



# Journal of the Senate

Number 6

Tuesday, April 12, 1977

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

## INTRODUCTION

By Senators Renick, Zinkil, W. D. Childers, Hair, Sayler, Tobiassen, MacKay, Trask, Skinner, Plante, Ware, Jon Thomas, Winn, Pat Thomas, Scarborough, Henderson, Glisson, Holloway and Scott—

SB 643—A bill to be entitled An act relating to the security of state property; amending ss. 287.35, 287.38, 287.43, Florida Statutes, 1976 Supplement; providing the Division of Security of the Department of General Services with the power and duty to provide for the training and upgrading of personnel and to enforce certain rules of the department; including the Governor's office within the property for which the division is to provide and maintain security; designating certain law enforcement officers as ex officio security agents; requiring the department to promulgate rules for the protection and regulation of certain state-owned and state-leased property and for the preservation of public peace and order on such property; authorizing the adoption of such rules as ordinances; providing a penalty; providing for the enforceability of ordinances on such property; creating s. 287.355, Florida Statutes; providing for qualifications and arrest powers of security agents; authorizing agents to carry arms; requiring agents to carry identification; providing an effective date.

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

By Senator Firestone—

SB 644—A bill to be entitled An act relating to corporations; providing for the regulation of takeover bids; providing definitions; requiring that offerors file certain information with the Division of Securities of the Department of Banking and Finance; providing for hearings necessary to protect offerees; providing for effective date of takeover bids; prohibiting takeover bids by certain offerors; providing requirements for the terms of takeover bids and prohibiting certain practices; authorizing investigations and issuance of subpoenas by the division; providing administrative and injunctive remedies; providing for the assessment of filing fees; authorizing the division to adopt rules; providing penalties and imposing civil liability; providing limitations; providing an effective date.

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

By Senator Plante—

SB 645—A bill to be entitled An act relating to the protection of underground gas pipelines and related facilities; providing definitions; requiring persons making excavations in public or private streets, alleys, public rights-of-way, or gas utility easements to obtain information on the location of underground gas pipelines; requiring notice of intent to excavate; requiring the marking of underground gas pipelines by the owner upon notice of intent to excavate; prohibiting the issuance of excavation permits unless such notice has been given; requiring notice of damage to or dislocation of underground gas pipelines by the excavator; providing for emergency ex-

cavation without notice; prescribing liability of excavator for negligence; providing severability; providing an effective date.

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

By Senator Castor—

SB 646—A bill to be entitled An act relating to pornography; creating s. 847.014, Florida Statutes; providing definitions; prohibiting certain activities involving minors participating in harmful motion pictures, exhibitions, shows, presentations, or representations; providing penalties; providing for injunctive proceedings; providing an effective date.

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

By Senator Castor—

SB 647—A bill to be entitled An act relating to the labeling of human blood; creating ss. 381.601-381.607, Florida Statutes; providing definitions; requiring the labeling of blood; providing for the transfer of blood for industrial use; providing for administration by the Department of Health and Rehabilitative Services; providing penalties; providing for injunctive relief; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Glisson—

SB 648—A bill to be entitled An act relating to tax exemption; creating s. 196.2005, Florida Statutes; providing that real property owned by a bona fide nonprofit civic association and used by members thereof for recreational purposes shall be exempt from ad valorem taxation; providing legislative intent; providing an effective date.

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

By Senator Castor—

SB 649—A bill to be entitled An act relating to libraries; creating s. 257.125, Florida Statutes, and amending s. 119.07 (2)(b), Florida Statutes, to require that all registration and circulation records of public libraries shall be confidential information; providing a penalty; providing an effective date.

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

By Senator Peterson—

SB 650—A bill to be entitled An act relating to taxation for school financing; amending ss. 212.03(1), (3), (6), 212.031(1)(c), (d), 212.04(1), 212.06(1)(a), and 212.08(3), Florida Statutes; amending ss. 212.05(1)(a), (2)-(6), 212.055(1), and 212.12(10), (11), Florida Statutes, 1976 Supplement; increasing the tax on sales, use, storage, consumption, rentals, admissions, communications services, and other transactions taxed under chapter 212, Florida Statutes; providing that the increase in tax be used for

the state system of public education; amending s. 236.25, Florida Statutes; limiting the millage rate of ad valorem taxation that may be levied by district school boards in order to participate in the state allocation of funds for current operation; providing an effective date.

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

By Senator Renick—

SB 651—A bill to be entitled An act relating to maps and plats; amending s. 177.071(2), Florida Statutes, 1976 Supplement; providing that provisions of an ordinance of a charter county which is inconsistent with the provisions of said section shall prevail in such county; providing an effective date.

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

By Senator Skinner—

SB 652—A bill to be entitled An act relating to expert testimony by chiropractic physicians; creating s. 460.41, Florida Statutes; providing that certain testimony by licensed chiropractic physicians at any hearing or trial in this state shall be competent expert testimony; providing an effective date.

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

By Senator Peterson—

SB 653—A bill to be entitled An act relating to the state motor pool; amending s. 287.20, Florida Statutes; exempting vehicles, equipment, and maintenance facilities used in the fire control program of the Division of Forestry of the Department of Agriculture and Consumer Services from the provisions of part II of chapter 287, Florida Statutes; providing an effective date.

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

By the Committee on Economic, Community and Consumer Affairs—

SB 654—A bill to be entitled An act relating to assessments of special classes of property; amending s. 193.511, Florida Statutes; changing the assessment on items of inventory from 25 percent to 10 percent; providing an effective date.

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

By Senators Renick, Holloway, and Poston—

SB 655—A bill to be entitled An act relating to the naming of state buildings; renaming the Florida City State Farmers Market as the "George H. Cooper, Sr., Farmers Market at Florida City"; providing an effective date.

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

By the Committee on Commerce and Senators MacKay, Ware, Henderson, Plante, Jon Thomas, Barron and Winn—

SB 656—A bill to be entitled An act relating to banking; amending ss. 658.10 and 119.07(2)(b), Florida Statutes; providing that certain records of the Department of Banking and Finance relating to banks or trust companies be open to the public; adding provisions relating to personal financial information, stockholder lists, call reports, and day-to-day transactions; authorizing the department to adopt and promulgate rules; providing an effective date.

