



Journal of the Senate

Number 28

Monday, May 16, 1977

The Senate was called to order by the President 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 Glisson—

SB 1468—A bill to be entitled An act relating to Putnam County; requiring the Clerk of the Circuit Court to prepare and file by July 1 of each year his budget with the board of county commissioners; prescribing the contents of and procedure for filing the budget; prescribing procedure for evaluation of the budget by the board of county commissioners; prescribing procedure for appeal of the budget decision to the Administration Commission of the Department of Administration; requiring the inclusion of the approved budget of the Clerk of the Circuit Court in the county budget; requiring the appropriation of the reserve for contingencies upon written request of the Clerk of the Circuit Court; prescribing procedure for requesting additional funds without which the clerk would be unable to perform his duties; providing for application to the Administration Commission for appropriation of additional funds; providing for monthly payment of the total amount budgeted for the office; requiring that the clerk's budget be considered approved and be binding as submitted if the board of county commissioners does not act upon the clerk's proposed budget by August 1 of each year; requiring the clerk to charge authorities and parties doing business with his office; requiring fees collected for such services to be deposited in a trust account; preserving the independence of the clerk with respect to certain functions of his office; 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 Senators MacKay and Skinner—

SB 1469—A bill to be entitled An act relating to Gilchrist County; amending section 1 of chapter 65-1221, Laws of Florida, as amended; providing for distribution of racetrack revenues; ratifying and confirming all acts of the Board of County Commissioners of Gilchrist County in distributing racetrack revenues; 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 MacKay—

SB 1470—A bill to be entitled An act relating to Alachua County; amending section V of chapter 1046, Laws of Florida, 1959, as amended, to permit monies received from hospital operations to be expended for real property acquisition, capital projects, expansion, and cooperative ventures with other medical care facilities, both public and private; 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 MacKay—

SB 1471—A bill to be entitled An act relating to Alachua County; amending chapter 1046, Laws of Florida, 1959, to per-

mit and empower the Board of County Commissioners of Alachua County to lease the capital facilities of the Alachua General Hospital to a nonprofit corporation; providing for re-establishment of the Board of Trustees; 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 Henderson—

SB 1472—A bill to be entitled An act relating to Sarasota County; repealing chapter 61-1602, Laws of Florida; repealing provisions providing for mileage for county officials, employees and authorized agents for travel in privately owned automobiles while on official county business within said county; 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 MacKay—

SB 1473—A bill to be entitled An act relating to Alachua County; amending section 4 of chapter 75-325, Laws of Florida, delegating all functions of the sheriff's office pertaining to the operations of the Alachua County Adult Detention Center to the director of the Department of Rehabilitative Services and/or his designees; 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 MacKay—

SB 1474—A bill to be entitled An act relating to Alachua County; creating the Gainesville Corporate Limits Council; providing that the five elected Gainesville City Commissioners and the five elected Alachua County Commissioners shall be the members of such council; requiring the Council to meet periodically and to make studies, hold public hearings and forward recommendations to the Gainesville City Commission on the enlargement of the corporate limits of the City; authorizing the City of Gainesville to adopt ordinances enlarging its corporate limits upon recommendations of the council after certain specified standards are met; 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 MacKay—

SB 1475—A bill to be entitled An act relating to Alachua County; creating the "Greater Gainesville Area"; describing certain lands lying within Alachua County as being included within such Greater Gainesville Area and designating such area as a reserve area for future enlargement of the corporate limits of the City of Gainesville; prohibiting the creation of any municipality in, or the enlargement of, any municipality into said Greater Gainesville Area other than the City of Gainesville; 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 647 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Craig and others—

CS for HB 647—A bill to be entitled An act relating to health studio services; providing legislative intent; providing definitions; providing for penalty-free cancellation of certain health studio services contracts within certain time periods; providing for refunds; making it unlawful to collect or accept more than 12 months' contract payments in advance; providing for establishment and operation of trust accounts for deposit of contract payments; providing for the contents of contracts; prohibiting discrimination by health studios because of race, religion, gender, marital status, or national origin; providing for injunctive relief; providing for applicability; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2123 and requests the concurrence of the Senate.

