



Journal of the Senate

Number 5

Monday, April 11, 1977

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

INTRODUCTION

By Senator Peterson—

SB 631—A bill to be entitled An act relating to education; amending s. 236.081(1)(c), Florida Statutes, 1976 Supplement; providing for determination of cost factors for certain district school programs; providing for new educational programs; creating s. 230.2315, Florida Statutes; providing for Educational Alternative Programs; providing an effective date.

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

By Senators Myers, Zinkil, McClain, Dunn and Jon Thomas—

SB 632—A bill to be entitled An act relating to the Florida Transportation Code; amending s. 336.021(1), Florida Statutes; authorizing any county, at the discretion of the governing body, to impose an additional 1 cent tax on motor fuel and special fuel for certain transportation purposes; eliminating the need for a referendum; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator Jon Thomas—

SB 633—A bill to be entitled An act relating to the Beverage Law; creating s. 565.045, Florida Statutes; prohibiting licensed retail vendors of liquor who sell liquor for consumption off the premises from selling or advertising such liquor at less than cost; providing an effective date.

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

By Senators Lewis (by request), Hair and Ware—*

SB 634—A bill to be entitled An act relating to dispensing opticians; amending s. 484.08, Florida Statutes, relating to the renewal of licenses, fees therefor, expenditure of revenues, and annual reports; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Governmental Operations.

By Senator McClain—

SB 635—A bill to be entitled An act relating to insurance; amending s. 627.737, Florida Statutes, 1976 Supplement; providing that certain licensed physicians are competent and qualified to testify to establish the cause and permanency of injuries and diseases within their area of knowledge, training, and expertise; providing an effective date.

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

By Senator Gallen—

SB 636—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes

1977 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1977 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1975 and prior thereto and not included in the Florida Statutes 1977 are repealed; providing that general laws enacted during the 1976 and 1977 regular sessions are not repealed by this adoption act.

(Accompanied by Volumes 1 and 2, Florida Statutes, 1975)

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

By Senator Holloway—

SB 637—A bill to be entitled An act relating to the Department of Transportation; amending s. 338.19(1), Florida Statutes; requiring the department to reimburse a utility owned by a municipality, county, or agency or authority of the state or of a political subdivision for the entire expense of removing or relocating a facility of such utility; providing for certain deductions from reimbursement; authorizing expenditure of both restricted and unrestricted state roads moneys and gas tax revenues for such reimbursement; providing an effective date.

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

By Senator McClain—

SB 638—A bill to be entitled An act relating to health studio services; creating ss. 501.301-501.307, Florida Statutes; providing definitions; providing for cancellation of health studio contracts under certain circumstances; providing for methods of cancellation; providing for injunctive relief; providing for attorney's fees in certain cases; providing for other individual legal remedies; providing for remedies of the enforcing authority; providing for the effect on other remedies; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Economic, Community and Consumer Affairs.

By Senator McClain—

SB 639—A bill to be entitled An act relating to bicycles; amending s. 316.111(9), Florida Statutes, 1976 Supplement, as transferred to s. 316.2065, Florida Statutes, by section 1 of chapter 76-31, Laws of Florida; requiring lights and reflectors on all bicycles sold in this state; providing an effective date.

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

By Senator Holloway—

SB 640—A bill to be entitled An act relating to the Card Sound Toll Bridge Facility; requiring the Department of Transportation to negotiate with Monroe County for the acquisition of such bridge; requiring the department to negotiate with the county to retire bridge revenue bonds; requiring the department to operate and maintain the bridge as a toll-free bridge; making an appropriation to cover the necessary costs of acquisition; providing an effective date.

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

By Senator Skinner—

SB 641—A bill to be entitled An act relating to Dixie County; prohibiting fishing with nets of 1,000 yards or longer or with a net placed closer than 500 yards of any other net; providing a penalty; providing a referendum.

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

By Senator Skinner—

SB 642—A bill to be entitled An act relating to Levy County; prohibiting fishing with nets of 1,000 yards or longer or with a net placed closer than 500 yards of any other net; providing a penalty; providing a referendum.

