



Journal of the Senate

Number 20

Monday, May 2, 1977

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

INTRODUCTION

By Senator Gordon—

SB 1233—A bill to be entitled An act relating to the sales tax; amending s. 212.08(7)(c), Florida Statutes; creating s. 212.0805, Florida Statutes; prescribing requirements for determining the eligibility of hospitals for exemption from sales tax as a charitable institution; providing a method whereby hospitals determine the eligibility of persons for services without cost to those unable to pay; requiring notices to be posted that the hospital provides services without cost to those unable to pay; providing powers and duties of the Department of Revenue; providing for reports to the department by hospitals; adding s. 213.072(3), Florida Statutes, requiring such reports to be open to public inspection; providing an effective date.

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

By Senators Trask and Peterson—

SB 1234—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, Florida Statutes, 1976 Supplement, authorizing boards of county commissioners to adopt by resolution, a uniform policy and procedure for the issuance of licenses to carry pistols, electric weapons or devices, rifles, or guns of any kind; authorizing such boards to refuse to issue licenses when they deem issuance not in the best interests of the public; providing an effective date.

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

By Senators Trask and Peterson—

SB 1235—A bill to be entitled An act relating to taxation of motor fuels; amending s. 206.625, Florida Statutes, relating to return of the first gas tax and the additional gas tax to municipalities, to provide that counties performing similar services shall receive the same refund; providing an effective date.

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

By Senator Scarborough—

SB 1236—A bill to be entitled An act relating to pharmacists; adding s. 465.071(4), Florida Statutes; requiring applicants failing the state board examination in pharmacy three times to make a showing of good cause before being allowed to take a subsequent examination; authorizing the Florida Board of Pharmacy to impose conditions on applicants permitted to take subsequent examinations; providing time limitations on the taking of re-examinations except upon a showing of good cause; providing an effective date.

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

By Senators Peterson and Trask—

SB 1237—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.016(2), Florida Statutes, 1976

Supplement, authorizing county sheriff's offices to employ parking enforcement specialists who meet certain Police Standards and Training Commission requirements to perform limited duties; amending s. 943.12(1), Florida Statutes, 1976 Supplement, to conform thereto; providing an effective date.

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

By Senator Barron—

SB 1238—A bill to be entitled An act relating to legislative review of programs and functions which regulate a profession, occupation, business, industry and other endeavor; amending sections 3, 4, 8, and 9, chapter 76-168, Laws of Florida, changing the repeal dates of specified chapters in the Florida Statutes; providing legislative review and repeal of the following provisions of the Florida Statutes: chapter 665, the Savings Association Act; chapter 496, the Solicitation of Charitable Funds Act; and part V of chapter 559, relating to consumer collection agencies; deleting part IV of chapter 624, Florida Statutes, (relating to insurance fees, taxes, and funds) from the requirement of legislative review and repeal; changing the time limitations for beginning and completion of review; providing a repeal date for certain future laws; providing an effective date.

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

By Senator Firestone—

SB 1239—A bill to be entitled An act relating to turnpike projects; adding s. 340.12(4), Florida Statutes, to provide that the toll per mile shall be uniform throughout the length of a project; providing an effective date.

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

By Senator Gallen—

SB 1240—A bill to be entitled An act relating to state retirement systems; requiring employer and member contributions with respect to additional compensation paid to county court judges for temporary assignment to other courts; requiring a member of such a system to pay any unpaid member contributions with respect to such additional compensation before receiving retirement benefits; providing for payment of interest on unpaid member contributions; providing an appropriation equal to the aggregate amount of unpaid employer contributions with respect to such additional compensation; providing an effective date.

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

By Senators Wilson and Vogt—

SB 1241—A bill to be entitled An act relating to Seminole County; authorizing the Board of County Commissioners of Seminole County to issue or grant a non-exclusive franchise to any person, municipality or private corporation to construct, maintain, repair, operate and remove lines, poles and facilities within the unincorporated areas of Seminole County, Florida, for the transmission of water, sewage, gas, power, telephone and other public utilities under, on, over, across and along any county highway or any public road, easement, right-of-way or highway; requiring the execution of such non-exclusive franchise as a condition of the use of said county highways or public

roads, easements, rights-of-way or highways; providing for the term, provisions and conditions relating to such non-exclusive franchise; providing for the payment of a fee to Seminole County for such right and privilege; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Gordon—

SB 1242—A bill to be entitled An act relating to health care facilities and services; requiring physicians, osteopathic physicians, and dentists having a legal or equitable interest in, or who are employees, partners, directors, owners, stockholders, or officers of certain health care facilities or services, to file an annual report, with the Department of Health and Rehabilitative Services, disclosing all business and financial transactions, except compensation received for direct provision of professional services, with that same health care facility or service provider; providing that the department shall furnish to each patient, referred to such a facility or service, a brief statement disclosing the interest of such physician, osteopath or dentist in that facility or service; requiring physicians and osteopaths to report annually, to the department, any financial interests in pharmaceutical firms; providing that any person who is a trustee, director, or officer of any nonprofit hospital or nursing home and is also an employee, partner, director, or officer of a partnership, firm, corporation, or other entity, or owns 3 percent or more interest in such business entity, shall file annual reports with the department, disclosing in detail all business transactions between such hospital or home and such business entity that the trustee, director, or officer is associated with; providing conditions and administrative penalties for those who fail to report as required; prohibiting commissions, kickbacks, rebates, and split fee arrangements for patient referrals to a hospital, nursing home, or clinical laboratory; providing administrative penalties for violation of this referral prohibition; amending s. 395.12, Florida Statutes; providing that the public may have access to information received by licensing agencies, except for confidential medical information; providing an effective date.

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

By Senator Trask—

SB 1243—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.18, Florida Statutes, to provide the correct number of divisions; amending s. 570.21(1), Florida Statutes, to permit publication of bulletins by the Division of Administration; amending s. 570.29, Florida Statutes, to provide for inclusion of the Division of Consumer Services and the Division of Forestry within the department; amending s. 570.30, Florida Statutes, relating to the Division of Administration and its powers and duties; clarifying the statutes to properly reflect the functioning structure of the Division of Administration; creating the Bureau of Management Systems and the Bureau of Public Fairs and Expositions within the division; providing an effective date.

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

By Senators Pat Thomas, Poston, Glisson, Dunn and Gorman—

SB 1244—A bill to be entitled An act relating to public financing for housing; creating the "Florida Housing Finance Authority Law"; providing definitions; creating a housing finance authority within each municipality and county; providing for the functioning of such authorities to alleviate a shortage of housing and capital for investment in housing; providing for membership, powers, and duties; authorizing a municipality or county to exercise the powers of such authority until members are appointed; prohibiting members and employees from acquiring or having certain interests with respect to a qualifying housing development; requiring disclosures of interest; providing for removal of members; authorizing such authorities to make, purchase, and sell loans for qualifying housing developments; prohibiting the financing of qualifying housing developments for profit; authorizing such authorities to issue debentures

and limiting sources from which such debentures are payable; providing for validation proceedings; providing for remedies of an obligee; exempting debentures together with income and interest thereon from taxation; providing severability; 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 Jon Thomas—

SB 1245—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.08, Florida Statutes, 1976 Supplement; authorizing state government units to provide group insurance for their officers and employees; providing an effective date.

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

By Senator Myers—

SB 1246—A bill to be entitled An act relating to standards of conduct for public officers and employees; amending s. 112.313(3), Florida Statutes; permitting members of advisory boards to purchase, rent, lease, or sell realty, goods, or services to or from their own agencies upon disclosure to, and grant of a waiver by, the body or person that appointed such member to the advisory board; providing an effective date.

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

By Senator Plante—

SB 1247—A bill to be entitled An act relating to banks and banking; amending s. 659.06(2)(b), Florida Statutes, 1976 Supplement, relating to the operation of drive-in and walkup banking facilities; providing that such facilities may be located within 1 mile of the property on which the main banking room or building of the parent or branch bank is located; providing an exemption from the numerical limitation under certain circumstances involving merger of banks operating facilities; declaring legislative intent; providing an effective date.

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

By the Committee on Judiciary-Civil—

SB 1248—A bill to be entitled An act relating to writs of attachment; amending s. 76.03, Florida Statutes; requiring a writ of attachment to be issued by a judge; amending s. 76.08, Florida Statutes; requiring a writ of attachment to be supported by a verified petition or affidavit; amending s. 76.18, Florida Statutes; providing for prompt restoration of attached property to the defendant or other person giving bond and prescribing the required amount of such bond; amending s. 76.24(1), Florida Statutes; requiring a post-seizure hearing; providing an effective date.

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

By Senator Dunn—

SB 1249—A bill to be entitled An act relating to school finance and taxation; amending s. 236.081(5)(b), Florida Statutes, 1976 Supplement; prescribing the instances in which the assessed value of property is to be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort; providing an effective date.

