



Journal of the Senate

Number 15

Monday, April 25, 1977

The Senate was called to order by the President at 2:00 p.m.
A quorum present—40:

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

Prayer by Reverend Michael L. McGehee, Minister, Faith Presbyterian Church, Tallahassee:

O God, Father of us all, the Creator of the Good Earth, we come again asking Thy blessing upon us, not because we are worthy, but because Thou art merciful and good. Help us today and every day to be more worthy of our rich heritage—this land of liberty and freedom.

While we are mindful of those who have so little in life, we are also aware of the burden of having too much. Forgive us for having so much knowledge that we have condemned others for their ignorance; forgive us for being so comfortable with our wealth that we have been blind to the needs of the poor; forgive us for being so satisfied with position and power that we have disenfranchised the neglected, the hurting and despised in life.

Almighty God, give to all states in our Federation that which we seek for our own—concern for the human needs of all our citizens, sensitivity to moral issues, deliverance from cynicism and despair, the readiness to accept the responsibilities of free people in a free land.

And now for those who bear the weight of governing in this Senate—We pray that they may go through the day's work seeking justice, honoring wisdom, loving mercy and in all humility walking with their God. All this we ask in the name of Him whose life was marked by love and steadfastness to do the right. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Monday, April 25, 1977:

CS for SB 19	CS for SB 117	HB 751	SB 235
SB 403	CS for SB 297	SB 467	SB 130
SB 414	SB 408	SB 468	SB 132
SB 427	SB 686	SB 599	
CS for SB 318	SB 595	SB 308	

Respectfully submitted,
Tom Gallen
Chairman

The Special Master for Claim Bills recommends the following pass:

SB 36	SB 232	SB 611	HB 388
SB 39	SB 353	HB 368	HB 457
SB 216			

The Special Master for Claim Bills recommends the following not pass: SB 180, SB 579

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference pursuant to Rule 4.8.

The Committee on Education recommends a Committee Substitute for the following: SB 462

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 311

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 72

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 Judiciary-Criminal recommends a Committee Substitute for the following: SB 44

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

ENROLLING REPORT

SB 278 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on April 25, 1977.

Joe Brown, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointment Subject to Confirmation by the Senate

The Secretary of State on April 25, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Joan T. Knight, Key West; Member, Historic Key West Preservation Board of Trustees, for term ending October 12, 1980

—which was referred to the Committee on Executive Business.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senator J. Thomas and others—

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

a discriminatory provision; providing an exception; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 1, line 29, strike “, or” and insert: in order to comply with, further or support a foreign boycott, or

Amendment 4—On page 2, line 3, after the word “certification” insert: in order to comply with, further or support a foreign boycott

Amendment 5—On page 1, line 10 in title, after the word “provision” insert: in order to comply with, further or support a foreign boycott

On motions by Senator Jon Thomas, the Senate concurred in the House Amendments.

SB 265 passed as amended and the action of the Senate was 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	Wilson
Dunn	Lewis	Scott	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	
Gordon	Myers	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—Williamson

The bill was ordered engrossed and then enrolled.

On motion by Senator Pat Thomas, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Pat Thomas—

SR 1261—A resolution recognizing the success of Florida high school football teams in the Big Bend Area as demonstrated by state championships in all four state classes at the conclusion of the 1976 season.

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

On motion by Senator Pat Thomas, by two-thirds vote SR 1261 was withdrawn from the Committee on Rules and Calendar and placed on the calendar. On motions by Senator Pat Thomas by unanimous consent, SR 1261 was taken up out of order and by two-thirds vote read the second time in full and adopted. The vote on adoption was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Williamson

Senators Barron, Brantley, 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, and Winn were recorded as co-introducers of SR 1261.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Henderson, the rules were waived and by two-thirds vote SR 203 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 965 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 262 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Gorman, by two-thirds vote SB 238 was removed from the calendar and indefinitely postponed.