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

By Senator Henderson—

SB 657—A bill to be entitled An act relating to consumer protection; requiring a warning label on aerosol spray containers that contain certain propellants; 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 Senators Firestone, McClain, Hair and Myers—

SB 658—A bill to be entitled An act relating to district courts of appeal; amending s. 35.06, Florida Statutes, 1976 Supplement; increasing the number of judges; providing an effective date.

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

By Senators Barron and W. D. Childers—

SB 659—A bill to be entitled An act relating to mortgage brokers; amending s. 494.04(5), Florida Statutes; deleting the appropriation of fees to the Department of Banking and Finance; providing an effective date.

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

By Senator Plante—

SB 660—A bill to be entitled An act relating to municipal finance and taxation; amending s. 166.231(1)(a), Florida Statutes; removing authority of municipalities to levy a tax on the purchase of cable television service; providing an effective date.

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

By Senator Henderson—

SB 661—A bill to be entitled An act relating to tax deeds on real estate; amending s. 197.241(4), Florida Statutes, 1976 Supplement; providing that if there are no bidders at the public sale of real property to obtain a tax deed, and no person or governmental unit purchases the property within 90 days thereafter, title shall vest in the board of county commissioners, terminating every other right, title, interest, or lien of any kind; repealing s. 197.241(5), Florida Statutes, which provides for title to such property to escheat to the state 7 years after the offer of public sale; providing an effective date.

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

By Senator Scarborough—

SB 662—A bill to be entitled An act relating to prevailing wages; amending s. 215.19(2)(a), Florida Statutes; providing that the determination of the applicable prevailing wage include the prevailing basic hourly rate of pay and the anticipated costs of health and welfare benefits and pension benefits generally provided by contractors or subcontractors; providing an effective date.

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

By Senators Barron and W. D. Childers—

SB 663—A bill to be entitled An act relating to mortgage brokerage; amending ss. 494.03(1), 494.04(1)-(3), Florida Statutes; clarifying language; providing for declaration of intention to become U. S. citizen for licensing; providing that a mortgage solicitor negotiate loans only for broker with whom he is employed; creating s. 494.041, Florida Statutes; providing requirements for mortgage loans where the security is vacant land registered under chapter 478, Florida Statutes; amending

s. 494.05(1)(f), (4), Florida Statutes; authorizing suspension of licenses for certain actions; deleting certain language to conform to the Administrative Procedure Act; creating ss. 494.051, 494.072, Florida Statutes; providing that certain papers of financial examiner are competent evidence; providing for cease and desist orders, orders to refund overcharges, and administrative fines; amending s. 494.08(3),(6), Florida Statutes; providing that brokerage fee or commission include certain abstract charges; removing exemption in acceptance of deposit or application for mortgage loan without delivery of statement of costs; providing an effective date.

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

By Senator Hair—

**SB 664**—A bill to be entitled An act relating to public meetings; amending s. 286.011, Florida Statutes, which provides that meetings of state and local agencies shall be open to the public, to provide for assessment of attorneys' fees against agencies found in violation of said section; providing an effective date.

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

By Senator Hair—

**SB 665**—A bill to be entitled An act relating to shorthand court reporters; amending ss. 457.031, 457.061, 457.081, 457.091, 457.10, and 457.16, Florida Statutes; deleting requirement that examinations for certification be held semiannually and providing that the fee shall apply to one examination only; providing for denial, suspension, or revocation of certificate; specifying requirements for certificate renewal; providing that bond shall be required prior to certification rather than examination; providing an effective date.

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

By Senator Hair—

**SB 666**—A bill to be entitled An act relating to installment sales; amending s. 520.07(4), Florida Statutes, "The Motor Vehicle Sales Finance Act," and of s. 520.34(7), Florida Statutes, "The Retail Installment Sales Act," relating to the cancellation of insurance policies, providing that unearned finance charges shall be credited to the final maturing installments of the contract or paid to the buyer; providing for computation of the finance charges; 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 667**—A bill to be entitled An act relating to joinder of actions and parties; creating s. 46.051, Florida Statutes; limiting joinder to causes of action arising out of the same event that is the subject matter of the lawsuit; limiting joinder of parties to those directly involved in said transaction; providing a savings clause; providing an effective date.

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

By Senator Trask—

**SB 668**—A bill to be entitled An act relating to assessments; amending s. 193.062, Florida Statutes; requiring that tangible personal property tax returns be filed by April 15; providing an effective date.

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

By Senator Pat Thomas—

**SB 669**—A bill to be entitled An act relating to corrections; creating the "Florida Youthful Offender Act"; providing leg-

islative intent and definitions; providing for the adjudication of persons as youthful offenders; providing for judicial disposition of youthful offenders; providing for mandatory sentences; providing for the suspension of sentence by the court; providing defendant access to certain information in the presentence report; providing for adoption of rules for the extension of the limits of confinement; providing for conditions under which youthful offenders are supervised; providing penalty for failure to return to confinement at designated time; providing for maximum terms of community control supervision; providing for designation of separate facilities for youthful offenders; providing for certification of institutional capacity by the Department of General Services; providing for payment for costs of incarceration or community control by youthful offenders; providing for the confidentiality of records; providing for granting and forfeiture of gaintime; amending ss. 959.115(1), (5), 959.116(1), Florida Statutes; providing for transfer of minors placed on probation by the court; providing for transfer of minors to youthful offender programs of the Department of Offender Rehabilitation; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Jon Thomas—

**SB 670**—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.09(3), Florida Statutes, authorizing licensees to conduct the business of making loans in the same place of business in which the sale of life insurance is made; prohibiting loans contingent upon the sale of life insurance; prohibiting coercive sales tactics; prohibiting the denial of licenses to certain persons or corporations; repealing s. 626.988, Florida Statutes, relating to the prohibition against insurance agents selling insurance while associated with financial institutions; providing an effective date.