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

By Senator Dunn—

SB 1250—A bill to be entitled An act relating to criminal law; creating ss. 775.071, 775.075, Florida Statutes; providing a list of disposition and sentencing alternatives for criminal cases; providing criteria for sentencing; amending ss. 775.082(3), (6),

775.084(3), (4), Florida Statutes; changing terms of imprisonment; providing aggravating circumstances for the increasing of terms of imprisonment; providing for a written finding on such circumstances; providing for appeal of such findings and the sentence; amending s. 775.083, Florida Statutes; increasing fines and providing for corporate fines; creating ss. 775.089, 775.090, Florida Statutes; providing for restitution; providing for public service; amending s. 782.04(2), Florida Statutes, 1976 Supplement; amending s. 787.01(2), 810.02(2), 812.13(2)(a), Florida Statutes; reclassifying murder, kidnapping, aggravated burglary, and robbery committed with a firearm as life felonies; amending s. 948.01(4), (6), Florida Statutes, 1976 Supplement; authorizing the court to direct imprisonment in a county jail or community residential facility under certain conditions when sentence is probation or imprisonment and probation; amending s. 944.27, Florida Statutes, 1976 Supplement; amending s. 944.29, Florida Statutes; authorizing the Department of Offender Rehabilitation to grant gain-time; prohibiting gain-time granted from exceeding certain rate; prohibiting extra good-time allowed from exceeding certain rate; providing extra good-time be allowed for certain achievements; requiring the department to adopt rules for granting gain-time and extra good-time; amending s. 944.30, Florida Statutes; providing for commutation of sentences; creating s. 25.411, Florida Statutes; authorizing the Supreme Court to hold sentencing seminars; requiring the Department of Offender Rehabilitation to develop a mutual agreement program for felony offenders recommended for probation; providing definitions; providing for a negotiating team; providing for terms of the agreement; providing for renegotiation and termination; providing for approval by the judge; providing for progress reports; providing for the submission of an annual evaluation of the program to the Legislature; requiring the Department of Offender Rehabilitation to establish public service programs in counties requesting such programs; providing types of public service; providing for state, county and municipal agencies to contract for such services; providing for use of money received for such services; amending ss. 947.13(1)(c), 947.17, 947.18, Florida Statutes; deleting the supervising of persons on parole from duties of Parole and Probation Commission; changing certain provisions relating to parole procedure; providing for interview of person recommended for parole; requiring the Parole and Probation Commission to promulgate rules providing criteria for parole; creating s. 947.181, Florida Statutes; providing for restitution as a condition to parole; renumbering s. 945.091(5), Florida Statutes, 1976 Supplement, and adding a new subsection (5) to said section; authorizing the Department of Offender Rehabilitation to require a working inmate to make restitution; amending ss. 948.03(1)(g), Florida Statutes, and s. 948.031, Florida Statutes, 1976 Supplement, to conform to this act; repealing s. 921.18, Florida Statutes, relating to indeterminate sentences; repealing s. 944.271, Florida Statutes, 1976 Supplement, relating to gain-time; repealing section 19 of chapter 76-273, Laws of Florida, which repealed s. 944.27(1), Florida Statutes, relating to gain-time; providing an effective date.

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

SB 1251 was introduced out of order April 27 and referred to the Committee on Commerce.

By Senator Poston—

SB 1252—A bill to be entitled An act relating to optometry; providing for the inclusion of a registered optometrist on any health advisory committee appointed by the Governor or by any state agency; providing an effective date.

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

By Senators Poston, Ware, Gallen and Holloway—

SB 1253—A bill to be entitled An act relating to ad valorem taxation of tangible personal property; adding s. 195.027(4)(c), Florida Statutes, 1976 Supplement; providing that the assessed value of any item of tangible personal property not exceed the depreciated value of such item when depreciated pursuant to the straight line method allowed by the United States Internal Revenue Code; providing an effective date.

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

By Senator Vogt—

SB 1254—A bill to be entitled An act related to per diem and traveling expenses of public officers, employees, and authorized persons; repealing s. 112.061(9), Florida Statutes, which section requires travel agencies to obtain an annual permit from the department in order to do business with state agencies; providing an effective date.

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

By Senator Williamson—

SB 1255—A bill to be entitled An act relating to insurance arbitration proceedings; creating s. 682.115, Florida Statutes; providing for award of attorney's fees and costs in insurance arbitration proceedings; providing an effective date.

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

By Senator Jon Thomas—

SB 1256—A bill to be entitled An act relating to tort actions against public officers; amending s. 111.07, Florida Statutes; authorizing any agency or political subdivision of the state to defend certain tort actions brought against agents acting at the direction of such agencies; providing an effective date.

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

By Senator Gordon—

SB 1257—A bill to be entitled An act relating to the sales and use tax; amending s. 212.02(2)(a), Florida Statutes, 1976 Supplement, removing the exemption from the sales and use tax provided for the sale in this state of a motor vehicle to a resident in another state; creating s. 212.084, Florida Statutes, providing for a partial refund of tax under certain circumstances on the purchase of a motor vehicle by a person who titles or licenses the vehicle in another state; requiring the seller to provide sales invoices under certain circumstances; providing a procedure by which the seller may be credited for the payment of a refund; providing an effective date.

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

By Senator Gordon—

SB 1258—A bill to be entitled An act relating to motor vehicle licenses; adding subsection (3) to s. 320.02, Florida Statutes, requiring purchasers of motor vehicles to prove the purchase price upon registering the vehicle for purposes of the payment of the sales tax; providing an effective date.

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

By Senator Firestone—

SB 1259—A bill to be entitled An act relating to investments; creating the "Investor Protection Act"; providing definitions; providing requirements with regard to offers to acquire any equity security under certain conditions; requiring certain information to be filed with the Division of Securities of the Department of Banking and Finance and the offeree company; providing a filing fee; providing civil liability of offerors; providing for injunctive relief; providing an effective date.

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

By Senator Poston—

SB 1260—A bill to be entitled An act relating to drivers' licenses; providing definitions; requiring a license to operate a motorcycle or motor-driven cycle; requiring an examination and fees; authorizing the Department of Highway Safety and Motor Vehicles to accept a certification of competence for

certain law enforcement employees; providing a penalty; providing an effective date.

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

SR 1261 was introduced out of order April 25 and adopted.

SB 1262 was introduced out of order April 27 and referred to the Committees on Commerce and Appropriations.

By Senator MacKay (by request)—

SB 1263—A bill to be entitled An act relating to the tax on tobacco products; creating part II of chapter 210, Florida Statutes, consisting of ss. 210.51-210.75; providing definitions; requiring retail dealers sellings tobacco products, other than cigarettes, to purchase such products from a wholesale dealer holding a permit; imposing a tax upon such tobacco products; providing for the payment and collection of such tax in a manner similar to that provided for the cigarette tax; providing for records and reports; providing a discount to wholesalers for prompt and proper remittance of the tax; authorizing the Division of Beverage to revoke a wholesale dealer's or permittee's authority; requiring identification stickers on vending machines; requiring posting of a bond, the sum of which shall be in addition to any such bond posted pursuant to the Cigarette Law; providing for the posting of one bond for the total amount owed; providing for records and reports; providing for refunds; providing for seizures and forfeiture proceedings; providing for permits for distributing agents, wholesale dealers, and exporters; providing penalties for tax evasion; authorizing the employment of assistants and employees; providing for the payment of tax revenues into the General Revenue Fund; providing legislative intent; providing for applicability of certain portions of the Cigarette Tax Law (relating to general powers of the division, determination of tax upon failure to file a return, warrants, revocation or suspension of permits, and division records) to the tax on tobacco products; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

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

By Senator Gordon—

SB 1264—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing an appropriation to compensate them for wrongful imprisonment; providing an effective date.

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

By Senator Gordon—

SB 1265—A bill to be entitled An act relating to public utilities; requiring certain private utility companies to transmit estimated monthly installments of collections of utility receipts representing local government franchise fees or franchise taxes on a monthly basis; providing for the calculation and adjustment of such installments; providing an effective date.

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

By Senator Gordon—

SB 1266—A bill to be entitled An act relating to tax on sales; repealing s. 212.12(1), Florida Statutes, relating to the dealer's credit of 3 percent for collection of sales tax; providing an effective date.

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

By Senator Gordon—

SB 1267—A bill to be entitled An act relating to landlords and tenants; creating s. 83.561, Florida Statutes, prohibiting landlords from discriminating against tenants by raising rent,

decreasing services, or bringing or threatening to bring certain actions due to certain circumstances; amending s. 83.60(2), Florida Statutes, relating to actions for possession wherein the tenant pleads the provisions of this act; providing an effective date.

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

By Senator Gordon—

SB 1268—A bill to be entitled An act relating to recreational parks for the handicapped; providing an appropriation to the Department of Health and Rehabilitative Services for the construction of certain facilities for the handicapped in Dade and Duval Counties; providing an effective date.

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

By Senator Graham—

SB 1269—A bill to be entitled An act relating to legislative procedures; amending s. 11.075, Florida Statutes, 1976 Supplement; requiring that each house of the Legislature consider the economic impact of any general or special laws in terms of the items listed in s. 120.54(2)(a), Florida Statutes, 1976 Supplement; providing an effective date.

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

By Senator Graham—

SB 1270—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing legislative intent; adding subsection (24) to s. 20.19, Florida Statutes, 1976 Supplement; authorizing the establishment of a management fellows program; providing that such program shall be developed and implemented within existing resources; providing an effective date.