On motions by Senator Dunn, the rules were waived and by two-thirds vote HB 1114 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

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

SB 633 by Senator Jon Thomas	SB 666 by Senator Hair
SB 635 by Senator McClain	SB 670 by Senator Jon Thomas
SB 638 by Senator McClain	SB 672 by Senator Trask
SB 645 by Senator Plante	SB 673 by Senator Hair
SB 648 by Senator Glisson	SB 676 by Senator Sayler
SB 657 by Senator Henderson	

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

SB 661 by Senator Henderson	SB 664 by Senator Hair
SB 662 by Senator Scarborough	SB 671 by Senator Gordon
	SB 678 by Senator Poston

The Committee on Judiciary-Civil requests an extension of 15 days for the consideration of the following:

SB 652 by Senator Skinner	HB 264 by Representative Moffitt
SB 667 by Senator McClain	HB 288 by Representatives Langley and Hazelton
SB 719 by Senator Graham	HB 965 by Rules and Calendar Committee
SB 723 by Senator Graham	
SB 724 by Senator Graham	
SB 725 by Senator Graham	
SB 729 by Senator Wilson	

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

SB 693 by Senator Jon Thomas	HB 400 by Representative Fulford
SB 698 by Senators Jon Thomas, Renick and Henderson	HB 868 by Committee on Natural Resources
SB 728 by Senator Spicola	HB 960 by Committee on Rules and Calendar
HB 95 by Representative Hutto	

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

SB 632 by Senator Myers and others
 SB 637 by Senator Holloway
 SB 639 by Senator McClain
 SB 640 by Senator Holloway and others

SB 697 by Senator Graham and others
 SB 754 by Senator Poston and others
 SB 758 by Senator Wilson
 HB 779 by Committee on Transportation

Senator Ware moved that the Senate reconsider the vote by which SB 546 failed to pass on April 22.

The motion was placed on the calendar for consideration April 27.

SPECIAL ORDER

CS for SB 19 was taken up pending roll call.

Pending further consideration of CS for SB 19, on motion by Senator Dunn by two-thirds vote—

HB 1114—A bill to be entitled An act relating to witnesses; amending s. 914.04, Florida Statutes, relating to immunity of witnesses from the use of compelled testimony; providing a procedure for the granting of immunity by circuit courts before certain courts of this state, the grand jury, or the state attorney; permitting prosecutions against such witnesses under certain circumstances; providing an effective date.

—a companion measure was substituted for CS for SB 19 and read the second time by title.

Senator Dunn moved the following amendment:

Amendment 1—On page 1, strike everything after enacting clause and insert: Section 1. This act shall be known as the "Witness Immunity Act."

Section 2. Section 914.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 914.04, F.S., for present text.)

914.04 Witnesses; compelled testimony; immunity.—

(1)(a) No natural person (hereinafter referred to as a "witness") shall be excused on the basis of his privilege against self-incrimination from testifying or producing other information, including any book, paper, document, or tangible thing, in a proceeding before or ancillary thereto:

1. Any court of this state,
2. Any grand jury of this state,
3. Any statewide grand jury of this state,
4. Any State Attorney or Assistant State Attorney of this state, conducting an investigation pursuant to subpoena power conferred under s. 27.04, or
5. Either house of the Legislature of this state or a standing or select committee of either house or a joint committee of both houses,

when the person presiding over the proceeding communicates to the witness, orally or in writing, an order to testify issued pursuant to this section. If the order to testify is communicated orally to the witness, the order shall be recorded as part of the official record of the proceeding.

(b) The witness to whom the order to testify has been communicated may not refuse to testify, produce other information, including any book, paper, document, or tangible thing, or to otherwise fail to comply with the order to testify upon the ground or for the reason that the testimony given or information produced or the testimony to be given or the information to be produced may tend to convict him of a crime.

