



Journal of the Senate

Number 29

Tuesday, May 17, 1977

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

INTRODUCTION

By Senators Chamberlin, Sayler and Ware—

SCR 1476—A resolution honoring Miss Dolores Keller, Florida Teacher of the Year for 1978.

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

By Senator Gallen—

SB 1477—A bill to be entitled An act relating to the School Board of DeSoto County; providing for the acquisition, construction, leasing, erection, building, enlarging, and improving of school buildings, their furnishings, and equipment, for purchase of sites by the School Board of DeSoto County and for refunding outstanding certificates of indebtedness; authorizing the issuance of certificates of indebtedness payable from a portion of the racetrack funds accruing annually to such county and allocated by the state to the school board or from other non-ad valorem funds of the school board or both to pay the costs of such projects; providing for a referendum.

—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 1767 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Thompson—

CS for HB 1767—A bill to be entitled An act relating to saltwater conservation; amending s. 370.16(14) and (16)(f), Florida Statutes, 1976 Supplement; providing a special 3-month oyster season in a portion of the waters of Franklin County and restricting the size of oysters that may be taken during the special season; 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 HB 621 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Hieber and Black—

HB 621—A bill to be entitled An act relating to financial assistance; adding paragraph (d) to s. 409.185(3), Florida Statutes, excluding burial plots and crypts from consideration in determinations of eligibility for financial assistance from the

Department of Health and Rehabilitative Services; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 887	HB 1157	HB 1108
HB 1384	HB 2124	HB 2141

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Carlton and others—

HB 887—A bill to be entitled An act relating to physical fitness; creating the Florida Governor's Council on Physical Fitness; providing for membership, terms, powers and duties of the commission; providing an appropriation; providing an effective date.

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

By Representatives Dixon and Hazouri—

HB 1157—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.091(1)(a)-(c), Florida Statutes, and adding a paragraph; authorizing the Department of Natural Resources to pay up to 75 percent of specified types of erosion control project costs; removing requirements that local interest pay at least 25 percent of the costs of such projects; authorizing the department to pay up to 75 or 100 percent of certain additional costs relating to navigation channel or dredging projects; authorizing the department to pay the full cost of certain erosion control research; providing an effective date.

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

By Representative Moffitt and others—

HB 1108—A bill to be entitled An act relating to pornography; creating s. 847.014, Florida Statutes; providing definitions; prohibiting certain activities involving minors participating in harmful motion pictures, exhibitions, shows, presentations, or representations; providing penalties; providing for injunctive proceedings; providing an effective date.

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

By Representative Mixson and others—

HB 1384—A bill to be entitled An act relating to local resource recovery management programs; amending s. 403.706(1), Florida Statutes, extending the length of time within which local governments must adopt a local resource recovery and management program; providing an effective date.

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

By the Committee on Commerce—

HB 2124—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.18(3), Florida Stat-

utes, relating to interest rates on loans legally made in, and to a resident of, another state; repealing s. 516.05 (2)(b), Florida Statutes, relating to the authority of the Department of Banking and Finance to grant a license to a person to make and collect loans under the provisions of the Florida Consumer Finance Act, eliminating the requirement that approval must be based upon a finding that the issuance of such a license will promote the convenience and advantage of the community; providing an effective date.

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

By the Committee on Transportation and Representative J. W. Lewis—

HB 2141—A bill to be entitled An act relating to outdoor theaters; amending ss. 555.01, 555.03, 555.05, and 555.08, Florida Statutes, relating to regulation of outdoor theaters; redesignating affected roads and designating responsibility for administration of certain regulatory provisions including issuance of qualifying certificates; repealing s. 555.06, Florida Statutes, relating to ramps and speaker equipment; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1745	HB 495	HB 1220
HB 1454	HB 2129	HB 2122
HB 127		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Barrett—

HB 1745—A bill to be entitled An act relating to bail; amending s. 903.26(2) and (5)(c), Florida Statutes; providing for notice of forfeiture to the surety agent and surety company in the case of breach of bond; providing for discharge of forfeiture upon determination that at the time of the required appearance the defendant was confined in an institution, hospital, or jail; providing an effective date.