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

By Senator McClain—

SB 1271—A bill to be entitled An act relating to consumer protection; creating the Consumer Protection Commission and assigning it powers and duties; transferring by a type six transfer the Bureau of Consumer Protection and Fair Trade Practices from the Department of Legal Affairs to the Department of Agriculture and Consumer Services and assigning its powers, duties, and functions to the commission; amending s. 501.203, Florida Statutes; defining "commission" and altering the definition of "enforcing authority"; amending s. 501.208, Florida Statutes, to provide for enforcement of the Florida Deceptive and Unfair Trade Practices Act in conformity with chapter 120, Florida Statutes, and to assign the powers, duties, and functions of the Department of Legal Affairs which relate to the enforcement of such act to the commission; providing an effective date.

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

By Senator McClain—

SB 1272—A bill to be entitled An act relating to the dentistry; amending s. 768.40(1), Florida Statutes, 1976 Supplement; to redefine the term "medical review committee" to include a committee of a state or local dental professional society, for purposes of immunity from liability for acts and proceedings of such committee; providing an effective date.

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

By Senators Peterson and Trask—

SB 1273—A bill to be entitled An act relating to volunteer firemen; amending s. 316.292(1), (3), Florida Statutes; provid-

ing that volunteer firemen may use flashing red lights while answering calls to report to the fire station; providing an effective date.

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

By Senator Peterson—

SB 1274—A bill to be entitled An act relating to insurance; adding s. 627.419(5), Florida Statutes, 1976 Supplement; requiring insurers to provide optional coverage for speech pathological and audiological services; providing that additional costs be reasonably related to benefits provided; providing an effective date.

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

By Senator Plante—

SB 1275—A bill to be entitled An act relating to the Florida Real Estate Commission; amending s. 475.02, Florida Statutes, reducing the number of years that a person must be a real estate broker prior to eligibility for appointment to the commission; providing an effective date.

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

By Senator Plante—

SB 1276—A bill to be entitled An act relating to the Capitol Center; creating a Capitol Commission; providing for the appointment, membership, and terms of commission members; providing for the duties of the commission; creating a Capitol Commission Trust Fund for the restoration and maintenance of the old Capitol Building and for expenses incurred by the commission; amending s. 272.08, Florida Statutes, providing that the Division of Building Construction and Property Management of the Department of General Services shall have the sole duty of repairing, caring for, and maintaining buildings in the Capitol Center; amending s. 272.111, Florida Statutes, providing legislative intent; providing an effective date.

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

By Senator Scarborough—

SB 1277—A bill to be entitled An act relating to granting an easement in certain submerged lands beneath the St. Johns River to the City of Jacksonville; conveying to the city a perpetual easement in a parcel of land in Section 38, Township 2 South, Range 26 East, City of Jacksonville, Duval County, Florida; providing conditions for granting the easement; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Scott—

SB 1278—A bill to be entitled An act relating to conservation easements; amending s. 704.06(2), Florida Statutes, 1976 Supplement; permitting conservation easements to be acquired by the exercise of the power of eminent domain; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, and Commerce.

By Senator Scott—

SB 1279—A bill to be entitled An act relating to per diem and traveling expenses of public officers, employees, and authorized persons; adding s. 112.061(15), Florida Statutes, 1976 Supplement; providing an exception for home rule charter counties; authorizing home rule charter counties to adopt ordinances which vary the per diem or travel expense allowances; providing severability; providing an effective date.

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

By Jon Thomas—

SB 1280—A bill to be entitled An act relating to drug abuse; amending s. 397.081, Florida Statutes, requiring the comprehensive outline of the proposed rehabilitative program of applicants for a DATE center licensed by the mental health board to include certain information; providing procedures for the review of such outline by the Department of Health and Rehabilitative Services; requiring review of the outline by the mental health board prior to submission of the outline to the department; providing an effective date.

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

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

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	Winn
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

Excused: Senator Barron at 4:00 p.m. and Senator Wilson

Prayer by Father Herbert G. McCarriar, Jr., Pastor, St. Agatha's Episcopal Church, DeFuniak Springs, and Pastor, Episcopal Church of the Epiphany, Crestview:

Almighty God, who hast given us this good land for our heritage; we humbly beseech thee that we may always prove ourselves a people mindful of thy favor and glad to do thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy name we entrust the authority of government; especially Jimmy, our President; Reubin, our Governor; and today in the Florida Senate, Tom Tobiassen in whose district St. Agatha's Episcopal Church of De Funiak Springs, and The Episcopal Church of the Epiphany in Crestview lie; and we beseech thee so to guide and bless the entire Senate of Florida, that it may ordain for our governance only such things as please thee, so that there may be justice and peace at home, and that through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail; all of which we ask through Jesus Christ our Lord. 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 for Special Order for Monday, May 2, 1977:

SB 487	CS for SB 319	SB 56	SB 843
SB 508	SB 478	SB 475	SB 333
HB 93	SB 836	SB 300	SB 255
HB 121	SB 527	SB 461	HB 506
SB 768	SB 660	SB 502	

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Appropriations recommends the following pass:

CS for SB 122 (by the Committee on Commerce)	SB 714
CS for SB 350 (by the Committee on Natural Resources and Conservation) with 4 amendments	SB 543

CS for SB 384 (by the Committee on Health and Rehabilitative Services) with 3 amendments SB 690
 SB 450 with 1 amendment SB 694 with 1 amendment
 CS for SB 701 (by the Committee on Commerce) with 2 amendments

The bills were placed on the Calendar.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 201

The Committee on Personnel, Retirement and Collective Bargaining recommends a Committee Substitute for the following: SB 66

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 Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 566

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

Bills Referred to Select Committee

The following have been referred to a Select Subcommittee on Planning and Budgeting, composed of Senators Mattox Hair, Chairman; David McClain, Kenneth Myers, Pat Thomas and John Vogt, which will report to the full Committee on Appropriations within 21 days:

SB 22 by Senator Graham SB 372 by Senator MacKay
 CS for SB 23 by Committee
 on Governmental Operations
 and Senator Graham

A Select Subcommittee of the Committee on Transportation has been appointed to examine the issue of motor vehicle inspection: (1) to present to the Senate this session proposals to make the inspection process more efficient and less cumbersome to the public; and (2) to consider, in the interim before the 1978 session, the question of either improving the current system of annual inspections, or substituting for that system an alternative method of inspecting motor vehicles. The members of the subcommittee are Senator Pat Thomas, chairman; Senators Poston, Scarborough and Gorman.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Zinkil, the rules were waived and by two-thirds vote Senate Bills 151, 173, 240 and 402 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Renick, the rules were waived and by two-thirds vote SB 771 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 967 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Spicola, the rules were waived and by two-thirds vote House Bills 1586 and 1587 were withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 8 and 45 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 1578 was withdrawn from the Committee on Agriculture.

On motion by Senator W. D. Childers, Rule 2.6 was waived and the Committee on Commerce was granted permission to consider SB 222 at the meeting May 3.

REQUESTS FOR EXTENSION OF TIME

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

SB 22 by Senator Graham	SB 525 by Senator Pat Thomas
CS for SB 23 by Committee on Governmental Operations and Senator Graham	SB 526 by Senator Gordon
SB 70 by Senator Graham	SB 550 by Senator Myers
CS for SB 72 by Committee on Judiciary-Criminal and Senator Graham	SB 570 by Senator MacKay, et al
CS for SB 73 by Committee on Judiciary-Criminal and Senator Dunn, et al	SB 574 by Senator Graham
SB 76 by Senator Jon Thomas	SB 637 by Senator Holloway
SB 88 by Senator Renick	SB 644 by Senator Firestone
CS for SB 118 by Committee on Judiciary-Criminal and Senator Glisson, et al	SB 658 by Senator Firestone, et al
SB 213 by Senator Don Childers	SB 674 by Committee on Executive Business
SB 219 by Senator Holloway	SB 681 by Senator Barron
CS for SB 239 by Committee on Education and Senator Don Childers, et al	SB 695 by Senator Barron
SB 244 by Senator Holloway	SB 700 by Senator Chamberlin
SB 256 by Senator Hair (by request)	SB 782 by Senators Myers and Poston, et al
SB 262 by Senator Holloway	SB 790 by Senator Scarborough (by request) and Senator MacKay
SB 263 by Senator Firestone, et al	SB 793 by Senator Jon Thomas
SB 315 by Senator Scott, et al	SB 833 by Senator Gordon
SB 364 by Senator Graham	SB 852 by Senators Dunn, Zinkil, et al
SB 372 by Senator MacKay	SB 873 by Senator Graham
SB 375 by Senator Henderson	SB 888 by Senator Dunn
SB 401 by Senator Lewis	SB 889 by Senator Glisson
SB 429 by Senator MacKay, et al	SB 929 by Senator Lewis, et al
SB 444 by Senator Scarborough	SJR 943 by Senators MacKay, Saylor, et al
SB 520 by Senator Gordon	HB 35 by Representative Rish
	CS for HB 334 by Committee on Corrections, Probation and Parole, and Representative Boyd, et al
	HB 631 by Representative Moffit, et al