Allen Morris, Clerk

By The Committee on Commerce—

HB 2123—A bill to be entitled An act relating to unemployment compensation; amending s. 443.06(8), Florida Statutes; eliminating the provisions for reduction of unemployment compensation benefits by Social Security benefits; providing that certain retirement, pension, and annuity benefits shall be offset against unemployment compensation benefits notwithstanding the source of the contribution; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1768 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Thompson—

HB 1768—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082(1) and (4), Florida Statutes, adding Franklin County to a list of counties in which it is unlawful to set, lay out, or fish any gill net, wing net or similar device unattended in any of the waters of the county; authorizing the use of such nets or devices in Franklin County for research under certain circumstances; requiring such nets or devices to be marked by lights when fished during certain hours; providing for the confiscation of unmarked nets or devices; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1531 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 1531—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.061(1), Florida Statutes, relating to confiscation of property and products; providing that seizure by the court of property and products shall be permissive; providing that forfeiture to the Division of Marine Resources by the court of property and products shall be permissive; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1259 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hutto—

HB 1259—A bill to be entitled an Act relating to the State University System; creating s. 240.047, Florida Statutes, authorizing the Board of Regents to establish a personnel exchange program; providing that salaries and benefits of participants be continued during participation; providing continuity of creditable or continuous service for participants; providing assumption of duties; providing an effective date.

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

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 10:30 a.m. A quorum present—38:

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

Excused: Senator Poston until 11:20 a.m.; Senator Gordon

Prayer by Senator Lewis:

In the name of the Father and the Son, and the Holy Spirit. Amen. Let us lift our minds and hearts to God. O God almighty, who is all powerful and knowledgeable, please guide us in the days to come. These are the closing days of the session and the most crucial part for the people of Florida. As we approach these days give us the wisdom and the knowledge and the courage to do what is right for your people. We ask this in Jesus name. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Monday, May 16, 1977:

SB 1277	CS for SB's	HB 526	SB 1067
SB 358	1082, 1171,	SB 971	SB 1062
SB 404	1177, & 35	SB 550	SB 222
SB 1134	SB 778	HB 1238	SB 1230
HB 850	SB 1343	HB 592	SB 742

SB 185 SB 684 SB 575 SB 1014
 SB 326 CS for SB 486 CS for SB 97 CS for SB 73
 SB 147 SB 406 CS for SCR 77 SB 14
 SB 500 SB 253 SB 506 HB 545
 SB 489 SB 919 CS for SB 545 SB 519

Respectfully submitted,
Tom Gallen
 Chairman

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: CS for SB 749 (by the Committee on Commerce)

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

Bill Referred to Subcommittee

The following has been referred to the Appropriations Select Subcommittee on Planning and Budgeting, a select subcommittee composed of Senators Hair, Chairman; McClain, Myers, Pat Thomas, Vogt, which will report to the full committee within 5 days: SB 1376 by Senator Firestone

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 848 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Johnston, by two-thirds vote SB 329 was removed from the calendar and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 240 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Wilson, the rules were waived and by two-thirds vote SB 1099 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Scarborough, the rules were waived and the Committee on Personnel, Retirement and Collective Bargaining was granted permission to consider SB 1364 at the meeting this day.

REQUESTS FOR EXTENSION OF TIME

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

SB 7 by Senator Don Childers	SB 420 by Senator Scarborough
SB 36 by Senator Zinkil	SB 430 by Senator Spicola
SB 49 by Senator Winn	SB 463 by Senator Plante
SB 57 by Senator Spicola	SB 469 by Senator Jon Thomas
SB 102 by Senator Saylor	SB 472 by Senator Henderson
SB 104 by Senators Myers, Gordon	SB 476 by Senators MacKay, Barron
SB 124 by Senator Dunn	SB 482 by Senator Scarborough
SB 135 by Senator Pat Thomas	SB 490 by Senators Lewis, Hair
SB 186 by Senator Jon Thomas	SB 493 by Senators Lewis, Hair
SB 187 by Senator Jon Thomas	SB 510 by Senator Henderson
SB 188 by Senator Jon Thomas	SB 514 by Senator Scott
SB 190 by Senator Henderson	SB 538 by Senator Pat Thomas
SB 207 by Senator Saylor	SB 539 by Senators Myers, Renick
SB 231 by Senator Firestone	SB 142 by Senator Henderson
SB 248 by Senator Hair	SB 779 by Senator Jon Thomas
SB 302 by Senator Glisson	SB 1247 by Senator Plante
SB 307 by Senator Lewis	SB 1254 by Senator Vogt
SB 310 by Senator Henderson	SB 1255 by Senator Williamson
SB 387 by Senator Holloway	SB 1259 by Senator Firestone
SB 388 by Senator Graham	SB 1263 by Senator MacKay
SB 391 by Senator Gordon	SB 1265 by Senator Gordon
SB 399 by Senator Lewis	SB 1267 by Senator Gordon
SB 417 by Senator Vogt	SB 1274 by Senator Peterson
SB 419 by Senator Scarborough	