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

By Representative Richard—

HB 495—A bill to be entitled An act relating to public officers and employees; creating s. 111.09, Florida Statutes; providing that public officers or employees benefiting financially from malfeasance shall be liable for treble damages; providing that persons participating with public officers or employees in acts of malfeasance and benefiting financially therefrom shall be liable for treble damages; providing that public officers or employees, and persons participating with public officers or employees, benefiting financially from non-feasance or misfeasance shall be liable for actual damages plus interest; providing an effective date.

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

By Representative O'Malley and others—

HB 1220—A bill to be entitled An act relating to insurance; adding subsection (7) to s. 627.351, Florida Statutes, 1976 Supplement, directing the Department of Insurance to adopt a plan for the provision of casualty insurance coverage to political subdivisions which are entitled to but unable to obtain such coverage in the market; authorizing the department to adopt a Joint Underwriting Plan along specified lines; providing an effective date.

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

By Representative Dixon and others—

HB 1454—A bill to be entitled An act relating to Criminal Law Enforcement; repealing ss. 943.26, 943.27, and 943.28, Florida Statutes, relating to the establishment, powers, and duties of the Division of Local Law Enforcement Assistance and the Local Law Enforcement Advisory Council; providing an effective date.

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

By the Committee on Veterans Affairs and Representative Lockward and others—

HB 2129—A bill to be entitled An act relating to the traffic code; creating s. 316.1956, Florida Statutes, authorizing businesses, firms, and other persons to provide parking spaces for certain disabled persons; requiring such spaces to be posted with a sign approved by the Department of Highway Safety and Motor Vehicles; prohibiting persons other than disabled persons from parking in such spaces; providing a penalty; providing enforcement; providing an effective date.

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

By the Committee on Transportation and Representative Easley—

HB 2122—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 320.833, Florida Statutes, providing for the retention, destruction and reproduction of records; providing an effective date.

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

By Representative Redman—

HB 127—A bill to be entitled An act relating to negligence; adding subsection (14) to s. 768.28, Florida Statutes, providing for venue with respect to tort actions brought against the state under the state's waiver of sovereign immunity law; amending s. 768.30, Florida Statutes, providing that the venue provisions are retroactive; providing an effective date.

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

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Mr. President	Gorman	Peterson	Tobiassen
Barron	Graham	Plante	Trask
Castor	Hair	Poston	Vogt
Chamberlin	Henderson	Renick	Ware
Childers, Don	Holloway	Saylor	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 Barron at 10:45; Senator Gordon because of illness

Prayer by the Rev. David L. Brazelton, pastor, Killearn United Methodist Church, Tallahassee:

Dear Father, Thank you for this day of life you have given to us. May we serve you today.

Add wisdom and insight to our knowledge. Add strength and conviction to our deliberations. Today may we do only that which would glorify you and that which would benefit our fellowman.

"In God We Trust" is inscribed on our coins. May it also be written in our actions today. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Tuesday, May 17, 1977:

SB 1134	SB 550	SB 326	SB 575
SB 519	HB 1238	SB 147	CS for SB 97
SB 84	HB 592	SB 500	CS for SCR 77
SB 1232	SB 1067	SB 489	SB 506
SB 1072	SB 1062	SB 684	CS for SB 545
SB 778	SB 222	CS for SB 486	SB 1014
SB 1343	SB 1230	SB 406	CS for SB 73
HB 526	SB 742	SB 253	SB 14
SB 971	SB 185	SB 919	HB 545

Respectfully submitted,
Tom Gallen
 Chairman

The Committee on Executive Business recommends the following pass: SB 1284

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

SB 1371 with 2 amendments SB 1425 with 1 amendment

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass:

SB 284 SB 1128 SB 1364

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

The Committee on Judiciary-Criminal recommends the following pass: HB 1255 with 1 amendment

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 1059

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1434

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

The Committee on Commerce recommends the following pass: SB 722

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

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 913 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 672

The Special Master for Claim Bills recommends the following pass: SB 720 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 1186

