



Journal of the Senate

Number 12

Wednesday, April 20, 1977

The Senate was called to order by the President at 9:00 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	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Prayer by Dr. Jake Till, pastor, Pentecostal Holiness Church, Quincy, and retired Air Force chaplain:

Our heavenly Father, we thank thee for the joy of the body, the light of the mind, the perception of the soul and spirit whereby we feel thee near and know that thou hast fashioned us as a temple for thyself. We are grateful to thee for all of the wonderful blessings of life, so numerous that we could never recall them all. But, we do wish to express special thanks for our great nation and the wonderful State of Florida in which we are privileged to live and work. We thank thee for the many men and women who down through the years have sacrificed so much to make possible the great life that we presently enjoy. We bless thee, O God, for those whose faith shone brightly when the night was dark, who had insight to see a little, and courage to trust thee for all the rest. May we follow in their steps.

We thank thee for the leaders of our state government who are so dedicated to serving our people. We ask thy special blessings upon each one of our state Senators, O Lord. Give them true wisdom that they might have a keen insight into the multitude of issues with which they are confronted. We realize that the work they are doing is so important that it touches all of our lives and the lives of those yet to be born. Because of their dedicated labors may future generations rise up and call them "blessed". Give our Senators alert minds, Godly patience and unselfish love that they might truly set the correct example for all the citizens of our state to follow.

Eternal God, keep ever before us a vision of what the world might be. Make us strong and courageous to do our part in the building of thy kingdom in Florida. Prepare us now for today's opportunities that we might lend head, heart and hand to thy cause in the world. Help each of us to so live this day that if all men and women were such as we, this earth would be God's paradise. This we pray in the name of Jesus Christ, our Lord. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills for Special Order Calendar for Wednesday, April 20:

SCR 466	CS for SB 318	SB 55	SB 495
SB 68	CS for SB 24	SB 18	SB 377
CS for SB 317	SB 25	SB 453	SB 553
SB 351	SB 254	SB 546	
SB 257	SB 63	SB 71	

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Commerce recommends the following pass: SB 263, SB 644 with 4 amendments

The Committee on Corrections, Probation and Parole recommends the following pass: SB 525 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 372

The Committee on Judiciary-Civil recommends the following pass: SB 658

The Committee on Transportation recommends the following pass: SB 198 with 1 amendment

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

The Committee on Economic, Community, and Consumer Affairs recommends the following pass: CS for HB 8

The Committee on Health and Rehabilitative Services recommends the following pass: SB 620 with 9 amendments

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

The Committee on Commerce recommends the following pass: SB 535 with 2 amendments

The Committee on Transportation recommends the following pass: SB 519 with 1 amendment

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

The Committee on Education recommends the following pass: SB 225, SB 227

The Committee on Natural Resources and Conservation recommends the following pass: SB 717

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

The Committee on Economic, Community, and Consumer Affairs recommends the following pass: SB 357

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

The Committee on Transportation recommends the following pass: SB 559 with 10 amendments

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Agriculture recommends the following pass:

SB 452 HB 174 HB 751

The Committee on Education recommends the following pass: SB 215 SB 271 SB 342

The Committee on Governmental Operations recommends the following pass:

SB 56 with 1 amendment
SB 274 with 2 amendments
SB 481 with 1 amendment

SB 505 with 2 amendments
SB 621

The Committee on Health and Rehabilitative Services recommends the following pass: SB 647 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass:

SB 483 SB 675 with 1 amendment

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

SB 334 SB 424 SB 217 SB 599

The Committee on Commerce recommends the following pass:

SB 386 SB 660
SB 508 SB 663
SB 595 with 2 amendments

The Committee on Transportation recommends the following pass:

SB 584 with 1 amendment SB 533 with 2 amendments

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 653

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 701

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 73

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 350

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

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 403

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 394

The Committee on Commerce recommends a Committee Substitute for the following: SB 593

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 320

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

The Committee on Governmental Operations recommends the following not pass: SB 273, SB 371

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 529

The Committee on Judiciary-Civil recommends the following not pass: SB 542

The Committee on Natural Resources and Conservation recommends the following not pass: SB 561

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

Report of Subcommittee to Standing Committee

The Select Subcommittee on SB 33 of the Governmental Operations Committee recommends SB 33 with 10 amendments favorably to the standing committee.