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

By Senator Gordon—

**SB 671**—A bill to be entitled An act relating to the tax on the production of oil or gas; amending ss. 211.02(1), (2), 211.06(1), Florida Statutes; changing the disposition of the second oil and gas tax; providing an effective date.

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

By Senator Trask—

**SB 672**—A bill to be entitled An act relating to the tax on rentals; adding s. 212.031(5), Florida Statutes; providing that money paid to a merchants' association is not rent; providing an effective date.

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

By Senator Hair—

**SB 673**—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.18(3), Florida Statutes, relating to interest rates on loans legally made in, and to a resident of, another state; providing an effective date.

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

By the Committee on Executive Business—

**SB 674**—A bill to be entitled An act relating to fees collected by the Department of State; amending s. 15.09(1)(b), Florida Statutes, 1976 Supplement; prohibiting the collection of a fee for providing certificates under seal for certain appointive offices; repealing ss. 113.01-113.03, Florida Statutes, relating to fees for commissions issued by the Governor; providing an effective date.

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

By Senator Saylor—

SB 675—A bill to be entitled An act relating to homestead; amending s. 222.05, Florida Statutes, to include mobile homes and modular homes within provisions relating to exemption of certain homesteads from levy and sale; providing an effective date.

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

By Senator Saylor—

SB 676—A bill to be entitled An act relating to mobile home parks; creating s. 83.766, Florida Statutes, requiring mobile home park owners who desire to sell a mobile home park to give mobile home owners and dwellers 60 days' notice prior to any such sale; prohibiting mobile home park owners from arbitrarily refusing to negotiate with an owners' and dwellers' association formed to purchase the mobile home park; providing that no sale is valid until after the required notice period has elapsed; providing an effective date.

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

By Senator Peterson—

SB 677—A bill to be entitled An act relating to the Florida Land Sales Act, amending s. 478.052(2), Florida Statutes, 1976 Supplement; providing for the waiver of certain requirements upon good cause shown; providing an effective date.

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

By Senator Poston—

SB 678—A bill to be entitled An act relating to county and municipal warrants; creating s. 215.423, Florida Statutes; requiring all agencies of a county or municipality to file the voucher authorizing payment of an invoice within 15 days of receipt of invoice and receipt, inspection, and approval of goods or services; requiring mailing of the warrant within 15 days of filing the voucher; providing record-keeping requirements; authorizing and directing the governing body of a county or municipality to implement the provisions; providing for discharge of employees who fail to comply; providing an effective date.

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

By Senator Glisson—

SB 679—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; naming the vocational building at the school the Thomas M. Gibbs Vocational Building; directing the board of trustees of the school to erect suitable markers; providing an effective date.

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

By Senator Pat Thomas—

SB 680—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(6)(a), Florida Statutes, 1976 Supplement, to provide for per diem and subsistence allowance for persons traveling out of state in order to conduct state business; providing an effective date.

—was read the first time by title and referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 10:00 a.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	Saylor	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Prayer by Rabbi Solomon Schiff, Director of Chaplaincy, Greater Miami Jewish Federation, Miami:

Ruler of the universe.

We invoke thy blessings upon those gathered here, loyal servants in the vineyard of human compassion. Grant that these deliberations shall be ruled by wisdom, purpose, and dedication.

As thou didst bestow upon the Biblical King Solomon "a wise and an understanding heart" (1 Kings 3:12) so mayest thou bestow upon these men and women wise and understanding hearts so that their ministry to the needs of our Florida citizens may be most effective and fruitful.

Thus will our state prosper spiritually as well as materially with dignity and well being the rightful possession of all. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order for Wednesday, April 12, 1977:

CS for SB 563	SB 29	SB 174	SB 281
SB 116	SB 26	SB 182	SB 282
SB 43	SB 30	SB 195	SB 283
CS for SB 19	SB 156	SB 279	SB 363
SB 65	SB 5	SB 280	SB 92

Respectfully submitted,  
Tom Gallen  
Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 617

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

The Committee on Governmental Operations recommends the following pass:

SB 293 with 3 amendments SB 550 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 520

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

The Committee on Governmental Operations recommends the following pass: SB 112

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 494 with 1 amendment

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

The Committee on Corrections, Probation and Parole recommends the following pass:

SB 414 with 2 amendments SB 461 with 3 amendments

The Committee on Governmental Operations recommends the following pass: SB 427, SB 553

The Committee on Rules and Calendar recommends the following pass: SCR 2

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 341

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 254

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 313

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 249

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

The Committee on Corrections, Probation and Parole recommends the following not pass: SB 537

The Committee on Governmental Operations recommends the following not pass: SB 344

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gallen, the rules were waived and by two-thirds vote HCR 2-Org. was withdrawn from the Committee on Rules and Calendar and placed first on the Special Order Calendar.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 455 was withdrawn from the Committee on Judiciary-Criminal and referred to the Committee on Governmental Operations.

On motions by Senator Peterson, by two-thirds vote SB 152 was withdrawn from the committees of reference and indefinitely postponed.

#### SPECIAL ORDER CALENDAR

HCR 2—Org.—A concurrent resolution for a joint meeting of the Legislature to receive the annual report of the Chief Justice of the Florida Supreme Court on the State of the Judiciary.

—was read the second time in full. On motion by Senator Gallen, HCR 2-Org. was adopted and certified to the House. The vote on adoption was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Pat Thomas, Glisson and Vogt

Senator Barron presiding

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 qualification 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 interest 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, 98.381, and 98.381, 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 taken up together with pending Amendment 8 which was withdrawn, and pending Amendment 3.

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

**Amendment 3A**—On page 1, line 2, after the words "shall be" insert: given to a charitable organization, the State of Florida, or

Amendment 3 as amended was withdrawn.

The President presiding

On motion by Senator Hair, by two-thirds vote CS for SB 563 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Votes after roll call:

Yeas—Pat Thomas and Glisson

Consideration of SB 116 was deferred.

Senator Castor was excused at 10:20 a.m. until 10:45 a.m. for the purpose of attending a committee meeting in the House of Representatives.