(c) No testimony or other information, including any record, document or object, compelled, pursuant to the order to testify, or any evidence or information directly or indirectly derived from such compelled testimony or information shall be used against the witness in any criminal case, except in a prosecution of the witness for perjury or giving a false statement committed while giving the testimony or producing the

information, including any book, paper, document, or tangible thing, compelled pursuant to the order to testify, or an offense otherwise involving a failure to comply with the order, including a proceeding for contempt.

(2) COURT, GRAND JURY, OR STATE ATTORNEY INVESTIGATION PROCEEDINGS.—

(a) When a natural person (hereinafter referred to as a "witness") has been subpoenaed or called to testify, or 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 information, including any book, paper, document, or tangible thing, at or before any proceeding before or ancillary thereto:

1. Any court of this state,
2. Any grand jury of this state,
3. Any statewide grand jury of this state, or
4. Any State Attorney or Assistant State Attorney conducting an investigation pursuant to the subpoena power conferred under s. 27.04,

the court before which the criminal action, if any, is pending, or the Circuit Court having supervisory jurisdiction of the grand jury, or the presiding judge having supervisory jurisdiction of the statewide grand jury, or the Circuit Court in the county from which the subpoena or subpoena duces tecum under s. 27.04 was issued shall issue, upon the written or oral request of the State Attorney or Assistant State Attorney who is representing the state in such proceeding, an order to testify commanding the witness to give testimony or produce information, including any book, paper, document, or tangible thing, notwithstanding the assertion by the witness of his privilege against his self-incrimination.

(b) An order to testify, as authorized by this subsection, may be requested and issued prior to the witness's assertion of his privilege against self-incrimination, but the order shall not be effective until the witness asserts his privilege against self-incrimination and the person presiding over the proceeding communicates to him the order to testify. Application for an order to testify shall be by motion of the State Attorney or his Assistant State Attorney, and such motion may be presented to the court and heard ex parte.

(c) The State Attorney or Assistant State Attorney who is representing the state in the proceeding before the court, grand jury, statewide grand jury, or State Attorney investigation, as the case may be, may request an order to testify under this subsection when, in his sole judgement as the state's prosecuting officer:

1. The testimony or other information, including any record, document or object, to be obtained from the witness is or may be necessary in the investigation or prosecution of a crime.
2. The witness has refused or is likely to refuse to testify or produce other information, including any book, paper, document, or tangible thing, on the basis of his privilege against self-incrimination.

(3) LEGISLATIVE PROCEEDING.—

(a) 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:

1. A house of the Legislature of this state,
2. Any standing committee of either house of the Legislature,
3. Any joint committee of the two houses of the Legislature, or

4. Any select committee of either house which is specifically authorized by the rules of the house or by the resolution establishing and empowering the select committee, the Circuit Court in Leon County shall issue, upon the written request of the presiding officer or his authorized representative of the particular house involved, or if both houses or a joint committee

of the houses are involved, upon the written request of the presiding officer of both houses or their authorized representatives an order to testify commanding the witness to give testimony or produce information, including any book, paper, document, or tangible thing, notwithstanding the assertion by the witness of his privilege against self-incrimination.

(b) An order to testify, as authorized by this subsection, may be requested and issued prior to the witness's assertion of his privilege against self-incrimination, but the order shall not be effective until the witness asserts his privilege against self-incrimination and the person presiding over the legislative proceeding communicates to him the order to testify. Application for an order to testify shall be by motion of the presiding officer or his designee, or the chairman of the commission, and such motion may be presented to the court and heard ex parte.

(c) Before issuing an order under this subsection, the circuit court shall find:

1. In the case of a proceeding before either house of the Legislature, a standing committee or a select committee thereof, that the authority to request an order to testify has been generally authorized by the rules of the house or the commission, or by a resolution of the house or specifically approved by an affirmative vote of a majority of the members of the house present and voting or of the commission; or, in the case of a proceeding before a joint committee, that the authority to request an order to testify has been generally authorized by the rules of the house or by a resolution of the houses or otherwise specifically authorized or approved by an affirmative vote of a majority of the members present and voting of both houses.