By unanimous consent Senator Hair was recorded as voting yea on the following bills which passed April 15: Senate Bills 156, 5, 174, 182, 363, 92, 82, 95, 389, 515; House Bills 754, 755, 756, 757 and 758.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, the rules were waived and Subcommittees of the Committee on Appropriations were granted permission to extend time of adjournment of the meeting April 21 until 9:00 p.m.

On motions by Senator Gallen, the rules were waived and by two-thirds vote SCR 466 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed first on the Special Order Calendar.

On motion by Senator Plante, the rules were waived and Subcommittee "C" of the Committee on Appropriations was granted permission to meet this day from 5:30 p.m. until 8:00 p.m.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 255, 293, 326, CS for Senate Bills 336 and 202, Senate Bills 548, 551, 659, 759 and 535 were withdrawn from the Committee on Appropriations.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 348 was withdrawn from the Committee on Appropriations and referred to the Committee on Finance, Taxation and Claims.

On motion by Senator W. D. Childers, Rule 2.6 was waived and the Committee on Commerce was granted permission to consider SB 200 at the meeting April 21.

REQUESTS FOR EXTENSION OF TIME

The Committee on Commerce requests an extension of 15 days for the consideration of the following:

SB 593 by Senator Ware	SB 153 by Senator Peterson
SB 595 by Senator William-son	SB 615 by Senator Gordon
SB 609 by Senator Jon Thomas	SB 623 by Senator Pat Thomas
SB 614 by Senator Jon Thomas	SB 624 by Senator Scarborough
	SB 628 by Senator Vogt

The Committee on Education requests an extension of 15 days for the consideration of the following:

SCR 622 by Senator Peterson (By Request)

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 606 by Senator Hair	SB 608 by Senator Jon Thomas
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The Committee on Judiciary-Criminal requests an extension of 15 days for the consideration of the following:

SB 364 by Senator Graham	SB 604 by Senator Myers
SB 401 by Senator Lewis and others	

The Committee on Natural Resources and Conservation requests an extension of 15 days for the consideration of the following:

SB 605 by Senator Jon Thomas

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

SJR 4 by Senator Zinkil
 SJR 9 by Senator Dunn
 SJR 10 by Senator Dunn
 SJR 20 by Senator Graham
 SJR 21 by Senator Graham
 SCR 90 by Senator Poston
 SJR 111 by Senator Graham,
 et al
 SB 120 by Senator Plante
 SR 203 by Senator Henderson
 SJR 79 by Senators Sayler
 and Lewis
 SJR 233 by Senator Sayler
 SJR 245 by Senator Firestone
 SB 286 by Senator Graham
 SB 296 by Senator Plante
 SJR 316 by Senator Vogt
 SM 339 by Senator Skinner
 SJR 374 by Senator Henderson
 SB 434 by Senator Spicola
 SM 446 by Senator McClain
 SB 458 by Senator Dunn
 SR 459 by Senator Tobiasen
 SCR 466 by Senator
 Pat Thomas
 SB 558 by Senator Johnston
 SR 629 by Senator Gallen

SJR 370 by Senator MacKay
 SB 636 by Senator Gallen
 SB 641 by Senator Skinner
 SB 642 by Senator Skinner
 SB 143 by Senator Henderson
 SB 710 by Senator Vogt
 SB 711 by Senator Scott
 SB 712 by Senator Scott
 SB 713 by Senator Vogt
 CS for SCR 168 by Govern-
 mental Operations Committee
 SB 755 by Senator Sayler
 SB 760 by Senator Gallen
 SB 761 by Senator Wilson
 HM 639 by Committee on
 Veterans Affairs
 HM 640 by Committee on
 Veterans Affairs
 HM 641 by Committee on
 Veterans Affairs
 HCR 723 by Representative
 Fechtel
 HM 792 by Representative
 Lewis
 SCR 820 by Senator Brantley
 HB 507 by Representative
 Craig

The Special Master for Claim Bills requests an extension of 15 days for the consideration of the following:

SB 36 by Senator Zinkil
 SB 39 by Senator Renick
 SB 180 by Senator Graham
 SB 205 by Senator Lewis
 SB 216 by Senator Henderson
 SB 232 by Senator Johnston
 SB 353 by Senator Wilson
 SB 432 by Senator Renick
 SB 477 by Senator Lewis
 SB 498 by Senator
 Jon Thomas
 SB 557 by Senator Graham
 SB 579 by Senator Skinner
 SB 611 by Senator
 Jon Thomas

SB 720 by Senator Gordon
 SB 759 by Senator Winn
 and others
 HB 6 by Representative
 Margolis
 HB 24 by Representative
 Martin
 HB 40 by Representative
 Rish
 HB 368 by Representative
 Young
 HB 383 by Representative
 Mixson
 HB 457 by Representative
 McPherson

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State SB 433 which he had approved April 18, 1977.

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 SB 278.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Castor on April 18 that the Senate reconsider the vote by which—

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

in plans and specifications review; authorizing a trust fund for fees paid; providing for the use of trust funds; providing an effective date.

—passed on April 18, was taken up and adopted; and the Senate reconsidered the vote.

Senator Graham moved the following title amendment which was adopted:

Amendment 18—On page 1, line 21, after the semicolon insert: authorizing the delegation of authority to review and approve plans and specifications to certain counties and municipalities;

Senator Graham moved the following amendment which was adopted by two-thirds vote:

Amendment 19—On page 7, in between lines 3 and 4 insert: (8) When the department determines that a county or municipality is qualified to inspect and review plans and specifications, the department may delegate to that county or municipality the authority to review and approve plans and specifications based upon the statewide standards of the department. The time limits for approval or disapproval of plans and specifications by the department established in subsection (6) shall apply to the county or municipality. When such county or municipal approval is used in lieu of departmental approval, the fees charged by the department for such services shall be waived.

On motion by Senator Graham, the Senate reconsidered the vote by which CS for SB 218 was placed on third reading.

On motion by Senator Graham, the Senate reconsidered the vote by which Amendment 8 was adopted April 8. By permission Senator Graham withdrew the amendment.

On motion by Senator Castor, by two-thirds vote CS for SB 218 as further amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Myers	Trask
Castor	Gorman	Plante	Vogt
Chamberlin	Graham	Poston	Ware
Childers, Don	Hair	Sayler	Williamson
Childers, W. D.	Henderson	Scott	Wilson
Dunn	Johnston	Spicola	Winn
Firestone	Lewis	Thomas, Jon	Zinkil
Gallen	MacKay	Thomas, Pat	
Glisson	McClain	Tobiasen	

Nays—None

On motion by Senator Jon Thomas, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 149—A bill to be entitled An act relating to life and disability insurance; authorizing the Department of Insurance to approve life insurance and disability insurance policies at reduced premiums for individuals who pass a rigorous physical examination; providing for approval of policy forms by the department; providing an effective date.

—as amended passed on April 18.

On motion by Senator Jon Thomas, the Senate reconsidered the vote by which CS for SB 149 was placed on third reading.

On motions by Senator Jon Thomas, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted April 18. By permission, Senator Thomas withdrew the amendments.

Senator Jon Thomas moved the following amendments which were adopted:

Amendment 3—On page 2, line 2, after the word "life" insert: , health,

Amendment 4—On page 1 in title, line 4, after the word "insurance" insert: , health insurance,

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 149 as further 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	Gordon	Plante	Tobiassen
Barron	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	

Nays—None

On motion by Senator Dunn the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 19 passed April 18.

Further consideration of CS for SB 19 was deferred.

SPECIAL ORDER CALENDAR

SCR 466—A concurrent resolution commending Edward Bruce Henderson for his services to the people of Florida.

—was read the second time in full. On motion by Senator Pat Thomas, SCR 466 was adopted and certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

Senators Brantley, Barron, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson, Winn and Zinkil were recorded as co-introducers of SCR 466.

SB 68—A bill to be entitled An act relating to labor; prohibiting the employment of aliens who do not have federal authorization to work; prohibiting any person from aiding, abetting, counseling, recruiting, or procuring for employment an alien who is not authorized by the Federal Government to work in the United States; requiring any employer, including one who contracts labor for another, who knowingly employs an alien to check with the United States Immigration and Naturalization Service to verify that such alien is authorized by the Federal Government to work in the United States; providing penalties; providing an effective date.