The Committee on Judiciary-Criminal recommends the following pass:

SB 161 with 1 amendment SB 165 with 2 amendments
 SB 162 with 1 amendment SB 166 with 1 amendment

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1032, CS for SB 1244 (by the Committee on Commerce) with 4 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 961

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

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 619

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

The Committee on Commerce recommends the following pass: SB 1034 with 2 amendments

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

The Committee on Commerce recommends the following pass: SB 1231 with 4 amendments

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 855 with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: HCR 1180

The Committee on Governmental Operations recommends the following pass:

SB 856 with 4 amendments SB 1269 HB 1803

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

The Committee on Commerce recommends the following pass:

SB 492	SB 982 with 1	SB 1196
SB 704	amendment	SB 1378
SB 821	SB 1098	CS for HB 575
	SB 1254	

CS for SB 431 (by the Committee on Health and Rehabilitative Services) with 2 amendments
 CS for SB 470 (by the Committee on Transportation) with 2 amendments

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

SB 875	SB 1294 with 1	SB 1404
SB 930	amendment	SB 715

The Committee on Finance, Taxation and Claims recommends the following pass:

SB 157	SB 1003 with 3	SB 1253
	amendments	SB 1350

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 1060 (by Judiciary-Civil Committee), SB 1073 with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 951 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1009

The Committee on Executive Business recommends the following pass: SB 1135 with 2 amendments

The Committee on Governmental Operations recommends the following pass:

SB 181	SB 1025 with 2 amendments
SB 717 with 2 amendments	CS for SB 1193 (by the Committee on Commerce)
SB 732	with 1 amendment
SB 1317	

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: CS for SB 1172 (by the Committee on Commerce)

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 102

The bill with Committee Substitute attached was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB's 1181, 925, 792

The Committee on Commerce recommends a Committee Substitute for the following: SB 1406

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 1431

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

The Committee on Governmental Operations recommends the following not pass: SB 662

The Committee on Judiciary-Criminal recommends the following not pass: SB 757

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

The Special Master for Claim Bills recommends the following not pass: SB 498

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference pursuant to Rule 4.8.

At the request of Senator Poston, the following notice by the Committee on Executive Business was placed in the Journal:

In Re: Suspension of Jimmy Dan Josey, Member, Board of County Commissioners, Holmes County, Florida.

To: All Senators

Please take notice that the transcript of all testimony taken, together with the original exhibits offered in evidence, are available for your study and consideration at Room 104, Entrance Level, Senate Office Building.

Dated this 17th day of May, 1977.

Committee on Executive Business
Ralph R. Poston, Chairman

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Lewis, Rule 2.6 was waived and the Committee on Finance, Taxation and Claims was granted permission to consider Senate Bills 1340, 942, 650 and 1442 at the meeting May 18 and also bills not reached on the agenda or temporarily deferred May 16.

On motion by Senator Plante, Rule 2.6 was waived and the Committee on Finance, Taxation and Claims was granted permission to consider HB 2064 at the meeting May 18.

On motion by Senator Plante, the rules were waived and by two-thirds vote SB 395 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 234, 734, 752, 773, 1351, 823 and HB 994 were withdrawn from the Committee on Appropriations.

On motion by Senator Hair, Rule 2.6 was waived and the Select Subcommittee on Planning and Budgeting was granted permission to consider SB 1376 at the meeting this day.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 987 was withdrawn from the Committee on Commerce.

On motion by Senator Poston, the rules were waived and by two-thirds vote SB 555 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Trask, by two-thirds vote SB 825 was removed from the calendar and indefinitely postponed.

On motions by Senator Trask, the rules were waived and by two-thirds vote Senate Bills 902, 1000, 1004, and 1214 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 46 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 1023 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator McClain, the rules were waived and by two-thirds vote SB 438 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 67 and 907 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and by two-thirds vote CS for HB 88 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Dunn, Rule 2.6 was waived and the Committee on Judiciary-Criminal was granted permission to consider CS for HB 88 at the meeting May 18.