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

SB 169 by Senator Castor	SB 602 by Senator Castor
SB 260 by Senator Jon Thomas	SB 1307 by Senator Myers
SB 338 by Senator Castor	SB 1308 by Senator Plante
SB 356 by Senator Spicola	SB 1314 by Senator Lewis
SB 369 by Senators Plante and Saylor	SB 1326 by Senator Graham
SB 454 by Senators MacKay and Spicola	SB 1344 by Senator Henderson
SB 474 by Senator MacKay	SB 1354 by Senator Myers
SB 497 by Senator MacKay	SB 1398 by Senator Jon Thomas
SB 503 by Senator Peterson	SB 671 by Senator Gordon
SB 536 by Senator Peterson (by request)	SB 1410 by Senators MacKay and Peterson
SB 565 by Senator Skinner	SB 1416 by Senator Gordon
SB 600 by Senator Zinkil (by request)	SB 1417 by Senator Graham
	SB 1432 by Senator MacKay
	HB 367 by Representative Melvin

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

SB 46 by Senator Renick	SB 442 by Senator Trask
SB 98 by Senator Saylor, et al	SB 568 by Senator Lewis (by request)
SB 103 by Senator Saylor	SB 717 by Senator Spicola, et al
SB 107 by Senator Pat Thomas	SB 816 by Senator Lewis (by request)
SB 119 by Senator Glisson	SB 1290 by Senator Hair
SB 181 by Senator Graham	SB 1305 by Senator MacKay
SB 323 by Senator Pat Thomas	SB 1311 by Senator Plante
SB 335 by Senator Spicola (by request)	SB 1312 by Senator Jon Thomas
SB 415 by Senator Tobiasen	SB 1317 by Senator Gallen
	SB 1319 by Senator Graham

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

SB 47 by Senator Tobiasen	SB 588 by Senator Firestone
SB 64 by Senator Spicola	SB 652 by Senator Skinner
SB 67 by Senator Dunn	SB 667 by Senator McClain
SB 123 by Senator Plante	SB 719 by Senator Graham
SB 171 by Senator Winn	SB 723 by Senator Graham
SB 192 by Senator Henderson	SB 724 by Senator Graham
SB 194 by Senator Scott	SB 729 by Senator Wilson
SB 298 by Senator McClain	SB 781 by Senator McClain
SB 314 by Senator Scott	SB 783 by Senator Holloway
SB 324 by Senator Pat Thomas	SB 905 by Senator Winn
SB 331 by Senator Saylor	SB 907 by Senator Dunn
SB 345 by Senator Graham	SB 941 by Senator Myers
SB 360 by Senator Henderson	SB 1321 by Senator Williamson
SB 385 by Senator McClain	SB 1327 by Senator Dunn
SB 390 by Senator Skinner	SB 1330 by Senator Jon Thomas
SB 410 by Senator Myers	SB 1353 by Senator Williamson
SB 421 by Senator Graham	SB 1356 by Senator Williamson
SB 438 by Senator McClain	SB 1363 by Senator Firestone
SB 507 by Senator Henderson	SB 1421 by Senator Plante
SB 528 by Senator Gordon	HB 513 by Representative Martin
SB 534 by Senators Winn and Scott	CS for HB 1159 by Community Affairs Committee
SB 555 by Senator Poston	

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for the consideration of the following:

SB 680 by Senator Pat Thomas	SB 756 by Senator Skinner
SB 702 by Senator Peterson	CS for HB 42 by Committee on Community Affairs
SB 716 by Senator McClain	
SB 736 by Senator Dunn	

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State CS for SB 501 and SB 515 which he had approved May 12, 1977.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

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

SB 116 SB 257 CS for SB 136
SB 359

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 577 and CS for HB 371.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Bell, Hattaway, Langley, Hieber and Kershaw; alternate: Richard as Conferees on the part of the House on CS for SB 563.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 17, strike “or”

On motion by Senator Chamberlin, the Senate concurred in the House amendment.