—was taken up with pending Amendment 2:

Amendment 2—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. It shall be unlawful for any person knowingly to employ, hire, recruit, counsel, aid, abet, procure or refer, either for himself or on behalf of another, for private or public employment within the State of Florida, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States.

Section 2. The first violation of Section 1 shall be a non-criminal violation as defined in s. 775.08(3), Florida Statutes, and, upon conviction, shall be punishable as provided in s. 775.082(5), Florida Statutes, by a civil fine of not more than

\$500 regardless of the number of aliens with respect to whom the violation occurred.

Section 3. Any person who has been previously convicted of a noncriminal violation and who thereafter violates Section 1, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes. Any such subsequent violation of this act shall constitute a separate offense with respect to each unauthorized alien.

Section 4. It shall be a defense to any prosecution under this act for the employer to show that he acted in reliance upon a certified copy of a birth certificate or a sworn statement stating that the employee is a citizen of the United States of America.

Section 5. This act shall take effect October 1, 1977.

Senator Renick moved the following amendment to Amendment 2 which was adopted:

Amendment 2B—On page 1, lines 2 and 3, strike “counsel, aid, abet, procure,” and on page 2 lines 1-5, strike all of Section 4

(Renumber subsequent section)

Senator Dunn moved the following amendments to Amendment 2 which failed:

Amendment 2C—On page 2, strike all of lines 1 through 5 and insert: new Section 4 (renumber subsequent section) 4. An employer shall be entitled to rely on an employee’s statement or assurance that he or she is a citizen of the United States of America.

Amendment 2D—Insert: Nothing in this act shall apply to aliens who are married to American citizens, or who are parents of American citizens or who are members of a family unit which includes American citizens.

Amendment 2 as amended was adopted.

Senator Renick moved the following title amendment which was adopted:

Amendment 3—On page 1, strike all of lines 2 through and including 15 and insert: An act relating to labor; prohibiting the employment of unauthorized aliens; prohibiting the hiring, recruiting, or referring of unauthorized aliens for employment; providing civil and criminal penalties; providing an effective date.

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

Amendment 4—On page 1, line 27-28, strike “by the Federal Government to work in the United States” and insert after “authorized”: to work by the immigration laws or the attorney general of the United States

Amendment 5—On page 2, line 2-5, strike “and fails to check with the United States Immigration and Naturalization Service to verify that such alien is duly authorized by the Federal Government to work in the United States” and insert after “alien”: who is unable to produce an alien registration receipt card, U.S. Immigration Form I-151, Form I-94 stamped “Employment Authorized”, or other documentation from the United States Immigration and Naturalization Service which verifies that such alien is duly authorized to work by the immigration laws or the attorney general of the United States

Amendment 6—On page 1 in title, lines 13-14, strike “by the Federal Government to work in the United States” and insert after “authorized”: to work by the immigration laws or the attorney general of the United States

Amendment 7—On page 1 in title, lines 7-8, strike “by the Federal Government to work in the United States” and insert after “authorized”: to work by the immigration laws or the attorney general of the United States

On motion by Senator Renick, by two-thirds vote SB 68 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes after roll call:

Yeas—Firestone and Zinkil

CS for SB 317 with pending Amendment 7 was taken up.

Senator MacKay raised a point of order that pursuant to Rule 4.8, the bill with pending amendment should be referred to the Committee on Finance, Taxation and Claims.

The President appointed Senators Plante, Gallen, and Gordon as a select committee to review the bill and make recommendations to the Chair by 11:00 a. m.

SB 351—A bill to be entitled An act relating to moneys received by the state; amending s. 215.32, Florida Statutes; establishing the Federal Aid Trust Fund; prohibiting an agency from consolidating funds in its Federal Aid Trust Fund account with other trust funds; prohibiting expenditure of funds in the Federal Revenue Sharing Fund or the Federal Aid Trust Fund except pursuant to appropriations by the Legislature; prohibiting the Comptroller from issuing a warrant for funds derived in whole or in part from federal funds or which funds will be used as matching funds unless the federal funds have been appropriated by the Legislature; amending s. 216.212, Florida Statutes; prohibiting the expenditure of federal funds unless appropriated by the Legislature; providing appropriation for federal funds received prior to the effective date of this act; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Plante and adopted:

Amendment 1—On page 5, line 12, strike “July 1, 1977” and insert: July 1, 1979

On motion by Senator Plante, by two-thirds vote SB 351 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Chamberlin

Votes after roll call:

Yea—Tobiassen
Nay to Yea—Chamberlin

SB 257—A bill to be entitled An act relating to public buildings; creating s. 255.27, Florida Statutes, requiring the supervisor or person in charge of a governmental building to establish rules respecting a smoking policy in the building; providing guidelines for such rules; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—Strike all of lines 30 and 31 on page 1 and strike all of line 1 on page 2 and insert: buildings.—The supervisor of each unit of government located in a governmental building shall establish rules governing smoking in that portion of the building for which he is responsible. For the purposes of

Amendment 2—On page 2, lines 3-5, strike “or any county or municipal government and utilized by such government”

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

Amendment 3—On page 2, on line 8, strike “where the room” and strike all of lines 9 and 10 and insert: (.) period after the word “aside” on line 8

Senator Lewis moved the following amendment which was adopted:

Amendment 4—On page 2, strike lines 11 through 16 and renumber subsequent sections

Senator Gallen moved the following amendment which was adopted:

Amendment 5—On page 2, line 5 after “.” insert: For purposes of this act, the President of the Senate and the Speaker of the House are deemed to be the supervisors of areas of the Capitol Center occupied by the legislature, its committees and personnel.

Senators Tobiassen and W. D. Childers offered the following amendment which was moved by Senator Tobiassen and failed:

Amendment 6—On page 1 and 2, strike all after the enacting clause and insert: Smoking shall be prohibited within any state owned or leased building

The vote was:

Yeas—15

Mr. President	Glisson	Scott	Vogt
Childers, Don	Johnston	Thomas, Pat	Ware
Childers, W. D.	MacKay	Tobiassen	Williamson
Gallen	Poston	Trask	

Nays—21

Barron	Gorman	McClain	Wilson
Castor	Graham	Myers	Winn
Chamberlin	Hair	Sayler	Zinkil
Dunn	Henderson	Scarborough	
Firestone	Holloway	Skinner	
Gordon	Lewis	Spicola	

On motion by Senator Myers, by two-thirds vote SB 257 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Castor	Gordon	Lewis	Thomas, Pat
Chamberlin	Graham	MacKay	Trask
Childers, Don	Hair	McClain	Vogt
Dunn	Henderson	Myers	Ware
Firestone	Holloway	Peterson	Wilson
Glisson	Johnston	Spicola	Zinkil

Nays—16

Mr. President	Gorman	Saylor	Thomas, Jon
Barron	Plante	Scarborough	Tobiassen
Childers, W. D.	Poston	Scott	Williamson
Gallen	Renick	Skinner	Winn

Vote after roll call:

Nay to Yea—Renick

By the Committee on Economic, Community and Consumer Affairs and Senator Vogt—

CS for SB 318—A bill to be entitled An act relating to the Florida Public Service Commission; creating s. 350.001, Florida Statutes; providing legislative intent; amending s. 350.01, Florida Statutes; providing for appointment of Public Service Commissioners increasing the number of commissioners to five; providing for the filling of vacancies; providing for the retention of commissioners serving current terms until completion of their terms; providing 4-year terms for commissioners and providing for 6-year terms if authorized by a constitutional amendment; providing for filing of a declaration of intention to seek an additional term of office; providing for selection of a commission chairman and his terms and duties; providing procedures to expedite and assign commission proceedings; creating s. 350.031, Florida Statutes; establishing the Florida Public Service Commission Nominating Council; providing for member appointments and filling of vacancies; providing for restriction of membership of persons having certain interests; providing for council duties and responsibilities; requiring meetings of the council to be open and subject to the Sunshine Law; providing for reimbursement of expenses to council members; repealing s. 350.03, Florida Statutes, relating to the power of the Governor to remove, suspend, or appoint commissioners and to fill vacancies; imposing restrictions on commissioners and employees of the commission after termination of employment; providing an effective date.