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

SB 7 by Senator Don Childers	SB 310 by Senator Henderson
SB 35 by Senator Zinkil	SB 368 by Senator Spicola
SB 49 by Senator Winn	SB 387 by Senator Holloway
CS for SB 50 by Judiciary-Criminal Committee and Senator Winn	SB 388 by Senator Graham
SB 57 by Senator Spicola	SB 391 by Senator Gordon
SB 102 by Senator Saylor	SB 392 by Senator Spicola
SB 104 by Senators Myers, Gordon	SB 393 by Senator Spicola
SB 124 by Senator Dunn	SB 399 by Senator Lewis
SB 135 by Senator Pat Thomas	SB 417 by Senator Vogt
SB 142 by Senator Henderson	SB 419 by Senator Scarborough
SB 186 by Senator Jon Thomas	SB 420 by Senator Scarborough
SB 187 by Senator Jon Thomas	SB 430 by Senator Spicola
SB 188 by Senator Jon Thomas	SB 463 by Senator Plante
SB 190 by Senator Henderson	SB 469 by Senator Jon Thomas
SB 207 by Senator Saylor	SB 472 by Senator Henderson
SB 214 by Senator Spicola	SB 476 by Senators MacKay, Barron
SB 222 by Senator Holloway	SB 482 by Senator Scarborough
SB 231 by Senator Firestone	SB 490 by Senators Lewis, Hair
SB 248 by Senator Hair	SB 493 by Senators Lewis, Hair
SB 302 by Senator Glisson	SB 510 by Senator Henderson
SB 307 by Senator Lewis	SB 514 by Senator Scott
	SB 517 by Senator Myers
	SB 531 by Senator Gordon
	SB 532 by Senator Gordon

SB 538 by Senator P. Thomas
 SB 539 by Senators Myers, Renick
 SB 573 by Senators Myers, Dunn, et al
 SB 582 by Senator Myers
 SB 771 by Senator Renick
 SB 773 by Senator Winn
 SB 779 by Senator Jon Thomas
 SB 780 by Senator Jon Thomas

SB 938 by Senator Don Childers
 SB 348 by Senator Plante
 SB 512 by Economic, Community and Consumer Affairs Committee

The Committee on Economic, Community, and Consumer Affairs requests an extension of 15 days for the consideration of the following:

SB 69 by Senator Don Childers
 SB 69 by Senator Childers
 SB 177 by Senator Graham
 SB 194 by Senator Scott
 SB 199 by Senator Zinkil
 SB 247 by Senator Glisson
 SB 264 by Senator Firestone
 SB 275 by Senator MacKay
 SB 289 by Senator Graham
 SB 304 by Senator Jon Thomas
 SB 355 by Senator Renick
 SB 381 by Senator Gallen
 SB 383 by Senator Spicola
 SB 412 by Senator Henderson
 SB 448 by Senator Skinner
 SB 471 by Senator Renick
 SB 480 by Senator Holloway
 SB 492 by Senator Lewis
 SB 524 by Senator Pat Thomas
 SB 572 by Senator Lewis
 SB 581 by Senator Holloway
 SB 583 by Senator Glisson
 SB 794 by Senator Lewis
 HB 994 by Community Affairs Committee
 SB 230 by Senator Graham
 SB 902 by Senator Trask
 SB 877 by Senator Tobiassen
 SB 876 by Senator Henderson
 SB 870 by Senator Wilson
 SB 840 by Senator W. D. Childers
 SB 834 by Senator Gordon
 SB 830 by Senator Gordon
 SB 829 by Senator Wilson
 SB 405 by Senator Gorman
 SB 763 by Senator Vogt

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

SB 47 by Senator Tobiassen
 SB 64 by Senator Spicola
 SB 67 by Senator Dunn
 SB 123 by Senator Plante
 SB 171 by Senator Winn
 SB 172 by Senator Winn
 SB 192 by Senator Henderson
 SB 298 by Senator McClain
 SB 314 by Senator Scott
 SB 324 by Senator Pat Thomas
 SB 331 by Senator Saylor
 SB 345 by Senator Graham
 SB 354 by Senator Peterson
 SB 360 by Senator Henderson
 SB 385 by Senator McClain
 SB 390 by Senator Skinner
 SB 407 by Senator Winn
 SB 410 by Senator Myers
 SB 421 by Senator Graham
 SB 438 by Senator McClain
 SB 486 by Senator Skinner
 SB 507 by Senator Henderson
 SB 528 by Senator Gordon
 SB 534 by Senators Winn and Scott
 SB 555 by Senator Poston
 SB 588 by Senator Firestone
 SB 607 by Senator Jon Thomas
 SB 613 by Senator McClain
 SB 781 by Senator McClain
 SB 783 by Senator Holloway
 SB 905 by Senator Winn
 SB 907 by Senator Dunn
 SB 923 by Senator McClain
 SB 941 by Senator Myers
 HB 513 by Representative Martin

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

SB 140 by Senator Henderson
 SB 312 by Senator Saylor
 SB 361 by Senator Henderson
 SJR 362 by Senators Henderson and Jon Thomas
 SB 569 by Senator Vogt
 SB 605 by Senator Jon Thomas
 SB 772 by Senator Saylor
 SB 777 by Senator Barron
 SB 788 by Senators Ware, Gallen and Barron
 SB 801 by Senator Lewis

The Committee on Finance, Taxation and Claims requests an extension of 15 days for the consideration of the following:

SB 58 by Senator Spicola
 SB 80 by Senator Graham
 SB 129 by Senator Graham
 SB 441 by Senator Trask
 SB 509 by Senator Henderson
 SB 511 by Economic, Community and Consumer Affairs Committee
 SB 513 by Economic, Community and Consumer Affairs Committee
 SB 518 by Senator Gorman and others
 SB 519 by Transportation Committee
 SB 775 by Senator Johnston
 SB 855 by Senator Glisson
 SB 863 by Senator Henderson and Others
 SB 917 by Senator Jon Thomas
 SB 935 by Senator Gorman and others

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

SB 33 by Senator Graham, et al
 SB 46 by Senator Renick
 SB 98 by Senator Saylor, et al
 SB 103 by Senator Saylor
 SB 107 by Senator Pat Thomas
 SB 119 by Senator Glisson
 SB 181 by Senator Graham
 SB 323 by Senator Pat Thomas
 SB 335 by Senator Spicola (by request)
 SB 415 by Senator Tobiassen
 SB 442 by Senator Trask
 SB 568 by Senator Lewis (by request)
 SB 717 by Senator Spicola, et al
 SB 797 by Senator Lewis (by request)
 SB 798 by Senator Lewis (by request)
 SB 816 by Senator Lewis (by request)

The Committee on Health and Rehabilitative Services requests an extension of 15 days for the consideration of the following:

SB 803 by Senator Lewis (by request)
 SB 807 by Senator Lewis (by request)
 SB 809 by Senator Lewis (by request)
 SB 811 by Senator Lewis (by request)
 SB 812 by Senator Lewis (by request)
 SB 813 by Senator Lewis (by request)
 SB 814 by Senator Lewis (by request)

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

SB 78 by Senator Saylor and others
 SB 85 by Senator Graham
 SB 97 by Senator Spicola
 SB 109 by Senator Dunn
 SB 150 by Senator Scott
 SB 161 by Senator Dunn and others
 SB 162 by Senator W. D. Childers and others
 SB 163 by Senator W. D. Childers and others
 SB 165 by Senator Dunn and others
 SB 166 by Senator W. D. Childers and others
 SB 196 by Senator Glisson
 SB 211 by Senator Firestone and others
 SB 237 by Senator Gorman
 SB 327 by Senator Saylor
 SB 330 by Senator Firestone and others
 SB 423 by Senator W. D. Childers and others
 SB 451 by Senator Tobiassen
 SB 473 by Senator Dunn
 SB 484 by Senator Plante
 SB 559 by Senator Poston
 SB 560 by Senator Castor
 SB 749 by Senator MacKay and others
 SB 789 by Senator Scarborough
 SB 886 by Judiciary-Criminal Committee and others
 SB 911 by Judiciary-Criminal Committee and others

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointment Subject to Confirmation by the Senate

The Secretary of State on May 2, 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:

John J. Hudiburg, Miami; Member, Prison Industry Commission, for term ending December 15, 1980

—which was referred to the Committee on Executive Business.

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 with amendments—

CS for SB 501—A bill to be entitled An act relating to ambulatory surgical centers; adding s. 395.01(5), Florida Stat-

utes; defining "ambulatory surgical center"; amending s. 395.02, Florida Statutes, including such centers within provisions providing the purpose for licensing hospitals; amending s. 395.03, Florida Statutes, requiring the licensure of such centers; amending s. 395.04(2), Florida Statutes, requiring the payment of license fees; amending s. 395.045, Florida Statutes, requiring such centers to establish minimum standards for the acceptance of clinical laboratory results and diagnostic X-ray results; amending s. 395.05, Florida Statutes, providing for the issuance and renewal of licenses; amending s. 395.07, Florida Statutes, requiring the Department of Health and Rehabilitative Services to adopt rules regarding such centers; amending s. 395.12, Florida Statutes, restricting the department from public disclosure of information pertaining to records; amending s. 395.15, Florida Statutes, prohibiting persons from operating an ambulatory surgical center without a license; providing a penalty; amending s. 395.16, Florida Statutes, authorizing the department to seek to enjoin the operation of a center without a license; amending s. 395.171, Florida Statutes, prohibiting the use of the term "ambulatory surgical center" except by licensed centers; creating s. 395.21, Florida Statutes, delaying the effective date of rules for existing centers; creating s. 395.22, Florida Statutes, to require health insurance payments to ambulatory surgical centers; amending s. 381.493(3)(j), Florida Statutes, conforming to this act the definition of "ambulatory surgical center" as used in provisions relating to health facilities planning; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 7, lines 4-11, strike all language and renumber subsequent sections

Amendment 2—On page 1 in title, lines 20-23, strike all of said lines and insert: regarding such centers; amending s. 395.15,

On motion by Senator Jon Thomas, the Senate concurred in the House amendments.