REQUESTS FOR EXTENSION OF TIME

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

SB 609 by Senator Jon Thomas	SB 1323 by Senator Poston
SB 796 by Senator Lewis	SB 1325 by Senator Henderson, et al
SB 802 by Senator Lewis	SB 1329 by Senator Vogt
SB 805 by Senator Lewis	SB 1336 by Senator Ware
SB 806 by Senator Lewis	SB 1345 by Senator Johnston
SB 808 by Senator Lewis	SB 1360 by Senator Scott
SB 817 by Senator Lewis	SB 1361 by Senator Barron
SB 818 by Senator Lewis	SB 1366 by Senator Gordon
SB 1286 by Senator Barron	SB 1367 by Senator Plante
SB 1288 by Senator Glisson	SB 1368 by Senator Barron
SB 1295 by Senator Poston	SB 1372 by Senator Holloway
SB 1297 by Senator Jon Thomas, et al	SB 1388 by Senator W. D. Childers
SB 1300 by Senator Williamson	SB 1390 by Senator McClain
SB 1310 by Senator Graham	SB 1394 by Senators MacKay, Castor
SB 1316 by Senator Williamson	

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following:

SB 464 by Senator Gorman	HB 441 by Representative Hazelton and Others
SB 549 by Senator Pat Thomas	HB 682 by Committee on Corrections, Probation and Parole
SB 603 by Senator Castor	HB 1103 by Representative Blackburn and Others
SB 795 by Senator Lewis	
SB 879 by Senator Scarborough	
SB 1149 by Senator Ware	
HB 346 by Representative Hazelton	

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

CS for SB 915 by Natural Resources Committee and Senator Plante	HB 628 by Representative Hazelton, et al
SB 1452 by Senator Plante, et al	HB 1051 by Representative Barrett, et al

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

SB 874 by Senator Henderson	SB 1440 by Senator W. D. Childers
SB 1414 by Senator Gordon	HB 246 by Representatives J. Hyatt Brown and John Lewis
SB 1422 by Senators Gordon and Plante	

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

SB 908 by Senator Graham and others	SB 1436 by Senator Barron
SB 914 by Senator Plante	HB 1035 by Representative Craig
SB 1419 by Senator MacKay	

Conference Committee on CS for SB 563

The President announced the appointment of Senator Hair, chairman; Senators Chamberlin, Firestone, Johnston and Scott as conferees on CS for SB 563 and Senators McClain and Wilson as alternates.

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 271	SB 305	SB 204	SB 235
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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 HB 1730, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 686—A bill to be entitled An act relating to estates of decedents; repealing s. 731.108, Florida Statutes, relating to waiver by interested party; amending s. 731.110, Florida Statutes, providing that caveat proceedings apply to any person; amending s. 731.301(1)(c) and (2)(b), Florida Statutes, providing for a verified statement instead of an affidavit; amending s. 731.302, Florida Statutes, providing clarification as to who may waive any right or notice, and consent to actions or proceedings under the Florida Probate Code; amending s. 731.303(2) and (4), Florida Statutes, providing order binding a sole holder or all coholders of a general power of appointment binds others; providing when notice must be given; amending s. 732.106, Florida Statutes, providing that heirs, instead of issue, conceived before but born after decedent's death may inherit; amending s. 732.205, Florida Statutes, providing for elimination of reference to dower rights; amending s. 732.301(1), Florida Statutes, providing for waiver and clarifying marriage contract to be a prenuptial or postnuptial agreement; amending s. 732.402, Florida Statutes, providing that exempt property rights have priority over all claims other than a perfected security interest in exempt property; amending s. 732.502(1), Florida Statutes, providing method for testator and witnesses to