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.

(d) Upon receipt of the request, the Governor shall confer with the appropriate State Attorney or State Attorneys to determine whether and the extent to which, if at all, the granting of use and derivative immunity to the witness would interfere with the orderly investigation or prosecution of any criminal offense. If the Governor determines that the public interest is not served by the issuance of an order to testify and the attendant grant of immunity accorded to the witness, the Governor shall forthwith, but in no event later than 10 days after service on him of the written request, file before the Circuit Court an objection to the order. In his written objection, the Governor shall set forth specifically his reasons for objecting to the issuance of the order.

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

Senator Barron moved the following amendment to Amendment 1:

Amendment 1A—On page 6, line 29, insert a new Section 3 to read: Section 3. (1) Notwithstanding any provision to the contrary, if a person who is an object of a grand jury inquiry or who has otherwise come to the knowledge of a grand jury for its investigation is called before the grand jury to testify, then prior to the taking of any testimony from that person, the state attorney or his assistant shall in writing inform the person that (1) he is under investigation by or an object of a grand jury inquiry, and (2) he has the right, which right is hereby given, to the assistance of legal counsel in the grand jury room at all times during the person's appearance before the grand jury. In the event that the state attorney or his assistant fail to so inform the person being investigated and the person in response to a lawful subpoena testifies before the grand jury, then that person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, nor shall any testimony so given or produced be received or used against him in any criminal investigation or proceeding.

(2) Unless pursuant to court order, it is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person outside the grand jury room, any of the proceedings or identity of persons referred to or being investigated by the grand jury. Any person who violates the provisions of this subsection is guilty of a felony of the third

degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084, Florida Statutes. Renumber subsequent section.

Amendment 1A was adopted by the following vote:

Yeas—28

Mr. President	Henderson	Renick	Tobiassen
Barron	Holloway	Saylor	Trask
Childers, W. D.	Lewis	Scarborough	Vogt
Gallen	McClain	Scott	Ware
Glisson	Myers	Skinner	Williamson
Gordon	Peterson	Thomas, Jon	Wilson
Hair	Poston	Thomas, Pat	Winn

Nays—11

Castor	Dunn	Graham	Plante
Chamberlin	Firestone	Johnston	Spicola
Childers, Don	Gorman	MacKay	

Explanation of Vote

The undersigned voted against the amendment to HB 1114 by Senator Barron, allowing an attorney in the grand jury room, because we felt this matter should be heard first by an appropriate committee before submission to the full Senate.

*Harry A. Johnston, II
Don Chamberlin*

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

Amendment 1B—On page 6, immediately preceding the effective date section insert: Section 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Amendment 1 as amended was adopted.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 2—Following the new Section 3 insert: (2) Every person in the grand jury room, including any attorneys present in the room, shall be sworn to uphold the secrecy of the grand jury inquiry.

Renumber subsequent sections.

Senator Barron moved the following Title amendment:

Amendment 3—On page 1, lines 1-9, strike the title and insert: A bill to be entitled An act relating to the administration of criminal justice; 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 procedures for certain witnesses before grand juries, granting certain witnesses the right to counsel; providing severability; providing an effective date.

Senator W. D. Childers moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 1, line 12, insert after the first semi colon: requiring persons in the grand jury room to be sworn to secrecy;

Amendment 3 as amended was adopted.

On motion by Senator Dunn, by two-thirds vote HB 1114 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	Peterson	Thomas, Pat
Barron	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
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	

Nays—1

Gordon

CS for SB 19 was laid on the table.

CS for SB 403—A bill to be entitled An act relating to local ordinances; prohibiting the enactment of an ordinance or rule imposing price controls upon a business activity which is not franchised by or under contract with the governmental agency; providing an effective date.

—was taken up with pending Amendment 1 and substitute Amendment 2 which were withdrawn by Senator Firestone.