SB 255 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Renick

The bill was ordered engrossed and then enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Gallen on May 13 that the Senate reconsider the vote by which—

SB 1134—A bill to be entitled An act relating to the Retail Installment Sales Act; amending s. 520.34(5), Florida Statutes; increasing finance charge limitation; providing an effective date.

—failed to pass on May 13, was taken up and adopted.

Further consideration of SB 1134 was deferred and the bill was placed on the Calendar pending roll call.

SPECIAL ORDER

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 second time by title. On motion by Senator Scarborough, by two-thirds vote SB 1277 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yeas—Hair and Myers

On motion by Senator Scarborough, the rules were waived and SB 1277 was ordered immediately certified to the House.

SB 358—A bill to be entitled An act relating to licensing of real estate brokers and salesmen; amending ss. 475.17(4), 475.20, 475.451(1), Florida Statutes; providing that the Florida Real Estate Commission may require satisfactory completion of educational courses as a prerequisite to renewal of registration as a real estate broker or salesman; providing that requests for renewal of certificates include proof satisfactory to the commission of completion of such courses; providing that every person, school, or institution except approved and accredited colleges and universities must obtain a permit to teach any course prescribed by the commission as a condition precedent to registration or renewal; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Gorman and adopted:

Amendment 1—On page 2, line 22, after the word “completed” and before the words “post-licensing” insert: 14 clock hours of

Amendment 2—On page 2, line 23, after “commission.” insert: No examination shall be required for such post-licensing educational courses and if subsequently required, then this act shall be null and void.

Senator Gorman moved the following amendment which was adopted:

Amendment 3—On page 2, line 23, strike the period and insert: during the preceding four year period.

On motion by Senator Gorman, by two-thirds vote SB 358 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	Gorman	McClain	Thomas, Pat
Castor	Graham	Peterson	Tobiassen
Childers, Don	Hair	Plante	Vogt
Childers, W. D.	Henderson	Renick	Ware
Dunn	Holloway	Scarborough	Williamson
Firestone	Johnston	Scott	Winn
Gallen	Lewis	Skinner	
Glisson	MacKay	Spicola	

Nays—3

Chamberlin	Wilson	Zinkil
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Votes after roll call:

Yeas—Jon Thomas and Trask

SB 404—A bill to be entitled An act relating to the Real Estate License Law; amending ss. 475.01(4), (7), (10), 475.13, 475.22, 475.31(3), 475.452, Florida Statutes; defining a "broker-salesman", providing for designation of qualifying brokers as broker-salesman; providing a fee for a broker-salesman registration certificate; authorizing an optional registration certificate suitable for framing; providing for refund of registration fees in certain cases; providing for adoption by the Florida Real Estate Commission of a schedule of prorated fees; requiring every active registered broker to maintain an office; specifying requirements for such office; providing that an order of the commission suspending the registration of a broker cancels the registration of salesmen registered with the broker and the registration of members, officers, and directors of a broker that is a corporation or partnership; providing that restrictions on collecting advance fees apply only to fees for the listing of real property; creating s. 475.487, Florida Statutes; authorizing the use of moneys from the Real Estate Recovery Fund under certain conditions for specified educational or research purposes; providing an effective date.

—was read the second time by title.

Senator Trask moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of section 5 and renumber subsequent sections.

Amendment 2—On page 1, strike lines 24-27 in title

On motion by Senator Gorman, by two-thirds vote SB 404 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	Graham	Peterson	Thomas, Pat
Castor	Hair	Plante	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	

Nays—2

Chamberlin	Wilson
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HB 850—A bill to be entitled An act relating to evidence; repealing chapter 76-237, Laws of Florida, to abolish the Florida Evidence Code which was enacted to replace the present provisions of law relating to evidence; providing an effective date.