execute a will; amending s. 732.503, Florida Statutes; providing that, in the self-proof of will oath, the undersigned declares that the testator signed in the presence of witnesses; providing for the notary seal; amending s. 732.505, Florida Statutes, providing for revocation by a subsequent inconsistent codicil; amending s. 732.702(1), Florida Statutes, providing which rights may be waived; amending s. 732.801(2),(3),(5) and (6), Florida Statutes, providing what may be disclaimed; providing that if ordered by the court, a guardian shall record a disclaimer; providing that a disclaimer shall relate from when recorded for purposes of disposition of disclaimed interests; providing for time for recording disclaimer instead of filing; providing waiver or bar to disclaim if beneficiary has disposed of property before recording disclaimer; amending s. 732.803(1), Florida Statutes, providing when a charitable devise can be avoided if lineal descendants or a spouse files a notice instead of specified persons; amending s. 733.103, Florida Statutes, providing the probate of a will in Florida shall be conclusive of certain facts; amending s. 733.109(1), Florida Statutes, providing that any interested person may petition for revocation before final discharge; providing for proper statutory references, amending s. 733.202(3), Florida Statutes, providing for clarification as to what the petition shall contain; amending s. 733.203(1), Florida Statutes, providing for proper statutory reference; amending s. 733.301(5), Florida Statutes, providing when a person with a higher preference may have letters revoked and granted to him; amending s. 733.303, Florida Statutes, providing that if a personal representative in a will is not qualified, letters shall be granted as provided in s. 733.301, Florida Statutes; amending s. 733.401(3), Florida Statutes, providing that mistaken noncompliance with certain requirements is not jurisdictional; amending s. 733.402(1), Florida Statutes, providing clarification by changing requirements to requirement; amending s. 733.502, Florida Statutes, providing for clarification that acceptance of resignation shall not exonerate the personal representative; amending s. 733.507, Florida Statutes, providing procedure for appointment of a successor personal representative when a personal representative has resigned or has been removed; amending s. 733.602(1), Florida Statutes, providing that the personal representative shall administer the estate for the best interests of interested persons, not merely beneficiaries; amending s. 733.607, Florida Statutes, providing that the personal representative shall not take possession of the homestead; amending s. 733.608, Florida Statutes, providing that the personal representative shall control all real and personal property except the homestead; amending s. 733.611, Florida Statutes, providing clarification as to what a person dealing with a personal representative does not have to inquire about; amending s. 733.612, Florida Statutes, 1976 Supplement, providing for proper statutory reference; amending s. 733.619(1) and (3), Florida Statutes, providing for clarification as to when a personal representative is individually liable; amending s. 733.701, Florida Statutes, providing for proper statutory reference; amending s. 733.705(4), Florida Statutes, providing that no interest shall be paid or allowed on a claim until the expiration of 5 calendar months from first publication of the notice of administration; amending s. 733.707, Florida Statutes, providing for order of payment of expenses and obligations, not claims; amending s. 733.710, Florida Statutes, providing for a 3-year limitation against actions if no letters have been issued in Florida within 3 years from death of decedent; providing exception to recorded liens and lien of person in possession of personal property; providing no effect on right to foreclose or enforce mortgage or lien; amending s. 733.802(1), Florida Statutes, providing when a beneficiary can compel payment of devises or distributive interest; amending s. 733.808(2), Florida Statutes, providing death benefits shall be paid to the trust upon admission of will to probate; amending s. 733.809, Florida Statutes, providing for clarification that right of retainer refers to beneficiary not distributee; providing for permissible offset of noncontingent indebtedness; amending s. 733.810(2), Florida Statutes, providing clarification as to when a personal representative shall satisfy the devise in kind; adding subsection (3) to said section, providing that with consent, the personal representative may distribute assets non-pro rata among beneficiaries; amending s. 733.817(1), Florida Statutes, providing that tax shall be charged to corpus and not apportioned between temporary and remainder interest when a residuary interest is interest in income or an estate for years or for life or other temporary interest; amending s. 733.901(1), Florida Statutes, providing clarification that the petition is a petition for discharge; amending s. 734.102(2)(b) and (3), Florida Statutes, providing that copies of letters and the petition for letters must be