Senator Myers moved the following amendment:

Amendment 2—On page 1, strike everything after the period on line 16 and insert: , except as hereinafter provided.

Section 2. No law, ordinance, rule or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.

Section 3. Any law, ordinance, rule or other measure which has the effect of imposing controls on rents shall terminate and expire within one year, or earlier if such grave emergency ceases to exist, and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this act.

Section 4. No controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this Act, a luxury apartment building is one where-in on January 1, 1977 the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$300.00.

Section 5. No municipality, county or other entity of local government shall adopt or maintain in effect any law, ordinance, rule or other measure which would have the effect of imposing controls on rents unless:

(a) such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States constitutions, the charter or charters governing such entity of local government, this Act and any other applicable laws; and

(b) such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public, and that such controls are necessary and proper to eliminate such grave housing emergency.

Section 6. In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this Act, the evidentiary effect of any findings or recitations required by Section 4 of this Act shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of non-persuasion) shall rest upon any party seeking to have the measure upheld.

Section 7. The provisions of this Act are severable, and if any provision thereof shall be declared unconstitutional or invalid for any reason, the other provisions shall remain in full force and effect.

Section 8. This Act shall take effect upon becoming a law.

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

Amendment 2A—On page 2, line d, strike "\$300.00" and insert: \$250.00

Senator Graham moved the following amendment to Amendment 2 which failed:

Amendment 2B—On page 2, line d, after the word "units" insert: as stated in leases or rent list on that date

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

Amendment 2C—On page 2, line 12, insert: (c) approved by the voters in such municipality, county or other entity of local government

Amendment 2 as amended was adopted by the following vote:

Yeas—21

Mr. President	Glisson	Myers	Vogt
Castor	Gordon	Plante	Williamson
Chamberlin	Gorman	Poston	Winn
Childers, Don	Graham	Renick	
Dunn	Hair	Spicola	
Firestone	Johnston	Thomas, Jon	

Nays—16

Barron	Holloway	Saylor	Trask
Childers, W. D.	Lewis	Scott	Ware
Gallen	McClain	Skinner	Wilson
Henderson	Peterson	Thomas, Pat	Zinkil

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

Amendment 3—On page 1, line 16, after Section 1 insert: The provisions of this act shall not prevent the enactment by local governments of public service rates otherwise authorized by law; including water, sewer, solid waste, public transportation, or port rates.

Senator Plante moved the following amendment which was adopted:

Amendment 4—On page 1, line 15, after the word "by" insert: , owned by,

Senators Castor, Spicola and McClain offered the following amendment which was moved by Senator Castor and adopted:

Amendment 5—On page 1, line 16, insert after "general": or Special Law

Senator Graham moved the following amendment which failed:

Amendment 6—On page 1, strike lines 11-13 and insert: Section 1. No agency of the state of Florida, county, municipality, or other entity of local government shall adopt or maintain in effect a rule, regulation or ordinance which has the effect of imposing price.

Senator Myers moved the following title amendment which was adopted:

Amendment 7—On page 1, line 6, after the semicolon insert: providing procedures and restrictions under which the governing body of a local governmental unit may adopt or maintain in effect an ordinance or rule imposing residential rent controls;

Senator McClain moved the following title amendment which was adopted:

Amendment 8—On page 1, line 5, insert following the semicolon (;): authorizing enactment of public service rates;

Senator Plante moved the following title amendment which was adopted:

Amendment 9—On page 1, line 5, after the word "by" insert: , owned by,

On motion by Senator Ware, the Senate reconsidered the vote by which Amendment 5 was adopted. By permission Senator Castor withdrew the amendment.

Senator Graham moved that the Senate reconsider the vote by which Amendment 6 failed. The motion failed.