CS for SB 501 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yeas—MacKay and Pat Thomas

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 256 and requests the Senate to recede.

Allen Morris, Clerk

By Representative Rish—

HB 256—A bill to be entitled An act relating to the Florida Law Revision Council; amending ss. 13.90, 13.91, 13.92, Florida Statutes; renaming the council; changing the method of, and and qualifications for, appointment to the council; ending the terms of all present members; providing for the terms of new appointees; providing an effective date.

On motion by Senator Gallen, the Senate refused to recede from Senate Amendment 1 to HB 256 and again requested the House to concur.

MATTERS ON RECONSIDERATION

The motion by Senator Trask to reconsider the vote by which CS for SB 223 passed on April 29 was not taken up and therefore considered abandoned. The motion by Senator Ware to reconsider the vote by which SB 595 passed on April 29 was therefore considered abandoned. The bill was ordered engrossed and then certified to the House.

The motion by Senator Ware to reconsider the vote by which SB 595 passed on April 29 was not taken up and therefore considered abandoned. The bill was certified to the House.

SPECIAL ORDER

SB 487—A bill to be entitled An act relating to marine plants or animals; amending s. 370.081, Florida Statutes; eliminating the prohibition against the importation without a permit of nonindigenous species of the marine or animal kingdom which may endanger or infect the saltwater resources of the state; prohibiting the release within the salt waters of the state of nonindigenous marine plants or animals which may endanger or infect saltwater resources of the state or pose a human health hazard; authorizing the Department of Natural Resources to adopt rules; providing an effective date.

—was taken up with pending Amendment 1 which was adopted:

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Section 370.081, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 370.081, F.S., for present text.)

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.—

(1) It is unlawful to import or possess any marine plant or marine animal, not indigenous to the state, which, due to the stimulating effect of the waters of the state on procreation, may endanger or infect the marine resources of the state or pose a human health hazard.

(2) Marine animals not to be imported shall include but are not limited to all species of the following: sea snakes (Family, Hydrophiidae), rabbit fishes (Family Siganidae), Weeverfishes (Family Trachinidae), and stonefishes (Genus Synanceja).

(3) The department is authorized to adopt, pursuant to chapter 120, rules and regulations to include any additional marine plant or marine animal which may endanger or infect the marine resources of the state or pose a human health hazard.

(4) It is unlawful to release into the waters of the state any nonindigenous marine plant or marine animal not included in subsection (2) or prohibited by rules and regulations adopted pursuant to subsection (3).

Section 2. This act shall take effect July 1, 1977.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Renick and adopted:

Amendment 2—On page 1, line 2 in title, strike all of lines 2 through and including 14 and insert: An act relating to the importation or possession of nonindigenous marine plants or animals; amending s. 370.081, Florida Statutes; prohibiting the importation or possession, of certain nonindigenous marine plants or animals; providing for rules and regulations; prohibiting the release of nonindigenous marine plants or animals not otherwise specified; providing an effective date.

On motion by Senator Renick, by two-thirds vote SB 487 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Firestone	Hair	Myers
Chamberlin	Gallen	Henderson	Peterson
Castor	Glisson	Holloway	Poston
Childers, Don	Gordon	Johnston	Renick
Childers, W. D.	Gorman	Lewis	Saylor
Dunn	Graham	McClain	Scarborough

Scott	Thomas, Jon	Vogt	Winn
Skinner	Tobiassen	Ware	Zinkil
Spicola	Trask	Williamson	

Nays—None

Vote after roll call:

Yea—Pat Thomas

SB 508—A bill to be entitled An act relating to gambling; amending s. 849.16(1), Florida Statutes; exempting from the application of chapter 849, Florida Statutes, certain coin-operated games or devices designed and manufactured only for bona fide amusement purposes; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 508 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Childers, Don Dunn

Votes after roll call:

Yea—Pat Thomas
Yea to Nay—Firestone

HB 93—A bill to be entitled An act relating to child support; amending s. 61.12, Florida Statutes, to provide that a court may issue a continuing writ of garnishment to enforce the periodic payment of child support; providing an effective date.

—was read the second time by title.

Senator Spicola moved the following amendment which was adopted:

Amendment 1—On page 2, line 7, insert after “that”: up to 50% of

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

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

HB 121—A bill to be entitled An act relating to courts; amending s. 43.29(3), Florida Statutes, prohibiting members of a Judicial Nominating Commission from serving more than one consecutive 4-year term; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 121 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Renick, Jon Thomas, Pat Thomas and Winn

SB 768—A bill to be entitled An act relating to vital statistics; amending s. 382.16, Florida Statutes, decreasing the time period within which a birth certificate must be filed; requiring the person in charge of the institution within which the birth occurred or would have occurred to file such certificate rather than the doctor, midwife or person attending the birth; providing for filing by other persons when a birth does not occur in an institution; providing procedures for determining the child's surname to be recorded on the certificate; prohibiting inclusion of information relating to the child's father when his name is not included on the certificate; repealing s. 382.18, Florida Statutes, relating to the child's name on a certificate, and s. 382.35(2), Florida Statutes, which allows disclosure of undetermined parentage only upon court order; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Castor and adopted:

Amendment 1—On page 3, lines 4, 11 and 12, strike “or at any time between conception and birth,”

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Castor:

Amendment 2—On page 3, lines 3 and 4, strike “at the time of either conception or birth” and insert: either at the time of conception or at the time of birth

Senator Castor moved the following substitute amendment which was adopted:

Amendment 3—On page 3, lines 3 and 4, strike “either conception or birth” and insert: conception

Senator Castor moved the following amendment which was adopted:

Amendment 4—On page 3, line 10, insert a new paragraph (b) and reletter subsequent sections: (b) If the mother was not married at the time of conception, however, is married at the time of birth, the name of her husband at the time of birth shall be entered on the certificate as the name of the father of the child and the surname of the child shall be entered on the certificate as that of the husband, provided that the husband gives consent in writing, unless paternity has been determined otherwise by a court of competent jurisdiction.

On motion by Senator Castor, by two-thirds vote SB 768 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dunn

CS for SB 319—A bill to be entitled An act relating to education; providing legislative intent; amending s. 229.053(1), Florida Statutes; providing for general powers of the state board; amending s. 230.03, Florida Statutes; providing for control, operation and supervision of the public schools; amending s. 228.041(10), (13), Florida Statutes, 1976 Supplement; providing specific definitions; amending s. 228.051, Florida Statutes; providing for the organization and support of free public schools; amending s. 228.195(3), Florida Statutes; providing for school food and nutrition programs; amending s. 229.831(1), Florida Statutes; providing legislative intent with respect to testing children for determination of exceptionality; amending s. 230.03(4), Florida Statutes; providing for responsibility of principals and heads of schools; amending s. 230.23(3), (4), Florida Statutes, 1976 Supplement; providing for adoption of school programs and operation of schools; amending s. 230.2313, Florida Statutes, 1976 Supplement; providing for student services programs; amending s. 230.33(12) (a), (c), Florida Statutes, 1976 Supplement; providing duties of superintendents with respect to finance; amending ss. 231.06, 231.07, Florida Statutes; providing penalties for assaults upon and insulting school personnel; amending s. 231.09, Florida Statutes; prescribing duties of instructional personnel; amending s. 231.29(2), Florida Statutes; providing for an evaluation of personnel; amending s. 231.36(4), (6), Florida Statutes; deleting provisions authorizing appeal of decisions relating to employee disputes to the Commissioner of Education; amending s. 231.39(2), Florida Statutes; providing for employee leaves of absence; amending s. 231.40, Florida Statutes, 1976 Supplement; providing for employee sick leave; providing for employee absences without leave; amending s. 231.48, Florida Statutes; providing for absences of other personnel; amending s. 233.061, Florida Statutes; providing for school curriculum; amending s. 236.02(3), Florida Statutes, 1976 Supplement; providing requirements for school district employment policies for participation in the Florida Education Finance Program; amending s. 237.091(1), Florida Statutes; prescribing time when school boards are required to levy taxes; amending s. 237.101, Florida Statutes; deleting provision relating to making the Department of Education a party to suits seeking relief which would require changes in the school budget; repealing s. 228.041(14), (21), (22), Florida Statutes, as amended by chapter 76-236, Laws of Florida, relating to definitions under the Florida School Code; deleting the definitions of "school month", "year of service", and "school lunch personnel"; repealing ss. 229.065, 229.0651, Florida Statutes, relating to school bond issues issued in certain earlier bienniums; repealing s. 229.514, Florida Statutes, relating to authority of Commissioner of Education to reallocate duties and functions assigned to the Department of Education; repealing ss. 229.542-229.545, Florida Statutes, the "Florida Educational Leadership Training Act of 1969"; repealing s. 229.801, Florida Statutes, relating to the development of flexible staff operations for public schools by the Department of Education; repealing s. 229.8025, Florida Statutes, relating to the pilot program for an extended school year; repealing s. 229.806, Florida Statutes, relating to advertising and promoting the advantages of teaching in this state; repealing s. 229.821, Florida Statutes, relating to surety bonds or insurance to indemnify students on closing of certain private schools; repealing s. 229.840, Florida Statutes, relating to allocations for career education; repealing s. 230.17, Florida Statutes, relating to school board meeting place; repealing s. 230.29, Florida Statutes, relating to the location of the superintendent's office; repealing s. 230.232 (2)-(7), Florida Statutes, relating to certain powers and duties of school boards with respect to pupil assignment; repealing s. 230.65, Florida Statutes, relating to state and district financial support of area vocational-technical centers; repealing s. 230.651, Florida Statutes, relating to allocation of vocational education construction funds; repealing s. 230.67, Florida Statutes, as amended by chapter 76-90, Laws of Florida, relating to job placement and follow-up services; repealing ss. 230.7661, 230.767(2), (4)(b), Florida Statutes, relating to determining the community college allocations for transportation and the apportionment to community colleges for transportation; repealing ss. 231.03, 231.031, Florida Statutes, relating to minimum and maximum ages for instructional personnel; repealing s. 231.3505, Florida Statutes, relating to employment of directors of vocational education in district schools and community colleges; repealing s. 231.46, Florida Statutes, relating to forms for employee absences; repealing s. 231.607(2), Florida Statutes, relating to computa-