—was read the third time by title.

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

Amendment 1—On page 1, strike all of lines 10 and 11 and insert: Section 1. Section 8 of Chapter 76-237, Laws of Florida, is amended to read: Section 8. This act shall take effect July 1, 1978.

Amendment 2—On page 1, strike lines 2-5 in title and insert: An act relating to evidence; amending section 8 of chapter 76-237, Laws of Florida; delaying the effective date of the evidence code;

HB 850 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1108, a companion bill, was laid on the table.

By the Committee on Commerce and Senators MacKay, Ware and Zinkil—

CS for SB's 1082, 1171, 1177 and 35—A bill to be entitled An act relating to workmen's compensation; adding s. 440.02(20), (21), Florida Statutes; defining substantially the whole of 13 weeks, defining weekly compensation rate; creating s. 440.021, Florida Statutes; exempting workmen's compensation from the provisions of chapter 120, Florida Statutes; amending s. 440.09(3), Florida Statutes; specifying what constitutes prima facie evidence of intoxication; providing for evidence of and presumption concerning intoxication; amending s. 440.13(1), (3)(a), and adding subsection (4) to said section; providing use of medical reports; authorizing division to set fees for treatment and other services; providing for cost of transportation; amending s. 440.15(3)(u), (10)(c), and adding s. 440.15(1)(f), (11), Florida Statutes; providing for reporting of earnings and income; changing the computation of compensation and changing the provision for diminution of wage earning capacity; providing for release of social security disability information; providing a penalty; providing reduction of compensation where unemployment compensation is received; amending s. 440.20(5), (10), (11), adding s. 440.20(13), Florida Statutes; prohibiting penalty for nonpayment of benefits unless claimed; providing investigation for lump sum payments; limiting reimbursement from special disability trust fund; specifying mortality table; providing for advance payments and reimbursement; amending s. 440.25(3)(b), (c), (4)(b), Florida Statutes; limiting extent of award for disability; providing for record on appeal; providing for notice to appellant; providing payment of cost of record on appeal; amending s. 440.26(3), Florida Statutes; modifying presumption regarding intoxication; amending s. 440.34, Florida Statutes; providing maximum limits for attorney's fees; providing a penalty for violations; amending s. 440.37, Florida Statutes; increasing penalty for misrepresentation; amending s. 440.39(3)(a), Florida Statutes; providing for reimbursement after judgment; amending s. 440.441, Florida Statutes; providing for salaries of industrial relations commissioners; amending s. 440.45(1), (3), Florida Statutes; providing for appointment from nominations and salaries of judges of industrial claims; amending s. 440.49(2), Florida Statutes; providing for reduction of compensation where rehabilitation is refused; amending s. 440.50(1)(a), Florida Statutes; authorizing payment for records on appeal from Workmen's Compensation Administration Trust Fund, limiting expenditure of funds; adding s. 120.52(1)(d), Florida Statutes; providing that neither the commission nor judges are considered as an agency; amending s. 120.54(15), Florida Statutes; excluding judges of industrial claims; amending s. 120.57(1)(a), Florida Statutes, 1976 Supplement; excluding judges of industrial claims; providing severability; providing an effective date.

—was read the first time by title and SB's 1082, 1171, 1177 and 35 were laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB's 1082, 1171, 1177 and 35 was read the second time by title.

Senator Barron presiding

Senator MacKay moved the following amendment:

Amendment 1—On page 8, line 8, strike the word "either" and the word "or" and on line 9 strike lines 9 through 20, and insert after the word "impairment" on line 8: "."

Amendment 1 was adopted by the following vote:

Yeas—25

Mr. President	Gorman	Peterson	Trask
Barron	Hair	Poston	Vogt
Chamberlin	Holloway	Sayler	Wilson
Childers, Don	Johnston	Skinner	Zinkil
Childers, W. D.	Lewis	Thomas, Jon	
Gallen	MacKay	Thomas, Pat	
Glisson	McClain	Tobiassen	

Nays—13

Castor	Henderson	Scott	Winn
Dunn	Myers	Spicola	
Firestone	Plante	Ware	
Graham	Scarborough	Williamson	

Vote after roll call:

Nay—Renick

Senator MacKay moved the following amendment which was adopted:

Amendment 2—On page 4, line 4, strike "Workmen's compensation adjudication by judges of industrial claims and the Industrial Relations Commission is exempt from chapter 120, and neither the judges of industrial claims nor the Industrial Relations Commission shall be considered an agency or part thereof." and insert: Neither the Industrial Relations Commission nor judges of industrial claims shall, in the adjudication of workmen's compensation claims, be considered an agency or part of an agency for the purposes of chapter 120.