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

*Introduced by request of Administrative Procedures Committee

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 3:00 p.m. A quorum present—40:

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

Excused: Senator Pat Thomas at 4:10 p.m.

Prayer by Rabbi Joseph Narot, Temple Israel, Miami:

O God, source of all hope and faith, we thank you for the hope and the faith which these our state legislators have inspired in their respective communities which have chosen them. We thank you for the competence and the conscientiousness which these men and women manifest in their performance of their public duty.

Help us, the people, O God, ever to be reminded of the complexity of the task before our senators and representatives. May we be ever mindful of the varied and clashing interests that press and plead for satisfaction. May the men and women of these chambers therefore, O God, we beseech you, see the overriding ideals and principles by which they should lead our collective community.

May they never forget that the words of the pledge of allegiance which we are about to recite are to be more than lip service. 'Liberty and justice for all' must mean just that. 'Liberty and justice for all': town and city, poor and rich, native and newcomer, black and white, women and men.

May the day come speedily, O God, when equal rights will signify more than a cliché; more than a political slogan. For if our nation is to remain true to its essential character then the Levitical command engraved on our nation's liberty bell should become a reality in our lives, even as thou has proclaimed it—proclaimed liberty throughout the state, unto all the inhabitants thereof. Then blessed by you, O God, shall we be a blessing to each other. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

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

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

CS for SB 563	SB 30	SB 281
SB 116	SB 156	SB 282
SB 43	SB 174	SB 283
CS for SB 19	SB 195	CS for SB 24
SB 65	SB 279	CS for SB 25
SB 26	SB 280	

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Commerce recommends the following pass: SB 261

The Committee on Transportation recommends the following pass: SB 519 with 2 amendments

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

The Committee on Transportation recommends the following pass: SB 535 with 5 amendments

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

The Committee on Commerce recommends the following pass: SB 259, SB 378

The Committee on Executive Business recommends the following pass: SB 447

The Committee on Transportation recommends the following pass: SB 13 with 2 amendments

The Committee on Economic, Community, and Consumer Affairs recommends the following pass: SB 270

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

The Committee on Commerce recommends the following not pass:

SB 183	SB 184	SB 246
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The bills were laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 95 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Jon Thomas, the rules were waived and by two-thirds vote SB 384 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 512 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

VETOED BILLS—1976 REGULAR SESSION

In compliance with the provisions of Article III, Section 8(b), of the State Constitution, The Secretary of State has transmitted for consideration of the Senate the following vetoed bills, 1976 Regular Session, with the Governor's objections attached thereto:

CS for SB 212	Granting preferences to certain contractors on public contracts
SB 259	Providing an additional member of the Board of Regents to be a full-time student in the State University system
SB 527	Florida retirement system; state contributions to certain members of Elected State Officers' Class

- SB 615 Relating to the justifiable use of deadly force
- CS/SB 738 Relating to legal services for state agencies
- CS/SB 842 Independent water and sewer districts and road and bridge districts; removing interest rate limitations upon bonds, etc.
- SB 915 Cruelty to animals; increasing penalty; certain actions
- SB 950 Economic and environmental impact; standard or proposed standards stricter than set by federal agencies, etc.
- SB 963 Relating to vehicle dimension control, etc.
- SB 1010 Relating to the control of the imported fire ant
- SB 1224 Prohibiting enactment of local ordinances or rules imposing certain price controls, etc.
- SB 1346 County and municipal governments; providing for issuance of licenses
- CS/SB 1384 Administrative procedures committee; disapproval and temporarily suspend rules of executive agencies, etc.
- SB 1419 Appointment of Hospital Trustees of Escambia County, etc.

—which were referred to the Committee on Rules and Calendar.

SPECIAL ORDER CALENDAR

Consideration of SB 1224, 1976 Regular Session, together with the Governor's objections thereto, was deferred.