On motion by Senator Myers, by two-thirds vote CS for SB 403 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Glisson	Myers	Thomas, Pat
Chamberlin	Gordon	Peterson	Tobiassen
Childers, Don	Gorman	Plante	Vogt
Childers, W. D.	Graham	Renick	Williamson
Dunn	Hair	Sayler	Winn
Firestone	Holloway	Scott	
Gallen	Johnston	Thomas, Jon	

Nays—6

Castor	McClain	Trask	Zinkil
Lewis	Poston		

Votes after roll call:

Yeas—MacKay, Henderson and Ware
Nay—Spicola

SB 414—A bill to be entitled An act relating to criminal law; creating ss. 775.089 and 775.090, Florida Statutes; authorizing the court to order a defendant to make restitution to an aggrieved party for damage or loss caused by the defendant's offense or to perform a specified public service; adding s. 945.091(6), Florida Statutes, 1976 Supplement; authorizing the Department of Offender Rehabilitation to require an inmate working at paid employment to provide restitution; creating s. 947.181, Florida Statutes; authorizing the Parole and Probation Commission to require restitution as a condition to parole; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation, and Parole offered the following amendments which were moved by Senator Hair and failed:

Amendment 1—On page 3, lines 23-30 strike all after the word "imprisoned" and insert: in an amount determined by the sentencing court.

Amendment 2—On page 3, lines 16 and 17, strike all of said lines and insert: amount determined by the sentencing court.

Senator Hair moved the following amendments which were adopted:

Amendment 3—On page 3, line 8 through 31 strike all of said lines and insert: Section 3. Section 947.181, Florida Statutes, is created to read:

947.181 Victim restitution.—

(1) *The Parole and Probation Commission may require, as a condition of parole, reparation or restitution to the aggrieved party for the damage or loss caused by the offense for which the parolee was imprisoned. The maximum amount of repara-*

tion or restitution allowable may be determined by the court at the time of sentencing. The amount of such reparation or restitution shall be determined by the Parole and Probation Commission.

(2) *If the parolee fails to make the reparation or restitution to the aggrieved party, as required in subsection (1), it shall be considered by the commission as a violation of parole as specified in s. 947.21 and may be cause for revocation of his parole.*

Section 4. Subsection (1) of section 945.091, Florida Statutes, 1976 Supplement, is amended, and subsection (6) is added to said section, to read:

945.091 Extend the limits of confinement.—

(1) The department is authorized to adopt regulations permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, and following investigation and approval by the secretary, who shall maintain a written record of such action and forward a copy of his approval to the Parole and Probation Commission, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(a) Visit, for a specified period, a specifically designated place or places for the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released, to otherwise aid in the rehabilitation of the inmate, or for another compelling reason consistent with the public interest, and return to the same or another institution or facility designated by the department ~~[department]~~; or

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or non-profit agency in the community, while continuing as an inmate of the institution or facility in which he shall be confined, except during the hours of his employment, education, training, or service and traveling thereto and therefrom. Inmates shall participate in paid employment only during the last 18 months of their confinement, unless sooner requested by the Parole and Probation Commission.

(6) *The Department of Offender Rehabilitation may require inmates working at paid employment as provided in paragraph (1)(b) to provide restitution to the aggrieved party for the damage or loss caused by the offense of the inmate in an amount to be determined by the Department of Offender Rehabilitation.*

(7) *An offender who is required to provide restitution or reparation may petition the circuit court to amend the amount of restitution or reparation required or to revise the schedule of repayment established by the Department or the Parole and Probation Commission.*

Section 5. This act shall take effect upon becoming a law.