tion of allocations for administration and staffing of teacher education centers; repealing s. 232.255, Florida Statutes, the "Safe Schools Act of 1973", relating to the school safety fund; repealing s. 233.055, Florida Statutes, relating to the remedial reading education plan; repealing s. 233.057, Florida Statutes, relating to the developmental reading and language arts program; repealing ss. 233.064, 233.0641, Florida Statutes, relating to the Americanism vs. Communism course and the free enterprise and consumer education program; repealing s. 233.066, Florida Statutes, relating to counseling services for elementary and secondary students; repealing s. 233.0681, Florida Statutes, relating to occupational specialists; repealing ss. 236.085, 236.086, Florida Statutes, relating to allocations for occupational and placement specialists and elementary school counselors; transferring and renumbering s. 233.0671, Florida Statutes, relating to courses of study in care of nursing home patients, as s. 230.7751, Florida Statutes; effective July 1, 1979, repealing portions of chapter 230, Florida Statutes, relating to the district school system, kindergarten through grade twelve, all of chapter 231, Florida Statutes, relating to personnel of the school system, and all of chapter 233, Florida Statutes, relating to courses of study and instructional aids; creating a Joint Senate and House of Representatives Select Committee to submit a report relating such repeals and to modifications in the public school code; providing an effective date.

—was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Henderson	Poston	Trask
Barron	Johnston	Renick	Vogt
Dunn	Lewis	Saylor	Ware
Gallen	MacKay	Scott	Williamson
Gorman	Peterson	Skinner	
Hair	Plante	Thomas, Jon	

Nays—17

Castor	Glisson	Myers	Winn
Chamberlin	Gordon	Scarborough	Zinkil
Childers, Don	Graham	Spicola	
Childers, W. D.	Holloway	Thomas, Pat	
Firestone	McClain	Tobiasen	

On motion by Senator Johnston, the rules were waived by unanimous consent 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 CS for HB 768 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative T. Lewis and others—

CS for HB 768—A bill to be entitled An act relating to prescription and administration of laetrile; prohibiting hospitals and health facilities from interfering with the physician-patient relationship by restricting use of amygdalin (laetrile); providing conditions; providing for written release; providing for disclosure by the physician; providing an effective date.

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

On motion by Senator Johnston, by two-thirds vote CS for HB 768 was withdrawn from the Committee on Health and Rehabilitative Services and placed on the calendar.

Special Order, Continued

SB 478 was taken up and on motion by Senator Johnston, CS for HB 768, a companion measure was substituted therefor. On motions by Senator Johnston, by two-thirds vote CS for HB 768 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—35

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

Nays—3

Gallen	Hair	Renick
--------	------	--------

Vote after roll call:

Yea—Plante

SB 478 was laid on the table.

SB 836—A bill to be entitled An act relating to sheriffs; amending s. 30.24, Florida Statutes; exempting travel by sheriffs, who are required to go out of this state to bring back a prisoner, from the provisions of s. 112.061, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 836 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yeas—Holloway and Spicola

SB 527—A bill to be entitled An act relating to expenditure of public funds; requiring an organization sponsoring a program partially financed by public funds obtained from a state agency to publicly identify the State of Florida as a sponsor; 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 Gordon and adopted:

Amendment 1—On page 1, line 11, after the word "any" insert: nongovernmental

Amendment 2—On page 1 in title, line 3, strike "an" and insert: any nongovernmental

On motion by Senator Gordon, by two-thirds vote SB 527 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	Childers, Don	Gallen	Graham
Barron	Childers, W. D.	Glisson	Hair
Castor	Dunn	Gordon	Henderson
Chamberlin	Firestone	Gorman	Johnston

Lewis	Poston	Spicola	Williamson
MacKay	Renick	Thomas, Pat	Winn
McClain	Sayler	Tobiassen	Zinkil
Myers	Scarborough	Trask	
Peterson	Scott	Vogt	
Plante	Skinner	Ware	

Nays—None

Vote after roll call:

Yeas—Holloway and Jon Thomas

Senator Gordon raised a point of order that pursuant to Rule 4.6, SB 660 should be referred to the Committee on Finance, Taxation and Claims.

The President appointed Senators Gallen, Plante and Gordon as a committee to research the point and report to the Senate at 4:00 p.m.

SB 56—A bill to be entitled An act relating to the State Wilderness System Act; amending ss. 258.17, 258.19, 258.21, 258.22, 258.23, 258.25, 258.26, 258.28, 258.29, 258.30, 258.32, Florida Statutes; providing for administration of the act by the Department of Natural Resources; changing the duties of the interagency advisory committee; providing management and use criteria for the system; providing for withdrawal of lands from the system; prohibiting any use of land leased by the department for incorporation in the system which is incompatible with the provisions of the act; repealing s. 258.20, Florida Statutes, which designates the types of wilderness areas; repealing s. 258.27, Florida Statutes, which requires consideration of competing uses of potential wilderness areas; repealing s. 258.33, Florida Statutes, which requires review of land holdings by governmental units prior to 1973; providing an effective date.

—was taken up together with pending Amendment 3 which was adopted.

Amendment 3—On page 8, line 18, strike "hearing" and insert: public meeting

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 4—On page 8, between lines 19 and 20, insert the following Section 12 and renumber the subsequent sections: Section 12. Any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder shall be punishable by a fine not to exceed \$500 per violation.

Senator Spicola moved the following amendment which was adopted:

Amendment 5—On page 7, strike line 19 and reletter following sections

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 6—On page 1 in title, line 14, after the semicolon insert: providing a penalty clause;

On motion by Senator Spicola, by two-thirds vote SB 56 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	Glisson	MacKay	Skinner
Barron	Gordon	McClain	Spicola
Castor	Gorman	Myers	Tobiassen
Chamberlin	Graham	Peterson	Trask
Childers, Don	Hair	Plante	Vogt
Childers, W. D.	Henderson	Poston	Ware
Dunn	Holloway	Renick	Williamson
Firestone	Johnston	Scarborough	Winn
Gallen	Lewis	Scott	Zinkil

Nays—None

Votes after roll call:

Yeas—Saylor and Jon Thomas

By the Committee on Commerce and Senators MacKay and Barron—

CS for SB 475—A bill to be entitled An act relating to medical malpractice and medical malpractice liability insurance, and related matters; repealing s. 768.41, Florida Statutes (1976 Supplement), relating to internal risk management; requiring that hospitals and health care facilities establish internal risk management programs; requiring the Department of Insurance to promulgate rules to implement the requirements of this act; providing for the composition of medical incident committees; providing a duty upon health care professionals to report medical injuries; providing for the investigation of reported medical injuries; providing for medical incident committees to convene for purposes of determining whether an offer of compensation is to be given to an injured patient; providing guidelines for committee determinations of amount of compensation to be offered; providing for notice to persons involved in a medical incident; providing for a committee determination of the extent to which injury was caused by a breach of the standard of care of a physician and recommendation of payment by the physician or physician's insurer; providing for the reporting of medical incident committee determinations of a physician's breach of a standard of care; providing that the findings of a committee are not binding; providing that no offer of compensation shall be made by a committee without the approval of all persons involved in such incident; providing for the securing of releases of liability from patients injured in health care facilities; repealing s. 768.43, Florida Statutes (1976 Supplement); providing for the communication of a committee offer of settlement to an injured patient; providing that if a patient accepts compensation the patient must file any subsequent claim within 24 months from the time compensation is offered within the statutory requirements of s. 95.11(4), Florida Statutes; providing for certain tort restrictions if a patient accepts compensation; providing that the risk manager and medical incident committee shall be immune from liability for their actions in investigating medical incidents if they act in good faith and without negligence; providing that medical incident committee reports and the actions of the committee shall not be admissible in evidence; amending ss. 768.53(1), (2) and (3), Florida Statutes (1976 Supplement), relating to the insurance risk apportionment plan as to health care providers; repealing s. 768.53(4), (5), (6), (7), (8) and (9), Florida Statutes (1976 Supplement), relating to the insurance risk apportionment plan as to health care providers; providing for the insurance risk apportionment plan as to health care providers; repealing s. 768.54, Florida Statutes (1976 Supplement), relating to limitation of liability and patient's compensation fund; providing for limitation of liability and the patient's compensation fund; repealing s. 768.52(1), Florida Statutes (1976 Supplement), relating to group health care provider self-insurance; providing for group health care provider self-insurance; repealing s. 768.50, Florida Statutes (1976 Supplement), relating to collateral sources of indemnity; providing for collateral sources of indemnity in medical malpractice actions, providing for reduction of awards under certain circumstances, and making provision relating to fees for legal services and subrogation; repealing s. 768.45, Florida Statutes (1976 Supplement), relating to medical negligence, standards of recovery; providing for the standard of care and breach of a standard of care by health care providers; repealing s. 768.48, Florida Statutes (1976 Supplement), relating to itemized verdicts; providing for itemized verdicts; repealing s. 768.51, Florida Statutes (1976 Supplement), relating to alternative methods of payment of damage awards; providing for alternative methods of payment of damage awards; repealing s. 768.49, Florida Statutes (1976 Supplement), relating to remittitur and additur; providing for remittitur and additur; providing severability; providing an effective date.

—was read the first time by title and SB 475 was laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB 475 was read the second time by title.

Senator MacKay moved the following amendment which was adopted:

Amendment 1—On page 4, line 8, strike "(d)" and insert: (f)

On motion by Senator MacKay, by two-thirds vote CS for SB 475 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	Gordon	McClain	Thomas, Pat
Barron	Gorman	Myers	Tobiassen
Chamberlin	Graham	Peterson	Trask
Childers, Don	Hair	Plante	Vogt
Childers, W. D.	Henderson	Renick	Ware
Dunn	Holloway	Saylor	Williamson
Firestone	Johnston	Scarborough	Winn
Gallen	Lewis	Skinner	Zinkil
Glisson	MacKay	Thomas, Jon	

Nays—4

Castor	Poston	Scott	Spicola
--------	--------	-------	---------

By the Committee on Natural Resources and Conservation and Senators W. D. Childers, Tobiassen and Trask—

CS for SB 300 was read the first time by title and SB 300 was laid on the table.

Pending further consideration of CS for SB 300, on motion by Senator W. D. Childers, by two-thirds vote HB 253 was withdrawn from the Committee on Natural Resources and Conservation and placed on the calendar. On motion by Senator W. D. Childers—

HB 253—A bill to be entitled An act relating to the Department of Environmental Regulation; adding a new subsection (27) to s. 403.061 Florida Statutes, providing that the department shall establish a permit system for spoil site approval to facilitate the provision of upland spoil sites by certain local governmental agencies sponsoring specified dredge and fill operations; providing an effective date.

—a companion measure, was substituted for CS for SB 300 and read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, line 26, strike "upland"

Amendment 2—On page 1, line 29, insert: (beginning of line 29) as part of a federal project,

Amendment 3—On page 2, line 1, strike "for 5" and insert: up to 10

Amendment 4—On page 1 in title, line 10, strike the semicolon and insert: initiated by the United States Army Corps of Engineers; providing that previously approved spoil sites shall not be required to be redesignated;

On motion by Senator W. D. Childers, by two-thirds vote HB 253 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Lewis Zinkil

Votes after roll call:

Yeas—Myers and Peterson

CS for SB 300, companion bill to HB 253, was laid on the table.

SB 461—A bill to be entitled An act relating to compensation of an attorney for executive clemency proceedings; renumbering s. 925.035(4), (5), Florida Statutes, 1976 Supplement, and adding a new subsection (4) to said section; providing reasonable compensation for an appointed attorney for executive clemency proceedings; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 1, line 22, insert after the word "compensation": not to exceed \$1,000

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike all of lines 13 through 24 and insert: Section 1. Present subsection (4) of section 925.035, Florida Statutes, 1976 Supplement, is amended and renumbered as subsection (5), present subsection (5) is renumbered as subsection (6), and a new subsection (4) is added to said section to read:

925.035 Appointment and compensation of an attorney in capital cases; appeals from judgments imposing the death penalty.—

(4) If the death sentence is imposed and affirmed on appeal to the Supreme Court, the appointed attorney shall be allowed reasonable compensation not to exceed \$1,000 for attorneys' fees and costs incurred in representing the defendant as to an application for executive clemency, such compensation to be paid out of general revenue from funds budgeted to the Department of Offender Rehabilitation. The public defender or an attorney appointed pursuant to this section may be appointed by the trial court that rendered the judgement imposing the death penalty, to represent an indigent defendant who has applied for executive clemency as relief from the execution of the judgement imposing the death penalty.

(5) All compensation and costs, except as provided in subsection (4), provided for in this section shall be paid by the county in which the trial is held unless the trial was moved to that county on the ground that a fair and impartial trial could not be held in another county, in which event the compensation and costs shall be paid by the original county from which the cause was removed.

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

Amendment 3—On page 1, line 25, insert: (5) All compensation and costs, *except as provided in subsection (4)*, provided for in this section shall be paid by the county in which the trial is held unless the trial was moved to that county on the ground that a fair and impartial trial could not be held in another county, in which event the compensation and costs shall be paid by the original county from which the cause was removed.

Amendment 4—On page 1, line 24, insert after "clemency": such compensation to be paid out of general revenue from funds budgeted to the Department of Offender Rehabilitation

On motion by Senator Dunn, by two-thirds vote SB 461 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Tobiassen

Votes after roll call:

Yeas—Hair, Peterson, Plante and Jon Thomas

SB 502—A bill to be entitled An act relating to the practice of pharmacy; creating s. 465.32, Florida Statutes, to allow licensed pharmacists to fill valid prescriptions on file with another pharmacy under certain conditions; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Vogt:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 465.32, Florida Statutes, is created to read:

465.32 Filling of certain prescriptions.—Nothing contained in this chapter shall be construed to prohibit a pharmacist from filling a prescription satisfying the requirements of section 465.031(2), and which is on file with another pharmacy licensed in this state.

(1) Prior to filling any such prescription the pharmacist being so requested shall:

(a) determine from the pharmacist possessing the original prescription that the prescription is valid and on file in a pharmacy licensed in this state;

(b) determine from the pharmacist possessing the original prescription that the prescription may be refilled for drugs or medicinal supplies necessary for the continuation of treatment pursuant to the prescriber's order;

(c) obtain the consent of the prescriber to the refilling of the prescription, when the prescription, in the professional judgment of the pharmacist so requires;

(d) record in writing the name of the pharmacy and pharmacist possessing the original prescription, the name of the drug and the original amount dispensed, the prescription number, its date, the date of original dispensing, the number of remaining authorized refills, and the price of the original prescription.

(2) Upon the filling of any such prescription the dispensing pharmacist shall:

(a) inform the pharmacist possessing the original prescription that it has been refilled and that the original prescription must be cancelled.

(b) inform the patient that the original prescription has been cancelled.

(3) Upon the request of the dispensing pharmacist, each pharmacist possessing an original prescription shall supply prescription information as provided for in this act and shall record upon the face of the original prescription the name of the requesting pharmacy and pharmacist, and the date of such request, and upon being advised as provided in subsection (2)(a) of this act, shall cancel the original prescription by writing the word void on its face so that no further prescription refill information is given or medication dispensed pursuant to said original prescription.

Section 3. This act shall take effect October 1, 1977.

Senator Hair moved the following amendment to Amendment 1:

Amendment 1A—On page 2, line 1, strike “, when the prescription, in the professional judgment of the pharmacist so requires”

Amendment 1A was adopted by the following vote:

Yeas—19

Mr. President	Graham	Scarborough	Thomas, Pat
Childers, W. D.	Hair	Scott	Tobiassen
Dunn	McClain	Skinner	Trask
Gallen	Peterson	Spicola	Winn
Glisson	Poston	Thomas, Jon	

Nays—15

Castor	Gordon	Johnston	Plante
Chamberlin	Gorman	Lewis	Renick
Childers, Don	Henderson	MacKay	Vogt
Firestone	Holloway	Myers	

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

Amendment 1B—On page 2, line 6, strike “its date” and insert: the date the prescription was issued by the prescriber.

Amendment 1 as amended was adopted.