By the Committee on Judiciary-Civil—

CS for SB 563—A bill to be entitled An act relating to elections; amending and revising various provisions of chapters 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, Florida Statutes; prescribing regulations relating to the registration and qualifications of electors; prescribing the powers and duties of elections officials and duties of other officials with respect to elections, registration, and official records; prescribing regulations for the qualifications of candidates and campaign and election of public officers; prescribing regulations for the holding and conduct of, and campaigns for, elections held to elect public officers or to approve or reject constitutional amendments, bond issues, or other measures; prescribing procedures and regulations with respect to voting, ballots, and voting equipment; prescribing regulations for ascertaining the results of elections and providing for recounts; prescribing regulations relating to presidential electors, political parties, and the selection of delegates to national conventions of political parties; prescribing violations and penalties; prescribing regulations and procedures with respect to campaigns for, and the election or retention of, judicial officers; prescribing regulations with respect to campaign financing, political committees, and committees of continuous existence; prescribing regulations of affairs held to raise funds to be used in a campaign for public office and affairs held in honor or on behalf of public officers; prescribing regulations governing the use and disposition of campaign funds; prescribing the powers and duties of various officials and agencies to enforce such regulations; providing for enforcement with respect to violations; providing for civil penalties; prescribing penalties for violations of such regulations; clarifying language and removing redundant and obsolete provisions; amending s. 112.3145(2)(c), (6), Florida Statutes, 1976 Supplement; providing for filing of disclosure of financial interests by candidates; amending ss. 130.03, 130.18, 180.04, 180.10, 236.36, and 342.04, Florida Statutes; conforming cross-references; repealing ss. 97.031, 97.062, 97.103, 98.082, 98.121, 98.131, 98.141, 98.151, 98.221, 98.291, 98.311, 98.312, 98.313, 98.331, and 98.331, Florida Statutes, which relate to certificates of election, registration records, and registration and voting by electors; repealing ss. 99.023, 99.111, 99.151, 99.153, 99.172, and 99.193, Florida Statutes, which prescribe regulations for the qualification, nomination, and election of candidates, the holding of testimonial affairs, and prohibit the buying of votes; repealing ss. 100.112, 100.121, 100.131, 100.171, and 100.251, Florida Statutes, which relate to the holding and conduct of, and qualification of candidates for, certain elections held to

elect public officers or to approve or reject issues; repealing ss. 101.081, 101.091, 101.101, 101.25, 101.26, 101.262, 101.264, 101.291, 101.30, 101.44, 101.5616, 101.60, 101.63, 101.691, and 101.70, Florida Statutes, which prescribe procedures and regulations with respect to voting, ballots, methods of qualifying for office, voting equipment, duties of election officials, and adoption of provisions of election laws by certain agencies and political subdivisions; repealing ss. 102.041 and 102.051, Florida Statutes, which relate to powers of, and filling of vacancies on, election boards; repealing ss. 103.041, 103.102, and 103.111, Florida Statutes, which relate to presidential electors and prescribe regulations for political parties; repealing ss. 104.021, 104.12, 104.14, 104.181, 104.25, 104.272, and 104.28, Florida Statutes, which prescribe violations and penalties; repealing ss. 104.44, 104.45, and 104.46, Florida Statutes, which repeal conflicting laws, authorize municipalities to adopt election laws, and require a pamphlet and manual of such laws; repealing s. 105.021, Florida Statutes, which sets the dates of nonpartisan judicial elections; repealing ss. 106.10, 106.13, and 106.251, Florida Statutes, which relate to campaign financing and enforcement of certain campaign financing violations; repealing s. 1, chapter 75-246, Laws of Florida, which prescribes the dates for the second primary election; providing an effective date.

—was read the first time by title and SB 563 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 563 was read the second time by title.