**SB 43**—A bill to be entitled An act relating to the Solicitation of Charitable Funds Act; adding s. 496.021(4), Florida Statutes; providing certain employees of the Department of State access to criminal justice information; amending s. 496.03(1), Florida Statutes; providing that certificates of registration be received by charitable organizations before solicitation of charitable funds; increasing the amount of charitable contributions received by the organization that entitle it to exemption from the public accountant audit requirement and allowing exemption of local chapters of national charitable organizations; amending s. 496.031(1), (2), Florida Statutes, 1976 Supplement; requiring applicants for registration as professional solicitors to submit fingerprints and photographs; providing that employees of a professional solicitor meet the same standards as professional solicitors; amending s. 496.04(1)(c), Florida Statutes; increasing the minimum amount of funds that must be raised by charitable organizations before they are required to pay registration fees; amending s. 496.08, Florida Statutes; deleting the requirement that the department send lists of registrants to clerks of the circuit courts; amending s. 496.11(10), Florida Statutes, 1976 Supplement; prohibiting misleading solicitation in the name of governmental agencies; limiting the use of telephones for charitable solicitations; repealing s. 496.132, Florida Statutes, which permits more stringent local regulation; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

**Amendment 1**—On page 7, line 16, after "Section 7." insert: Section 496.111, Florida Statutes, is created to read:

**Amendment 2**—On page 2, line 1 in title after "agencies;" insert: creating s. 496.111, Florida Statutes;

Senator Scarborough presiding

On motion by Senator Henderson, by two-thirds vote SB 43 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Sayler, Pat Thomas, Castor and Glisson

By the Committee on Judiciary-Criminal and Senators Dunn and Johnston—

**CS for SB 19**—A bill to be entitled An act relating to immunity of witnesses; amending s. 914.04, Florida Statutes, providing for immunity from use of compelled testimony; providing for an order to testify; providing procedures for granting immunity before courts having felony jurisdiction, grand juries, state attorneys, the Legislature and committees thereof; providing an effective date.

—was read the first time by title and SB 19 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 19 was read the second time by title.

The President presiding

Senator Dunn moved the following amendments which were adopted:

**Amendment 1**—On page 5, line 6, insert: (4) JUDICIAL QUALIFICATIONS COMMISSION PROCEEDING.—When any natural person (hereinafter referred to as the "witness") has been subpoenaed or called to testify or to produce other information, including any book, paper, document, or tangible thing, or when it appears that such witness may be subpoenaed or called to testify or produce other information, including any book, paper, document, or tangible thing, at or before any proceeding of the judicial qualifications commission as authorized by Article V, Section 12, Florida Constitution,

**Amendment 2**—On page 5, line 12, insert after "": or the chairman of the commission

**Amendment 3**—On page 5, line 22, insert after "legislative": or the commission,

**Amendment 4**—On page 5, line 24, insert after "": or the chairman of the commission,

**Amendment 5**—On page 5, line 30, insert after "thereof,": or the commission,

**Amendment 6**—On page 6, line 3, insert after "voting": or of the commission

**Amendment 7**—On page 5, line 31, insert after "house": or the commission,

**Amendment 8**—On page 6, strike all of lines 9-15 and insert: 2. Ten days or more prior to the day upon which the request for such an order was made, the Governor was served notice of an intention to request the order.

**Amendment 9**—On page 6, line 16, strike "(e)" and insert: (d)

Senator Myers moved the following amendment:

**Amendment 10**—On page 1, line 26, strike "2. Any grand jury of this state" and renumber.

Senator Barron moved the following amendment to Amendment 10:

**Amendment 10A**—On page 1, line 13, add: 3. Any statewide grand jury of this state,

Pending further consideration of Amendment 10A, on motion by Senator Gallen, pursuant to HCR 2-Org., the Senate proceeded to the chamber of the House of Representatives for a joint meeting to receive the annual report of the Chief Justice of the Florida Supreme Court on the state of the judiciary.

### Joint Meeting of Senate and House of Representatives

The Speaker invited the President of the Senate and the President Pro Tempore to the rostrum.

The joint meeting was called to order by the Speaker.

The Lieutenant Governor, members of the Florida Cabinet and Justices of the Florida Supreme Court were received and seated.

The Speaker turned the gavel over to the President of the Senate and requested him to preside over the joint meeting.

### The President in the Chair

The President declared a quorum present.

On motion by Representative Rish, a committee was appointed to escort the Chief Justice of the Supreme Court, Justice Ben F. Overton, into the chamber and to the rostrum. The President appointed Senators Dunn, Hair and Ware, and the Speaker appointed Representatives Rish, Richard and Ryals.

The President presented the Chief Justice who reported on the state of the Judiciary as follows:

On behalf of all the judicial officers of this state, I sincerely appreciate this opportunity to report to you on the state of the judiciary.

There must be lines of communication for each of us in our respective branches of government to be effective in our duties. It is important that we know and understand each other's problems. Cooperation is the key to an efficient government.

I appreciate your willingness to want to know the specific needs and problems of the judicial branch of our government.

There are three specific areas of prime concern contained in this report.

The first is the "Law Explosion" and its effect on the courts and their manpower in this state. The second concerns necessary Administrative Improvements in our judicial system. The third point relates to the Future Quality of the Judiciary.

### THE LAW EXPLOSION AND JUDICIAL MANPOWER

The judicial system in this nation is said to be in a state of crisis because of a "law explosion." The principal reason given is that courts across the entire United States, not just in this state, are being asked to resolve more and many new types of problems.

Americans in fact have come to rely on the courts to solve their problems to an unprecedented degree. A recent news magazine stated: "The molding influence of law and courts on modern American life constitutes one of the great unnoticed revolutions in this country." The increased willingness, even eagerness, on the part of private citizens and public officials to bring to the courts, for resolution, matters that were once settled outside the court system is unprecedented.

Florida is deeply affected by this law explosion with a thirty percent case load increase in its trial courts and almost a one hundred percent case load increase in its appellate courts since 1972.