filed; providing that if the will and codicils comply with s. 732.502(1) or (2), Florida Statutes, the court shall admit the will and any codicils to record; amending s. 734.103(1) and (2), Florida Statutes, providing that in testate estate of nonresident decedent, domiciliary personal representative must file transcript showing order admitting will to probate; providing for clarification of statutory reference, amending s. 734.104, Florida Statutes, providing for muniment of title involving foreign will of nonresident devising real property in Florida; providing that copy of petition for probate and order admitting it to probate may be admitted to record, not probate, in this state; providing that wills and codicils heretofore recorded in the circuit court whether admitted by order or not, shall be valid and effectual to pass title to real property; providing the record or a certified transcript shall be presumptive evidence of authority of any person authorized by a will to convey or dispose of any real property; amending s. 735.107(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of family administration; creating s. 735.2055, Florida Statutes, providing that a petition for summary administration may be filed any time the estate qualifies; amending s. 735.206(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of summary administration; amending s. 735.209(2), Florida Statutes, providing clarification that notice of the petition for summary administration gives notice of the hearing; amending s. 735.301(1), Florida Statutes, providing clarification as to what property may be disposed of under disposition without administration; amending s. 735.302(1)(a), Florida Statutes, providing for refund of taxes in certain cases on a verified application; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 38-40, strike all of sections 43 and 44 of the bill and insert:

Section 43. Section 734.103, Florida Statutes, is amended to read:

734.103 ~~Ancillary administration; claims~~ *Estates of testate nonresident decedents; claims.*—

(1) When a testate nonresident decedent leaves property in this state, the domiciliary personal representatives of his estate, or any other person, may file a petition in the court of a county where the property is located requesting the entry of an order admitting the probated foreign will and any probated codicils thereto to record. The petition shall recite that the probated foreign will and any probated codicils comply with subsections 732.502(1) and (2), Florida Statutes, and shall be accompanied by authenticated copies of the will and any codicils, the petition for probate, the order admitting them to probate, the letters or their equivalent, and the part of the domiciliary record that will show the names of the devisees under the will and codicils. On presentation of the foregoing, the court may admit the will and codicils to record. If any of the documents required under this subsection are not a part of the domiciliary record, then on proper proof thereof, the court may waive the requirement for such documents or may require an affidavit of the petitioner reciting the information not disclosed by the domiciliary record, determine the question of claims in Florida before the expiration of the 3 year period provided in s. 733.702 by filing in the court of the county where any property is located an authenticated transcript of so much of the domiciliary proceedings as will show:

(a) In a testate estate, the probated will and all probated codicils of the decedent, the order admitting them to record, the letters or their equivalent, and the part of the record that will show the names of the devisees and heirs of the decedent or an affidavit of the domiciliary personal representative reciting that the names are not shown or fully disclosed by the domiciliary record and specifying the names. On presentation of the foregoing, the court shall admit the will and any codicils to probate if they comply with subsections 732.502(1) or (2).

(b) In an intestate estate, the authenticated copy of letters of administration or their equivalent with the part of the record showing the names of the heirs of the decedent or an affidavit of the domiciliary personal representative supplying the names as provided in paragraph (a). On presentation of the foregoing, the court shall order them recorded.

(2) After the entry of an order admitting the will and any codicils to record, the petitioner complying with the fore-

going requirements, the domiciliary personal representative may cause a notice to be published according to the requirements of s. 731.111 ~~731.703~~ notifying all persons having claims or demands against the estate to file them.

(a) If notice is published, then no claim or demand against the decedent's estate, as described in subsection 733.702(1), shall be binding on the estate, on the personal representative, or on any beneficiary unless presented within 3 calendar months from the time of the first publication of the notice and in the manner and form prescribed in s. 733.703.

(b) If any claim is filed against the estate within the time allowed, the court shall send to the domiciliary personal representative a copy of the claim and a notice setting a date for a hearing to appoint an ancillary personal representative. At the hearing the court shall appoint an ancillary personal representative according to the preferences as provided in s. 733.301.

(c) If an ancillary personal representative is appointed pursuant to paragraph (b), the procedure for filing, objecting to, and suing on claims shall be the same as for other estates, except the ancillary personal representative appointed shall not have less than 30 days from the date of his appointment within which to object to any claim filed.

(3) The procedure for filing claims, and objecting to them and suing on them, shall be the same as for other estates.

(4) If no claims are filed against the estate within the time allowed, the court shall enter an order adjudging that notice to creditors has been duly published and proof thereof filed and that no claims have been filed against the estate or that all claims have been satisfied.