On motion by Senator Vogt, by two-thirds vote SB 502 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Castor	Gorman	McClain	Spicola
Chamberlin	Graham	Myers	Thomas, Jon
Childers, Don	Hair	Peterson	Thomas, Pat
Dunn	Henderson	Poston	Trask
Firestone	Holloway	Renick	Vogt
Gallen	Johnston	Scarborough	Ware
Glisson	Lewis	Scott	Williamson
Gordon	MacKay	Skinner	Winn

Nays—1

Tobiassen

Votes after roll call:

Yeas—Mr. President, Childers, W. D., Plante, Sayler and Zinkil

Nay to Yea—Tobiassen

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

HB 93—A bill to be entitled An act relating to child support; amending s. 61.12, Florida Statutes, to provide that a court may issue a continuing writ of garnishment to enforce the periodic payment of child support; providing an effective date.

—as amended passed this day.

On motion by Senator Spicola, the rules were waived and the Senate reconsidered the vote by which HB 93 was placed on third reading.

On motion by Senator Spicola, the rules were waived and the Senate reconsidered the vote by which Amendment 1 was adopted. By permission, Senator Spicola withdrew Amendment 1.

On motion by Senator Spicola, by two-thirds vote HB 93 was read the third time by title, passed and certified to the House.

The vote on passage was:

Yeas—37

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

Nays—None

SB 843—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.153, Florida Statutes, providing for the regulation of shrimp fishing in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; providing for shrimp cast netting permits, free of charge; providing regulations on live bait shrimp production; providing regulations on dead shrimp production; providing for noncommercial trawling on the St. Johns River under certain circumstances; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Skinner and adopted:

Amendment 1—On page 5, line 26, after the word “be” insert: deposited into the account of the Motorboat Revolving Trust Fund to be

Amendment 2—On page 6, line 15, insert after the period: The number of permits issued by the department for commercial trawling or dead shrimp production in any one year shall be number issued in the base year, 1976. All permits shall be non-transferable, and annually renewable only by the original holder thereof. All permits not renewed shall expire and shall not be renewed under any circumstances.

Amendment 3—On page 8, lines 24-29, strike all of said lines and renumber following subsection from (10) to (9)

Senator Scarborough moved the following amendments which were adopted:

Amendment 4—On pages 5-7, strike lines 10-30 on page 5, lines 1-31 on page 6, lines 1-19 on page 7 (renumber subsequent subsections)

Amendment 5—On page 1 in title, lines 9-12, strike “providing regulations on dead shrimp production; providing for noncommercial trawling on the St. Johns River under certain circumstances;

On motion by Senator Dunn the Senate reconsidered the vote by which Amendment 2 was adopted.

The question recurred on Amendment 2 and the amendment failed.

On motion by Senator Skinner, by two-thirds vote SB 843 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	Gordon	Poston	Trask
Barron	Gorman	Renick	Vogt
Castor	Graham	Scarborough	Ware
Chamberlin	Hair	Scott	Williamson
Childers, Don	Henderson	Skinner	Winn
Childers, W. D.	Johnston	Spicola	Zinkil
Firestone	Lewis	Thomas, Jon	
Gallen	McClain	Thomas, Pat	
Glisson	Plante	Tobiassen	

Nays—1

Dunn

Votes after roll call:

Yeas—Holloway, MacKay and Peterson

Nay to Yea—Dunn

SB 333—A bill to be entitled An act relating to fraud; prohibiting the use of the United States mail system in the execution or the attempted execution of a scheme to defraud, obtain money or property by false pretenses, or sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article; prohibiting the carrying on of such a scheme or any other unlawful business through the mail system using a fictitious, false, or assumed title, name, or address without being registered under the Fictitious Name Statute; prohibiting the execution of a scheme to defraud or for obtaining money or property by false pretenses by means of wire, radio, or television communication in interstate or foreign commerce; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 7, strike “Post Office Department” and insert: Postal Service

Amendment 2—On page 2, line 17, strike “Post Office Department of the United States” and insert: United States Postal Service

On motion by Senator Firestone, by two-thirds vote SB 333 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	Glisson	McClain	Thomas, Jon
Barron	Gordon	Myers	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Trask
Childers, Don	Hair	Renick	Vogt
Childers, W. D.	Henderson	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil

Nays—None

Votes after roll call:

Yeas—Holloway and Peterson

Ruling on Point of Order

The President ruled the point of order by Senator Gordon that SB 660 be referred to the Committee on Finance, Taxation and Claims well taken in accordance with long established precedents and the impact of some \$200,000 on local government. The President cited Rule 3.13 relating to fiscal notes which deals specifically with general bills and ruled the point well taken as related to a general bill.

SB 660 was referred to the Committee on Finance, Taxation and Claims.

SB 255—A bill to be entitled An act relating to eminent domain; amending s. 73.071(3), Florida Statutes, providing compensation to a mobile home owner where the appropriation by eminent domain is of property upon which a mobile home is located and where the effect of the taking of the property involved requires removal or relocation of such mobile home; providing that such compensation shall be the reasonable removal or relocation expenses incurred by such mobile home owner; adding a new subsection (5) to s. 73.021, Florida Statutes, providing that a statement shall be required showing

the necessity of removal of such mobile home and providing that if removal is required the petition shall name the owners of each such mobile home as defendants; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Chamberlin and adopted:

Amendment 1—On page 2, line 16, strike the words “removal or” and insert: ~~removal or~~ or the

Amendment 2—On page 2, line 18, strike the period and insert: , not to exceed the replacement value of such mobile home.

Amendment 3—On page 2, line 20, insert after the period: This subsection shall not apply to any governmental authority exercising its power of eminent domain when reasonable removal or relocation expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power.

Amendment 4—On page 3, line 2, insert after the period: This subsection shall not apply to any governmental authority exercising its power of eminent domain when reasonable relocation or removal expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power.

Amendment 5—On page 2, line 13, insert after the words “a mobile home”: , other than a travel trailer as defined in section 320.01,

Amendment 6—On page 2, line 18, insert after “owner.”: The compensation paid to a mobile home owner under this subsection shall preclude an award to a mobile home park owner for such expenses of removal or relocation.

On motion by Senator Chamberlin, by two-thirds vote SB 255 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yeas—Firestone and Scott

On motion by Senator Gallen, the rules were waived and by two-thirds vote Senate Bills 396, 960 and 200 were added to the Special Order Calendar this day.

HB 506—A bill to be entitled An act relating to the National Guard; amending s. 250.20, Florida Statutes, providing for the payment of maintenance allowances to National Guard armories in an amount determined by the Adjutant General from funds of the Department of Military Affairs; deleting provisions which specify an amount for such allowances to be paid to certain commanders; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 506 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

By the Committee on Governmental Operations and Senators Don Childers and Zinkil—

CS for SB 396—A bill to be entitled An act relating to the waiver of sovereign immunity; amending s. 768.28(5), Florida Statutes, to clarify that agencies and subdivisions are included in the \$100,000 per occurrence limitation of liability; repealing s. 768.28(10), Florida Statutes, which provides that the limitations of this act not apply to the extent the agency is insured and allows agencies to join together to purchase insurance; providing an effective date.

—was read the first time by title and SB 396 was laid on the table.

On motion by Senator Don Childers, by two-thirds vote CS for SB 396 was read the second time by title.

Senator Johnston presiding

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

Amendment 1—On page 3, strike all of lines 3 and 4 and renumber subsequent sections.

Amendment 1 failed by the following vote:

Yeas—16

Castor	Gorman	Peterson	Tobiassen
Dunn	Graham	Saylor	Vogt
Firestone	Lewis	Spicola	Ware
Gallen	McClain	Thomas, Pat	Williamson

Nays—20

Chamberlin	Henderson	Plante	Skinner
Childers, Don	Holloway	Poston	Thomas, Jon
Glisson	Johnston	Renick	Trask
Gordon	MacKay	Scarborough	Winn
Hair	Myers	Scott	Zinkil

The President presiding

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

Amendment 2—On page 3, line 5, insert: Section 3. Cities, counties and school boards may, individually or in any combination, enter into risk management arrangements involving partial or total self-insurance. Provided, such risk management arrangements must be approved for actuarial soundness by the Florida Department of Insurance

(Renumber subsequent sections.)

Senator Plante moved that the Senate reconsider the vote by which Amendment 1 failed and the motion was adopted.

On motion by Senator Pat Thomas, further consideration of CS for SB 396 was deferred.

By the Committee on Judiciary-Criminal—

CS for 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 conduct 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 conduct or through 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 intersection 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 SB 960 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 960 was read the second time by title.

On point of order by Senator Lewis SB 949 was removed from the calendar and referred to the Committee on Appropriations pursuant to Rule 4.8.

On motion by Senator Lewis the rules were waived and the Committee on Appropriations was granted permission to meet Wednesday, May 4 and Thursday, May 5 from 5:00 p.m. until 9:00 p.m. in lieu of 5:00 p.m. until 7:00 p.m.

CO-INTRODUCERS

Senator Graham—Senate Bills 394 and 175; Senators Glisson and W. D. Childers—SB 306; Senator MacKay—SB 906; Senator Jon Thomas—SB 1034; Senator Gallen—SB 875

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved as follows:

Page 270, column 1, transpose lines 3 and 4.

Page 270, column 2, line 34, strike "1177" and insert: 1197

The Journal of April 27 was further corrected and approved as follows:

Page 243, column 2, strike lines 10 through 12

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., May 3, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.