There are many factors responsible for this law explosion, including: (1) new theories in the law evolving from consumer and environmental actions; (2) the expanded use of old theories such as malpractice; (3) the substantial increase in new legislation which requires construction and interpretation by the courts; (4) new regulatory legislation which requires a review within the appellate courts such as the Administrative Procedure Act; (5) the increase in crime and changes in criminal due process requirements; and (6) new citizen awareness of the availability of the courts. How our court system can absorb and respond properly to this additional work is our major problem to solve.

Our court system is presently operating at maximum capacity. It is a system that, thanks to many in this room, is looked on by other states as a model of efficiency and effectiveness. In proportion to our population, we are receiving and disposing of more cases than almost any other state. We filed in our criminal justice system twice as many felonies as Illinois and Michigan although our population is less. We also have twice as many cases in our Supreme Court and the District Courts of Appeal as they have in those states.

The efficiency of our criminal justice system and the credibility of these statistical figures are established by the fact that Florida also has twice as many prisoners in its state prison system as Illinois and six thousand more than Michigan.

To the credit of the court system you created, we do not have the delays of up to 3½ years in civil cases as do those states, although we now have two circuits where the delays are approaching sixteen to eighteen months.

As stated, we are operating at maximum capacity. To maintain our court operation in this "law explosion," we need your strong support for: (1) the recommended needs for judicial positions and staff; (2) judicial impact consideration as it concerns new legislation; and (3) programs characterized as "alternative methods of dispute resolution."

### Judicial Manpower and Staff

The Supreme Court's recommendations for judicial manpower needs are, in the eyes of many, extremely conservative.

We have certified a need for eight additional judicial positions. Three of these positions are in our appellate structure, and five are in our trial structure.

### Appellate Needs

Our appellate system must have both judicial and staff help. The three additional District Court of Appeal judge positions represent one each for the First, Second, and Third District Courts of Appeal. These positions have been certified to you in prior years. Upon these positions being authorized, each District Court will have seven judges.

As important as this request for additional judges is the request for additional staff made by the Supreme Court and the District Courts of Appeal.

The appellate courts of this state have had almost a one hundred percent increase in their work load in the four-year period since 1972. Comparisons with other courts in states of similar population reveal that our case loads are twice as much and our staffs half as much. One of the present criticisms of our system is the amount of time it takes for appellate courts to dispose of issues before them. We cannot correct that deficiency without these additional judge and staff positions. The amount of funds necessary to comply with this request is not great, but it is absolutely necessary for an effective and proper operation of our appellate system.

### Circuit and County Courts

Most of the trial courts' needs were met by the responsible action of this Legislature in 1976.

Statewide, there was no significant increase in the trial court case load in 1976 as compared with 1975, although it must be recognized that there was a substantial increase at the trial court level for the four-year period from 1972 through 1975. Not reflected, however, in the 1976 figures, is the impact of final consolidation of municipal courts into the state court system.

### Circuit Courts

We have certified a need for only two additional circuit judges, one for the First Circuit [Escambia, Okaloosa, Santa Rosa, and Walton Counties] and one for the Thirteenth Circuit [Hillsborough County]. We recognize there are substantial and what appear to be unconscionable delays in civil trials in the circuit courts for the Fifteenth Circuit, Palm Beach County, and the Seventeenth Circuit, Broward County. We are, however, unable to justify additional circuit judges for these circuits by statistical comparison studies. Administratively, we in the judicial branch have a responsibility to solve, if possible, the

problem of delay in those two counties without the need for additional judicial positions. It will require a mutual effort by the Office of the Chief Justice and the judiciary and legal profession of those two counties to see if an appropriate solution can be found.

#### *County Courts*

We have certified a need for three county court judge positions, all for Broward County. These positions were certified in 1976. You approved all county court positions with the exception of these three. Broward County presently has only ten county judges for a population of 959,500 and twenty-nine municipalities. We deem it imperative that these three county judges be provided for Broward County.

It must be clearly understood that this certification is based only on present need, and not a need anticipated by future events which might or might not occur.

It does not take into account any increased judicial work load which would result from: (1) the expansion of mandatory sentencing; (2) additional responsibilities in malpractice actions; (3) the abolishment of plea bargaining; or (4) Chief Justice Burger's request to Congress to return the diversity jurisdiction now in the federal court system to the state courts. This latter item is estimated to be approximately twenty percent of each United States District Judge's calendar.

#### *Judicial Impact Consideration*

To assist in solving this law explosion and in proper planning for the judicial branch, I request that some procedure be established which will provide a means for your committees to consider the impact that proposed legislation will have on the courts. I recognize that this is not easy to do, but ask that a good faith effort be made to predict the consequences of legislation on the day-to-day work of our courts, particularly in terms of judicial labor. An illustration is what occurred as a result of legislation establishing medical malpractice mediation panels. In Orange County one circuit judge now spends one week a month sitting on those panels.

#### *Alternative Dispute Resolutions*

It is my personal belief that we in the system should continually look for better ways to do our job and improve our system of justice. This includes ways to solve our judicial problems other than by adding new judges.

I request your consideration and support for those programs characterized as "alternative methods of dispute resolution." Florida is considered a leader in this area. By your foresight and leadership, you have already decriminalized traffic offenses. We have established in this state some pilot citizen dispute settlement programs which allow minor civil and criminal disputes to be resolved without invoking all the requirements of the court system. I strongly support this concept as well as pre-trial diversion programs. We need a cooperative effort by all three branches to make these types of alternative dispute programs work. They can eliminate unnecessary judicial and executive branch labor.

These are new ideas, and for our justice system it is a new age and a new time. We must keep open minds to new ideas that will effectively provide the public with a proper means to have their disputes resolved in an efficient, expeditious, and inexpensive manner.

#### **ADMINISTRATIVE IMPROVEMENTS**

To improve the administrative operation of the court system, I am requesting three legislative acts.