—was read the first time by title and SB 318 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 318 was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 8, lines 20, 21 and 22, strike the words "The Governor and" (on line 20) and strike all of lines 21 and 22 and insert: Members of the Commission shall be appointed from the names recommended by the council, by the Governor subject to approval by at least three members of the Cabinet and subject to confirmation by the Senate.

Senator Plante moved the following amendment which failed:

Amendment 2—On page 8, following "confirmation by the Senate" strike the period and insert: and approval of the voters of the State of Florida.

The vote was:

Yeas—13

Chamberlin	MacKay	Thomas, Pat	Wilson
Childers, Don	Plante	Trask	
Gorman	Scarborough	Ware	
Lewis	Scott	Williamson	

Nays—18

Mr. President	Graham	Poston	Vogt
Castor	Hair	Renick	Winn
Dunn	Holloway	Skinner	Zinkil
Firestone	McClain	Spicola	
Glisson	Peterson	Thomas, Jon	

Senator Vogt moved the following amendment which was adopted:

Amendment 3—On page 8, line 30, after "December 31" insert: , subject to confirmation by the Senate, and on page 9,

line 5, after the word "thereafter" insert: , subject to confirmation by the Senate,

Senators Don Childers, Holloway, Ware and Chamberlin offered the following amendment which was moved by Senator Don Childers:

Amendment 4—On page 3, line 7, strike everything from page 3, line 7 through page 10, line 5 after the Enacting clause. and insert: Section 1. Section 350.01, Florida Statutes, is amended to read:

350.01 Florida Public Service Commissioners; election.—

(1) Effective January 2, 1979, the Florida Public Service Commission shall consist of five ~~three~~ commissioners each of whom shall be elected by the qualified electors of one of the five Florida Public Service Commission districts of this state and each of whom shall be a resident of the district from which he is elected or appointed to fill a vacancy; except that the commissioner who was elected in the 1976 general election shall serve for the remainder of his term of office ~~for terms of 4 years each dating from the expiration of the present existing terms of said commissioners.~~

(a)1. In the 1978 general election, one commissioner shall be elected from each of districts three and five for a term of 4 years beginning on the first Tuesday after the first Monday in January, 1979, and every 4 years thereafter, and one commissioner shall be elected from each of districts one and two for a term of 2 years beginning on the first Tuesday after the first Monday in January, 1979.

2. In the 1980 general election, one commissioner shall be elected from each of districts one, two, and four for a term of 4 years beginning on the first Tuesday after the first Monday in January, 1981, and every 4 years thereafter.

(b)1. If, 28 months or more before the expiration of the term of office, a vacancy occurs in the office held by the commissioner elected in the 1976 general election, the Governor shall fill the vacancy by appointment until the first Tuesday after the first Monday following the 1978 general election, and a resident of district four shall be elected from that district at the 1978 general election for the unexpired portion of the term.

2. If, less than 28 months before the expiration of the term of office, a vacancy occurs in the office held by the commissioner elected in the 1976 general election, the Governor shall appoint a resident of district four to fill the vacancy for the unexpired portion of the term.

(2) The state is divided into five Florida Public Service Commission Districts as follows:

(a) District one: Collier, Dade, and Monroe Counties;

(b) District two: Broward, Charlotte, Desoto, Glades, Hendry, Highlands, Lee, Martin, Okeechobee, Palm Beach, St. Lucie, and Sarasota Counties;

(c) District three: Hardee, Hillsborough, Manatee, Pinellas, and Polk Counties;

(d) District four: Alachua, Brevard, Citrus, Clay, Flagler, Hernando, Indian River, Lake, Marion, Orange, Osceola, Pasco, Putnam, St. Johns, Seminole, Sumter, and Volusia Counties; and

(e) District five: Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.

Section 2. All expenses attributable to this act shall be paid from the Florida Public Service Regulatory Trust Fund.