Senator Williamson moved the following amendment:

Amendment 3—On page 16, line 16, strike new language on lines 16, 17, 18, 19, and 20.

Senator Spicola moved the following substitute amendment which was adopted:

Amendment 4—On page 16, strike line 19—strike all of line 20—strike "claims" lines 19-20, on line 18 strike "an" and insert on line 19: any physician,

Senator Ware moved the following amendment which was adopted:

Amendment 5—On page 20, lines 10-16, on line 10 strike everything after the period and strike all of lines 11 through 16

Senators Poston, Firestone and Renick offered the following amendments which were moved by Senator Poston and adopted:

Amendment 6—On page 22, strike all of lines 16 through 22 and renumber subsequent sections

Amendment 7—On page 22 and 23, strike all of lines 23 and 24 on page 22 and on page 23 strike all of lines 15-18 and insert: Subsection (1) of section 440.45, Florida Statutes, is amended to read:

Senator Firestone moved the following amendment which was adopted:

Amendment 8—On page 24, line 31, insert new section 16 and renumber accordingly:

Section 16. Subsection (5) of section 440.51, Florida Statutes, is hereby repealed.

On motion by Senator Spicola, the Senate reconsidered the vote by which Amendment 4 was adopted. By permission Amendment 4 was withdrawn.

The President presiding

Senator Spicola moved the following substitute amendment for Amendment 3 which was adopted:

Amendment 9—On page 16, lines 16-20, strike all underlined language and insert: No judge of industrial claims shall make a finding of disability or award compensation for disability that is greater in character or in quality than is testified to or reported by any physician

Senator MacKay moved the following amendment which was adopted:

Amendment 10—On page 26, line 20, insert: Section 19. Subsection (4) is added to s. 627.311, Florida Statutes, to read:

(4) The department may, after consultation with insurers licensed to write workers' compensation and employers' liability insurance in this state, approve a joint underwriting plan for the purpose of equitable apportionment or sharing among insurers of workers' compensation and employers' liability insurance. The plan may provide for one (1) or more designated insurers able and willing to provide policy and claims service to act on behalf of all other insurers to provide insurance for applicants who are in good faith entitled to, but unable to, procure insurance through the voluntary insurance market at standard rates. Such alternate plan shall provide the designated insurers shall issue policies of insurance and provide policyholder and claim service on behalf of all insurers for the joint underwriting association. The plan shall provide for the equitable apportionment among insurers of losses and expenses incurred. If the plan is adopted, all insurers authorized to write workers' compensation and employers' liability insurance in this state shall subscribe thereto and participate therein.

(Renumber subsequent sections of the bill.)

On motion by Senator MacKay, the Senate reconsidered the vote by which Amendment 8 was adopted.

By permission Senator Firestone withdrew Amendment 8.

On motion by Senator Gallen, the rules were waived and time of adjournment was extended until final action on CS for SB's 1082, 1171, 1177 and 35.

Senator Ware moved the following amendment which was adopted:

Amendment 11—On page 8, line 21, insert new Section (10) and renumber:

(10) Workmen's compensation rates shall be rolled back in proportion to the reduced benefits payable under this act.

Senators Williamson, Plante, Peterson and Poston offered the following amendment which was moved by Senator Williamson:

Amendment 12—On page 26, between lines 19 and 20, insert: Section 19. Notwithstanding any other provision of chapter 440, Florida Statutes, the maximum compensation paid pursuant to chapter 440, Florida Statutes, shall not exceed \$110 per week.