The first concerns county court judges. I strongly recommend legislation pursuant to your constitutional authority to require as a qualification for a county judge that he be a lawyer and a member of the bar of Florida. This qualification will allow the system to better utilize its present judicial manpower, particularly in rural circuits, and will avoid constitutional problems inherent in using nonlawyer county judges. In addition, I recommend that all county court judges be paid the same, eliminating the differentiation in pay for judges in counties of under 40,000. This legislation will eventually have the practical effect of equalizing the case loads and responsibilities of the county court judges of this state.

The second concerns legislation which will consolidate the administrative operations of the judicial branch. The Auditor General has recommended that we consolidate and improve our accounting systems. We fully agree with his recommendation and believe that consolidation of our administrative systems can best be accomplished by legislation. The proposed legislation will consolidate the Judicial Administrative Commission and the State Courts Administrator's office. The Court has unanimously approved the administrative consolidation. There will be no change in the number of personnel that are contained in the Judicial Administrative Commission and the State Courts Administrator's office, and the combined structure will provide more effective accounting, auditing, and budgeting systems for the judicial branch. It will place overall responsibility for accounting and budgeting and for personnel in specific individuals. It should also reduce the day-to-day administrative responsibilities of the Chief Justice. In addition, once the consolidation is accomplished, we feel our fiscal status and deficiencies will be more readily known so that corrective action may be taken at an early date.

The third matter concerns the elimination of the inequities in the manner in which we pay retired judges. As it is now, the most experienced retired judges get paid the least. An illustration is that one retired judge receives \$11.80 per day when he consents to serve. This is not a very great incentive. On the other hand, we have retired judges who are entitled under the present formula to receive as much as \$137 per day. The proposed legislation will allow us to pay a retired judge \$100 per day compensation with no change in his or her retirement pay. The amount that we request in our appropriation for the use of retired judges will not change from the amount we are now spending.

My final administrative concern does not involve recommended legislation for this session. It does concern a request for an immediate study, possibly through a joint committee of both Houses with the assistance of the Court, about court reporter costs and expenses. It is no longer rare that the cost of a record in a case may exceed the attorney's fees in the appellate court. Extensive taxpayer funds are being used for court reporter services. As an illustration, Dade County, during its fiscal year 1975-76, expended \$1,400,000 for court reporter fees, almost all of which was for indigent criminal defendants. Litigants in civil cases are also paying these costs at basically the same rate. We must look for ways to reduce and control these costs and expenses.

#### **FUTURE QUALITY OF THE JUDICIARY**

The final point I would like to discuss with you concerns a subject which is difficult for me to present because it can well be argued that I have a strong self-interest in the subject.

I am concerned about the future quality of the judiciary. We are now losing outstanding judges with twelve to twenty years experience. In the last three years we have lost numerous judicial officers, including the chief judges of three metropolitan circuits, and the chief judge and the immediate past chief judge of the Fourth District Court of Appeal. These judges had not reached retirement age. They resigned to re-enter the private practice of law. Further, a substantial percentage of the new federal judge appointments are from our state judiciary. We cannot afford to lose men of their caliber.

A judicial officer is unique. He enters public service not for a short term, but, hopefully, for a career. He enters it also at a much later stage in his professional life than the typical state employee or faculty member in our university system. It should be a career. The judiciary should never be considered a stepping-stone to a better law practice or a political office in the legislative or executive branches. Nor should it be a position of retirement.

In my opinion, it is becoming increasingly difficult to obtain outstanding attorneys for the judiciary, in part because of the loss of prestige in the office, caused by the misconduct of a few. The reduction in prestige is also now directly linked to a judicial officer's compensation. Where the circuit judge was once the highest paid public official in the community, now state, county, and municipal funds pay more to law professors, county and assistant county attorneys, city and county managers, superintendents of public instruction, and, in some instances, our court clerks. A study showing this lack of compensation parity has been prepared and submitted to you by the Florida Bar.

Further, the reduction in dollar value of present compensation, coupled with investment restrictions which are much greater than for other public officials, is discouraging persons who would seek judicial office, and may cause more present judges to reenter the private practice of law.

I recognize that the state cannot compensate judges for the amount many of them could make practicing law, but we must recognize that no constitution, no statute, no rule makes a system work. People make it work, and no system is any better than the people who run it.

It is solely your responsibility to determine what compensation is proper to obtain and keep the quality of individuals you deem necessary to be entrusted with the responsibility of passing judgment upon matters that affect life, liberty, and property in your communities. I ask that you make a thorough inquiry and act in a manner so that we do not today lose the Hugh Taylors and the Ernest Masons of tomorrow.

CONCLUSION

In conclusion, we on the Supreme Court, as well as all judicial officers, have a responsibility to establish and maintain an image of unquestioned integrity, in order to ensure that the people of this state will have faith and trust in our system of justice. We trust that we are fulfilling this obligation. Although there are instances of misconduct within the judicial system, we have the Judicial Qualifications Commission to resolve those problems. It may be a surprise to you to learn that there are states where there is no such Commission.

Integrity is an essential ingredient, but so is responsiveness. Our courts must not be reserved only for criminal cases and civil matters involving large sums of money. Our courts must be available and affordable. We cannot allow our court system to be clogged, and we must make sure that our courts will be responsive to the needs of both the public in general and the individual citizen in particular. We do not want the delays that are apparent in other systems in this country, and we do not want assembly line or summary justice. The peoples' faith in our system of justice depends upon both its integrity and its ability to respond to their needs.

You have supported and produced a quality system of justice. I now ask your support for these recommendations to ensure a responsive system of justice for the citizens of this state.

IN THE SUPREME COURT OF FLORIDA  
JANUARY TERM, A. D. 1977

IN RE: CERTIFICATE OF JUDICIAL :  
MANPOWER AS REQUIRED BY :  
SECTION 9, :  
ARTICLE V, CONSTITUTION OF : CASE NO. 51,368B  
FLORIDA, :  
AS REVISED MARCH 14, 1972, FOR :  
DISTRICT COURTS OF APPEAL. :

Opinion filed April 4, 1977  
Case of Original Jurisdiction

PER CURIAM

The actual judicial functions of the District Courts of Appeal differ from those of the Circuit and County Courts making the requirements for the respective courts different, and we are therefore certifying separately to the Legislature the needs of the appellate courts from the trial courts.