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

Senator Chamberlin presiding

The President presiding

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

Amendment 4A—On page 1, strike all of lines 7 through 11, inclusive and insert: each of whom shall be elected by the qualified electors of this state to represent the district in which he resides, except that the commissioner who was elected in the

The vote was:

Yeas—21

Mr. President	Johnston	Scarborough	Williamson
Childers, Don	Lewis	Scott	Wilson
Dunn	MacKay	Thomas, Pat	Winn
Gordon	Peterson	Tobiassen	
Gorman	Plante	Trask	
Holloway	Poston	Ware	

Nays—14

Castor	Glisson	McClain	Vogt
Chamberlin	Graham	Myers	Zinkil
Childers, W. D.	Hair	Skinner	
Firestone	Henderson	Spicola	

Vote after roll call:

Nay to Yea—Myers

Amendment 4 as amended was adopted. The vote was:

Yeas—19

Childers, Don	Johnston	Poston	Trask
Gordon	Lewis	Scarborough	Ware
Gorman	MacKay	Scott	Williamson
Henderson	Peterson	Thomas, Pat	Wilson
Holloway	Plante	Tobiassen	

Nays—18

Mr. President	Glisson	Renick	Vogt
Castor	Graham	Saylor	Winn
Chamberlin	Hair	Skinner	Zinkil
Childers, W. D.	McClain	Spicola	
Dunn	Myers	Thomas, Jon	

Votes after roll call:

Yea—Barron
Nay—Gallen
Nay to Yea—Chamberlin

Senators Don Childers, Wilson, Holloway, Ware, Chamberlin, Peterson and Trask offered the following amendment which was moved by Senator Don Childers:

Amendment 5—On pages 1, 2, 3, line 3 in title, strike everything after "Commission"; on page 1, line 3 through page 3, line 3 and insert: amending s. 350.01, Florida Statutes; increasing the number of commissioners; providing for election of commissioners from districts; providing for filling of vacancies; providing that expenses attributable to this act be paid from the Florida Public Service Regulatory Trust Fund; providing an effective date.

On motion by Senator Vogt, further consideration of CS for SB 318 with pending amendment 5 was deferred.

Senator Gallen, for the select committee appointed by the President to consider the point of order raised by Senator MacKay relative to the referral of CS for SB 317 to the Committee on Finance, Taxation and Claims, reported that it was the finding of the committee that the bill affected appropriations and not increasing or decreasing revenue in local government for the maintenance of roads and therefore was not a subject of finance and taxation.

The President stated that the bill had been referred to, and considered by the Committee on Appropriations and in accordance with the report of the select committee ruled the point not well taken.

Senator MacKay moved that the Senate reconsider the vote by which SB 115 passed on April 18.

The motion was placed on the calendar for consideration Friday, April 22.

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 and the Judicial Qualifications Commission; providing an effective date.

—was taken up pending roll call, the vote by which it passed on April 18 having previously been reconsidered this day.

Senator Dunn moved the following amendments which were adopted by two-thirds vote:

Amendment 13—On page 5, line 31, strike "or the commission,"

Amendment 14—On page 5, line 22, strike "or the commission,"

Amendment 15—On page 5, line 12, strike "or the chairman of the commission"

Senator Barron moved that further consideration of CS for SB 19 be deferred.

Senator Plante moved that debate be limited to one minute per side.

CO-INTRODUCERS

Senator Wilson—SB 478; Senator Pat Thomas—Senate Bills 688, 691, 692, 699, 703, 704, 705, 706, 707, 708, 709; Senators Henderson and Renick—SB 698; Senator McClain—SB 768; Senator Barron—SB 749; Senator Zinkil—Senate Bills 225 and 227; Senator Trask—SB 95; Senator Don Childers—SB 774; Senator Lewis—CS for SB 218

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 18 and 19 were corrected and approved as follows:

Page 165, column 2, between lines 20 and 21 insert: creating s. 837.031, Florida Statutes; precluding certain defenses;

Page 175, column 1, strike lines 1 through 16 and insert on page 176, column 1, between lines 24 and 25:

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

Amendment 4—On page 15, line 7, strike all of subsection (3)

Amendment 4 failed by the following vote:

Yeas—10

Childers, Don	Johnston	Skinner	Wilson
Dunn	MacKay	Thomas, Pat	
Firestone	Scarborough	Williamson	

Nays—26

Castor	Graham	Peterson	Tobiassen
Chamberlin	Hair	Plante	Trask
Childers, W. D.	Henderson	Renick	Vogt
Gallen	Holloway	Saylor	Ware
Glisson	Lewis	Scott	Zinkil
Gordon	McClain	Spicola	
Gorman	Myers	Thomas, Jon	

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m. April 21, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.