Senator Plante moved that further consideration of CS for SB 563 be deferred and the motion failed by the following vote:

Yeas—15

Childers, W. D.	Henderson	Poston	Vogt
Gallen	Holloway	Scarborough	Ware
Glisson	Peterson	Skinner	Williamson
Gorman	Plante	Tobiassen	

Nays—20

Mr. President	Firestone	Lewis	Thomas, Pat
Castor	Gordon	MacKay	Trask
Chamberlin	Graham	Myers	Wilson
Childers, Don	Hair	Scott	Winn
Dunn	Johnston	Spicola	Zinkil

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 57, line 23, strike "3" and insert:
5

Senators Scarborough and Williamson offered the following amendment which was moved by Senator Scarborough and failed:

Amendment 2—On page 259, line 24, strike all of section 40 and renumber subsequent sections

Senator McClain moved the following amendment:

Amendment 3—On page 263, lines 7-14, strike all of lines 7 through 13 and through the period (.) on line 14 and insert: All proceeds after payment of the expenses for such testimonial shall be returned prorata to each person who purchased a ticket or gave money or make a donation; provided, however, that a person holding public office who is not a candidate is authorized to retain up to \$5,000 after payment of expenses for the purpose of defraying the cost of legitimate office expenses necessary to carry out the duties of the office to which he is elected.

Further consideration of Amendment 3 was deferred.

Senator McClain moved the following amendment which failed:

Amendment 4—On pages 281 and 282, lines 21-29; 1-15, reinstate the stricken language and renumber subsequent subsection and insert at the end of line 15 on page 282: The making

or acceptance of cash contributions or contributions by certified check shall be subject to the same contribution limitations contained in s. 106.08.

Senator Gallen moved that time of adjournment be extended until 5:30 p.m. and the motion failed to receive the required two-thirds vote. The vote was:

Senator McClain moved the following amendment:

Amendment 5—On page 299, line 22, insert between the words “who” and “fails”: knowingly and willfully

Amendment 5 failed by the following vote:

Yeas—15

Childers, Don	Henderson	Scarborough	Vogt
Childers, W. D.	McClain	Skinner	Ware
Glisson	Plante	Tobiassen	Williamson
Gorman	Poston	Trask	

Nays—18

Mr. President	Graham	Myers	Wilson
Castor	Hair	Renick	Winn
Chamberlin	Holloway	Sayler	Zinkil
Dunn	Johnston	Scott	
Gordon	Lewis	Spicola	

Senator Scarborough moved the following amendment which was adopted:

Amendment 6—On page 57, line 10, strike “3” and insert: 5

Senator Vogt moved the following amendment which was adopted:

Amendment 7—On page 256, line 20, strike the period and insert: and using the campaign funds for that candidacy.

Senator Scarborough moved the following amendment:

Amendment 8—On page 322, between lines 2 and 3 insert: Section 65. As a further condition to qualifying for election to an office in this state, the candidate shall submit to the Secretary of State a copy of his most recent federal income tax return.

Yeas—21

Mr. President	Gallen	Poston	Trask
Castor	Glisson	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, W. D.	Lewis	Spicola	
Dunn	MacKay	Thomas, Jon	
Firestone	McClain	Tobiassen	

Nays—17

Childers, Don	Holloway	Scarborough	Winn
Gordon	Johnston	Scott	Zinkil
Gorman	Myers	Skinner	
Graham	Peterson	Williamson	
Henderson	Plante	Wilson	

On motion by Senator Gallen, the rules were waived and the Committee on Rules and Calendar was granted permission to meet Tuesday, April 12 at 8:00 a.m. in Room F.

Senator Poston announced cancellation of the meeting of the Committee on Executive Business scheduled for Wednesday, April 13 at 8:30 a.m.

CO-INTRODUCERS

Senator Scott—SB 37; Senator Graham—SB 265; Senator McClain—SB 301; Senators MacKay and Gordon—SB 599; Senator Zinkil—SB 13; Senator Hair—Senate Bills 142 and 620; Senator Renick—SB 267; Senator Dunn—SB 462; Senator Skinner—SB 570; Senator Ware—SB 620

CORRECTION AND APPROVAL OF THE JOURNAL

The Journal of April 8 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m., April 12 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m.