We have determined, as we did last year at this time, that there is an absolute and immediate need for three additional District Court of Appeal judge positions, one each for the First, Second, and Third District Courts of Appeal.

In 1965 when the Fourth District Court of Appeal was added to our appellate court structure, the total District Court case load was twenty-seven hundred cases. The case load since that time has more than tripled. In the short period from 1972 to 1976 there has been a one hundred percent increase in case load. To cope with this "law explosion," the Judicial Council and a Special Appellate Court Review Committee recommended in 1975 that each of the District Courts of Appeal be increased by two judges so that each District Court would have a total complement of seven judges.

This Court in 1975 certified a need for two additional judges for the First, Second, and Fourth District Courts of Appeal. It delayed for one year a certification for two additional judges for the Third District both because new court facilities were under construction and experienced retired appellate judges were available for service during that period. No additional District Court judge positions were created by the 1975 Legislature.

In 1976 we certified the need for eight additional District Court of Appeal judges, consisting of the six certified in 1975 and two for the Third District Court of Appeal. The Legislature created five of those positions but failed to provide a seventh judge for the First, Second, or Third District Courts of Appeal. Based on all available data, the need in 1977 is greater than it was in 1976.

In addition to providing these three additional judges, we believe it is imperative that the additional staff requested by the respective District Courts in their appropriations request be provided. Merely increasing the number of judges does not in and of itself take care of the increased case load. Our courts have appreciably less staff than similar courts in other jurisdictions and proportionately less than executive and legislative positions of similar authority.

We therefore, in accordance with Section 9, Article V, Constitution of Florida, as revised March 14, 1972, hereby certify the immediate need for three additional District Court of Appeal judges as set forth herein. A graph of statistical case load information for each District Court is attached. (Charts not reproduced.) This Court certifies the aforementioned judicial officers as necessary and recommends that they and the necessary staff to operate these courts be made permanent by law and funded by this State.

OVERTON, C. J., ADKINS, BOYD, ENGLAND, SUNDBERG, HATCHETT and KARL, JJ., Concur

APPELLATE COURT COMPARISON

State	Population	Case Loads	
		Supreme Court	District Courts
Illinois	11,229,000	1,069	3,975
		[Research Staff, Supreme Court, 2 per Judge]	[Research Staff, District Courts, 2 per Judge]
Michigan	9,104,000	1,000	4,519
		[Research Staff, Supreme Court, 2.6 per Judge]	[Research Staff, District Courts, 3.2 per Judge]
Florida	8,421,000	2,214	9,113
		[Research Staff, Supreme Court, 1.4 per Judge]	[Research Staff, District Courts, 1.2 per Judge]

IN THE SUPREME COURT OF FLORIDA  
JANUARY TERM, A. D. 1977

IN RE: CERTIFICATE OF JUDICIAL :  
MANPOWER AS REQUIRED BY :  
SECTION 9, : CASE NO. 51,368A  
ARTICLE V, CONSTITUTION OF :  
FLORIDA, :  
AS REVISED MARCH 14, 1972, FOR :  
CIRCUIT AND COUNTY COURTS. :

Opinion filed April 4, 1977  
Case of Original Jurisdiction

PER CURIAM

The actual judicial functions of the Circuit and County Courts differ from those of the District Courts of Appeal making the requirements for the respective courts different, and we are therefore certifying separately to the Legislature the needs of the trial courts.

Since the adoption of Article V in 1972 considerable statistical information has been collected but because of the disparity in procedure for tabulating cases in the individual circuits for statistical purposes, it is difficult to relate one circuit to another.

To ensure accurate and credible statistical information, this Court, with the assistance of the chief judges, court clerks, prosecutors, and public defenders, established a uniform means and method to report court cases in accordance with an administrative order entered by the Chief Justice on January 13, 1977. Once uniform statistical information is available, this Court will be able to adopt a rule establishing uniform criteria for the determination of need for additional judges. Because that information is not currently available, we must certify from the statistical data now available as verified through the administrative staff of the office of the State Courts Administrator, together with information concerning needs of the respective circuits as presented by the chief judges.

From the present information available to the Court, it appears there is no significant increase in the trial court case load in 1976 in comparison with 1975, although it must be recognized there was a substantial increase at the trial court level for the four-year period from 1972 through 1975. Added to the case load burden but not reflected in the 1976 statistics is the impact of final consolidation of municipal courts into the state court system, effective January 1, 1977.

Most of the trial courts' needs were met by the 1976 certification. There is, however, an immediate need for three county court judges and two circuit court judges.

COUNTY COURTS

In 1976 we certified a need for 26 county judges, predicated on the need for consolidating the remaining municipal courts into the state court system. Our certification was substantially less than the 62 deemed necessary by the Select House Committee for municipal courts. The 1976 Legislature approved all county court positions with the exception of three county court judge positions for Broward County. Broward County presently has 10 county judges. This is clearly inadequate for a county with a population of 959,500 and 29 municipalities. Broward County presently has only one county judge per 95,950 population, which exceeds by approximately 30,000 the judges per capita in all other counties. We deem it imperative that the three county judges we certified in 1976 be provided for Broward County so that the courts in Broward County may properly carry out their judicial responsibilities.

CIRCUIT COURTS

In our opinion, we can only presently justify a statistical need for additional circuit judges in the First Circuit [Escambia, Okaloosa, Santa Rosa, and Walton Counties], and the Thirteenth Circuit [Hillsborough County]. Each of these circuits has in excess of 1400 filings per judge for the year 1976.

We recognize that there are presently substantial delays of civil trials in the Fifteenth Circuit, Palm Beach County, and the Seventeenth Circuit, Broward County. However, we have been unable to justify statistically additional judges for these circuits either by case load per judge or judge per capita.

Further, it must be clearly understood that this certification does not take into account any increased judicial work load which might result from either additional responsibilities in malpractice actions, the abolishment of plea bargaining, or Chief Justice Burger's request to Congress to return the diversity jurisdiction now in the federal court system to the state courts.