(Renumber Subsequent Sections)

Amendment 12 failed by the following vote:

Yeas—13

Childers, Don	McClain	Sayler	Williamson
Childers, W. D.	Peterson	Scott	
Dunn	Plante	Tobiassen	
Henderson	Poston	Ware	

Nays—24

Mr. President	Gorman	MacKay	Thomas, Pat
Castor	Graham	Renick	Trask
Chamberlin	Hair	Scarborough	Vogt
Firestone	Holloway	Skinner	Wilson
Gallen	Johnston	Spicola	Winn
Glisson	Lewis	Thomas, Jon	Zinkil

Senator Jon Thomas moved that the Senate reconsider the vote by which Amendment 6 was adopted. The motion was adopted by the following vote:

Yeas—26

Mr. President	Glisson	Peterson	Thomas, Pat
Barron	Gorman	Plante	Tobiassen
Castor	Hair	Sayler	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, Don	Lewis	Skinner	Wilson
Childers, W. D.	MacKay	Spicola	
Gallen	Myers	Thomas, Jon	

Nays—13

Dunn	Johnston	Scott	Zinkil
Firestone	McClain	Ware	
Graham	Poston	Williamson	
Henderson	Renick	Winn	

The question recurred on Amendment 6 which failed.

Senator Jon Thomas moved that the Senate reconsider the vote by which Amendment 7 was adopted. The motion was adopted by the following vote:

Yeas—26

Mr. President	Glisson	Peterson	Thomas, Pat
Barron	Gorman	Plante	Tobiassen
Castor	Hair	Sayler	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, Don	Lewis	Skinner	Wilson
Childers, W. D.	MacKay	Spicola	
Gallen	Myers	Thomas, Jon	

Nays—13

Dunn	Johnston	Scott	Zinkil
Firestone	McClain	Ware	
Graham	Poston	Williamson	
Henderson	Renick	Winn	

The question recurred on Amendment 7 which failed.

Senators MacKay, Plante and Wilson offered the following amendment which was moved by Senator MacKay and failed:

Amendment 13—On page 26, between lines 19 and 20, insert A new section: Section 19. The Division of Statutory Revision and Indexing of the Joint Legislative Management Committee is hereby directed, in editing the next manuscript of the Florida Statutes to substitute the term "worker's compensation" for the term "workman's compensation" in each place such term appears in chapter 440, Florida Statutes.

(Renumber Subsequent Sections)

Senator Ware moved the following title amendment which was adopted:

Amendment 14—On page 1, line 26, after the semi-colon insert: providing for roll-back of workmen's compensation rates;

Senator MacKay moved the following title amendment which was adopted:

Amendment 15—On page 3, line 3, insert after the word "claims;": authorizes a joint underwriting association for workmen's compensation insurers;

Senator Ware moved the following amendments which were adopted:

Amendment 16—On page 7, strike lines 13-16 and insert: Section 5. Paragraph (f) is added to subsection (1) and paragraph (u) of subsection (3), of section 440.15, Florida Statutes, are amended, present subsection (10) is renumbered as subsection (11) and paragraph (c) of said subsection is amended, and a new subsection (10) and subsection (12) are added to said section to read:

Amendment 17—On page 8, line 21, strike "(10)" and insert: (11) ~~(10)~~

Amendment 18—On page 9, line 10, strike "(11)" and insert: (12)

Amendment 19—On page 1 in title, strike lines 17 and 18 and insert: amending s. 440.15(3)(u), Florida Statutes; adding s. 440.15(1)(f), Florida Statutes; renumbering subsection (10) of s. 440.15, Florida Statutes, amending paragraph (c) of said subsection; adding s. 440.15(12), Florida Statutes;

On motion by Senator MacKay, by two-thirds vote CS for SB's 1082, 1171, 1177 and 35 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	Gorman	McClain	Thomas, Pat
Barron	Graham	Peterson	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Winn
Dunn	Johnston	Scarborough	Zinkil
Gallen	Lewis	Skinner	
Glisson	MacKay	Thomas, Jon	

Nays—9

Castor	Plante	Ware	Wilson
Firestone	Scott	Williamson	
Myers	Spicola		

CO-INTRODUCERS

Senator Scott—SB 326; Senator W. D. Childers—SR 459; Senator Sayler—SB 864

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 13 was corrected and approved.

Pursuant to the motion by Senator Gallen, the Senate adjourned at 1:24 p.m. to convene at 8:30 a.m., May 17, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.