Amendment 4—On page 1 in title, line 8 through 16, strike everything after the semicolon and insert: creating s. 947.181, Florida Statutes, allowing the Parole and Probation Commission to require victim restitution as a condition of parole; amending s. 945.091(1), Florida Statutes, 1976 Supplement, adding a subsection, allowing the Department of Offender Rehabilitation to require victim restitution of offenders working at paid employment; adding a subsection, allowing the offender to petition the court to amend the amount of restitution or the payment schedule; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 414 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	Peterson	Thomas, Jon
Castor	Gorman	Plante	Thomas, Pat
Chamberlin	Graham	Poston	Tobiassen
Childers, Don	Hair	Renick	Trask
Childers, W. D.	Henderson	Sayler	Ware
Dunn	Holloway	Scarborough	Williamson
Firestone	Johnston	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

SB 427—A bill to be entitled An act relating to restrooms; requiring separate restroom facilities for males and females in certain buildings or facilities; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which failed:

Amendment 1—On page 1, line 11, insert after "state," or any private residence

Senator Chamberlin moved the following amendment which failed:

Amendment 2—On page 1, lines 10-11, strike "or any political subdivision of the state"

On motion by Senator Peterson, by two-thirds vote SB 427 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Chamberlin	Gordon	Johnston	Wilson
Firestone			

On motion by Senator Gallen consideration of CS for SB 318 was deferred. Senator Wilson objected.

By the Committee on Judiciary-Civil and Senator Sayler—

CS for SB 117—A bill to be entitled An act relating to the Florida Probate Code; amending s. 732.601(4), Florida Statutes; providing for the distribution of the proceeds of a life or accident insurance policy when the insured and either the beneficiary or the owner have died and there is insufficient evidence that they died other than simultaneously; providing an effective date.

—was read the first time by title and SB 117 was laid on the table.

On motions by Senator Sayler, by two-thirds vote CS for SB 117 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	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
Gordon	Myers	Thomas, Jon	

Nays—None

Senator Gallen moved that the rules be waived and time of adjournment be extended until final disposition of CS for SB 318. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—21

Mr. President	Gordon	Scarborough	Williamson
Chamberlin	Graham	Scott	Wilson
Childers, Don	Holloway	Skinner	Zinkil
Childers, W. D.	MacKay	Spicola	
Firestone	Myers	Thomas, Jon	
Glisson	Renick	Tobiassen	

Nays—15

Castor	Henderson	Plante	Trask
Dunn	Johnston	Poston	Vogt
Gorman	McClain	Sayler	Ware
Hair	Peterson	Thomas, Pat	

On motion by Senator Dunn, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION

By the Committee on Judiciary-Criminal—

SB 960—A bill to be entitled An act relating to organized crime; making it unlawful to use or invest proceeds from a pattern of racketeering activity or from the collection of an unlawful debt to acquire or maintain an interest in, or to establish or conduct an enterprise, including real property; providing an affirmative defense; making it unlawful to acquire or maintain an interest in, or to conduct an enterprise, including real property, through a pattern of racketeering activity or the collection of an unlawful debt; making it unlawful to conspire or endeavor to engage in such conduct, or to solicit, coerce, or intimidate another to do so; providing criminal penalties; providing procedures and criteria for adjudicating certain persons to be dangerous special racketeers; providing a criminal penalty for a dangerous special racketeer; providing an alternative fine; providing for the rights of innocent persons; providing civil remedies of divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within this state; providing for seizure and state disposal of seized and forfeited property; providing that any aggrieved person may institute civil proceedings to seek treble damages, attorney's fees, and punitive damages; providing for civil investigative demand for any agency having jurisdiction to investigate as a crime or as a violation of state regulatory laws or rules; providing procedures for using civil investigative demand; providing for the confidentiality of documentary material produced under a civil investigative demand and for the return or disposal of such material after the conclusion of such investigation; amending s. 905.34, Florida Statutes; extending the subject matter jurisdiction of the state wide grand jury to include violations of this act; amending s. 934.07, Florida Statutes; allowing authorization for the interception of wire or oral communications to provide evidence of any violation of the provisions of this act and certain other offenses; providing severability; providing an effective date.

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

CO-INTRODUCERS

Senator Williamson—Senate Bills 199 and 428; Senator Skinner—SB 295; Senator Sayler—SB 414; Senator Jon Thomas—SB 768; Senator Scarborough—SB 841; Senator Ware—SB 423

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m., April 26, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.