CERTIFICATION

We therefore, in accordance with Section 9, Article V, Constitution of Florida, as revised March 14, 1972, hereby certify the need for three additional county court judges in Broward County, one additional circuit judge in the First Circuit, and one additional circuit judge in the Thirteenth Circuit, for a total of five additional trial court judicial positions.

This Court certifies the aforementioned judicial officers as necessary and recommends that they be made permanent by law and funded by this State.

OVERTON, C. J., ADKINS, BOYD, ENGLAND, SUNDBERG, HATCHETT and KARL, JJ., Concur

TRIAL COURT FELONY CASE LOADS

	Filed	Disposed
Illinois—Calendar Year 1976	34,777	32,828
Michigan—Fiscal Year 1975-76	36,103	35,983
Florida—Calendar Year 1975	74,240	72,393
1976	71,000*	73,000*

\* Projected

The comparability of state figures should take into account differences in statutes, felony-misdemeanor designations, filing procedures, judicial jurisdictions, and reporting methods from state to state.

TOTAL PRISON INMATE POPULATION AS OF DECEMBER 31, 1976

Illinois	— 9,643
Michigan	—12,462
Florida	—18,093

The committee previously appointed escorted the Chief Justice from the rostrum and from the House chamber, followed by the Justices of the Supreme Court, the Lieutenant Governor and members of the Florida Cabinet.

The Senate withdrew from the joint session at 11:25 a.m. and resumed its session at 11:30 a.m., with the President presiding.

A quorum present—38:

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

Special Order, continued

CS for SB 19—A bill to be entitled An act relating to immunity of witnesses; amending s. 914.04, Florida Statutes, providing for immunity from use of compelled testimony; providing for an order to testify; providing procedures for granting immunity before courts having felony jurisdiction, grand juries, state attorneys, the Legislature and committees thereof; providing an effective date.

—was taken up together with pending Amendments 10 and 10A.

On motion by Senator Scarborough, consideration of Amendments 10 and 10A was deferred.

Senator Dunn moved the following amendment which was adopted:

Amendment 11—On page 1, line 9 in title, after "thereof" insert: and the Judicial Qualifications Commission

On motion by Senator Scarborough further consideration of CS for SB 19 was deferred.

On motion by Senator Henderson, consideration of SB 65 was deferred.

SB 29 was taken up and on motion by Senator Henderson, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 71 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Burrall and others—

HB 71—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.99(1), Florida Statutes, and adding a subsection thereto; providing for an additional penalty for an habitual misdemeanor and forfeiture of licenses for illegal taking or possession of deer or wild turkey; providing for forfeiture of licenses for taking or killing of doe deer; providing an effective date.

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

On motion by Senator Henderson, HB 71, a companion measure, was substituted for SB 29. On motions by Senator Henderson, by two-thirds vote HB 71 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Ware

Vote after roll call:

Yea—Sayler

SB 29 was laid on the table.

Special Order, continued

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 taken up together with pending Amendments 1 and 1A.

By permission Amendment 1A was withdrawn.

Amendment 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 institutions) . . . 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.

Senators Peterson and MacKay offered the following amendment to Amendment 1 which was moved by Senator MacKay and adopted:

Amendment 1B—On page 4, line 18, strike the period and insert: and I am in need of this deferment

Amendment 1 as amended was adopted.

On motion by Senator MacKay, by two-thirds vote SB 116 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	Gorman	Myers	Tobiassen
Castor	Graham	Peterson	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	MacKay	Thomas, Jon	Zinkil
Gordon	McClain	Thomas, Pat	

Nays—None

SB 65—A bill to be entitled An act relating to personal security for state officers; repealing s. 943.04(4), Florida Statutes, 1976 Supplement, which requires the Division of Law Enforcement of the Department of Criminal Law Enforcement to provide personal security for state officers and members of the Legislature upon request of certain officers; providing an effective date.

—was read the second time by title. On motion by Senator Winn, by two-thirds vote SB 65 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Dunn MacKay

Vote after roll call:

Yea—Sayler

SB 26—A bill to be entitled An act relating to grouper, a saltwater fish; amending s. 370.11(2)(a), Florida Statutes; prohibiting the taking, possessing, buying, offering for sale, selling, or unnecessarily destroying of any grouper of less length than 12 inches; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Renick moved the following amendment which failed:

Amendment 1—On page 2, line 14, strike "12" and insert: 15

On motion by Senator Renick, by two-thirds vote SB 26 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	
Gordon	Myers	Thomas, Pat	

Nays—3

Glisson Johnston Ware

Votes after roll call:

Yeas—Sayler and Jon Thomas

SB 30—A bill to be entitled An act relating to hemophilia; creating the Hemophilia Advisory Council; requiring the Department of Health and Rehabilitative Services to develop and administer a program to assist hemophiliacs in obtaining treatment, to develop programs for treatment, and to institute educational programs; requiring the Hemophilia Advisory Council to advise the Department of Health and Rehabilitative Services on appropriate programs for the care and treatment of hemophilia and to coordinate programs of various organizations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Ware and adopted:

Amendment 1—On page 2, after the period on line 13 insert: In the event no meeting is held in a given year, the council shall be abolished.

On motion by Senator Ware, by two-thirds vote SB 30 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Gordon Myers

Vote after roll call:

Yea—Sayler

Senator Pat Thomas announced that the Committee on Corrections, Probation and Parole would meet at 8:30 a.m. until 10:00 a.m. in lieu of 9:00 a.m. until 10:30 a.m. Wednesday, April 13 in Room B.

By permission, Senator W. D. Childers was recorded as voting yea on amendments 9 and 14 to CS for SB 24 which was taken up on April 8.

**CO-INTRODUCERS**

Senators Henderson and Renick—SB 575; Senator Peterson—SB 43; Senator MacKay—SB 306

Senator Henderson withdrew as co-introducer of SB 630; Senator Poston withdrew as co-introducer of SCR 2.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 11 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:15 p.m. to convene at 8:30 a.m., April 13, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m.