopted:

Amendment 13—On page 17, lines 26-30, strike all of the language through the word "actions" and insert: *713.29 Attorney's fees.—In any action brought to enforce a lien under part 1 of this chapter, the prevailing party shall be entitled to recover a reasonable fee for the services of his attorney for trial and appeal, to be determined by the court, which shall be taxed as part of his costs.*

Senator Dunn moved the following amendment:

Amendment 14—On page 8, strike lines 12 through 21 and reinstate stricken language.

Amendment 14 was adopted by the following vote:

Yeas—17

Castor	Glisson	Peterson	Ware
Chamberlin	Gorman	Plante	Wilson
Childers, Don	Johnston	Sayler	
Dunn	MacKay	Spicola	
Gallen	McClain	Vogt	

Nays—14

Firestone	Lewis	Scarborough	Winn
Gordon	Myers	Scott	Zinkil
Graham	Poston	Skinner	
Hair	Renick	Trask	

Senator Dunn moved the following amendment:

Amendment 15—On page 3, strike line 23 and insert: as provided in s.

Senator Plante moved that further consideration of CS for SB 24 be deferred.

CO-INTRODUCERS

Senator Renick—SB 223; Senator Gordon—Senate Bills 209, 254 and 263; Senator Peterson—SB 515; Senators Firestone, Plante, W. D. Childers, Ware, Spicola, and Winn—SB 562; Senator Holloway—SB 577; Senator Dunn—SB 426

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 7 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m., April 11 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 3:00 p.m.