Section 44. Section 734.104, Florida Statutes, is amended to read:

734.104 ~~Presumptive evidence of title~~ *Foreign wills; record and effect after 3 years from death of testator.*—Any will and codicil admitted to record pursuant to s. 734.103 shall be presumptive evidence of the authority of any person authorized by will or codicil to convey or otherwise dispose of the decedent's property in this state, or any right, title or interest therein.

(1) An authenticated copy of a will, including any codicils to it, of a nonresident that devises real property in this state, or any right, title, or interest in it, and that conforms to subsections 732.502(1) or (2), when admitted to probate in the proper court of any other state, territory, or country and accompanied by an authenticated copy of the petition for [probate] and order admitting it to record, may be admitted to probate in any county of this state where the real property is located, at any time after 3 years from the death of the testator or at any time after the domiciliary personal representative has been discharged, when there has been no probate of the will in this state. If no petition is required as a prerequisite to the probate of a will in the jurisdiction where the will of the nonresident was probated, on proof by affidavit or certificate of the judge of the court that no petition is required, an authenticated copy of the will and order admitting it to record may be admitted to probate without the petition for probate.

(2) The copies of the will, codicil, and order admitting to probate may be admitted to record on the petition of any person.

(3) When admitted to record, the will and any codicil shall pass title to real property and any right, title, or interest in it.

Amendment 2—In title, on page 5, lines 29-31 and on page 6, lines 1-18 strike all of said lines and insert:

any codicils to record; amending s. 734.103, Florida Statutes, providing that in the case of a testate nonresident decedent leaving property in this state, any person may file a petition requesting the entry of an order admitting the probated foreign will to record, providing certain requirements of the petition, providing that notice to creditors may be made and providing the effect of such notice; amending s. 734.104, Florida Statutes, providing that any will or codicil admitted pursuant to s. 734.103, Florida Statutes, shall be presumptive evidence of authority to convey or otherwise dispose of the decedent's property in this state; amending s. 735.107(3)(d) and (e),

Amendment 3—On page 10, line 21 insert:

Section 7. Subsection (2) of section 732.108, Florida Statutes, is amended to read:

732.108 Adopted persons and persons born out of wedlock.—

(2) For the purpose of intestate succession in cases not covered by subsection (1), a person born out of wedlock is a lineal descendant of his mother and is one of the natural kindred of all members of the mother's family. The person is also a lineal descendant of his father and is one of the natural kindred of all members of the father's family, if:

(a) The natural parents participated in a marriage ceremony before or after the birth of the person born out of wedlock, even though the attempted marriage is void; or

(b) The paternity [of the father] is established by an adjudication before or after the death of the father; or

(c) The paternity of the father is acknowledged in writing by the father.

And renumber the following sections accordingly.

Amendment 4—In title on page 1, line 21 insert: amending s. 732.108(2), Florida Statutes, providing that paternity may be established for persons born out of wedlock by written acknowledgment of the father;

Amendment 5—On page 14, line 25 following "(3)," insert: (4),

Amendment 6—On page 16, line 30 insert:

(4) **FORM, FILING, RECORDING, AND SERVICE OF DISCLAIMER INSTRUMENTS.**—

(b) A disclaimer shall be effective and irrevocable when the instrument is recorded by the Clerk where the estate of the decedent is or has been administered; *provided however a disclaimer shall be effective and irrevocable immediately upon the written consent of all interested parties as provided in section 731.302, the provisions of subsection (5) of this section notwithstanding.* If no administration has been commenced, recording may be made with the clerk of any county where venue of administration is proper.

Amendment 7—In title on page 2, line 16 Following words "disclaimed interests;" insert: providing exception for effective date of disclaimer;

Amendment 8—In title on page 2, line 10, following "(3)," insert: (4),

On motions by Senator Johnston, the Senate refused to concur in the House amendments and the House was requested to recede. The action, with the bill and amendments, was certified to the House.

The Honorable Lew Brantley, President

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

SB 41—A bill to be entitled An act relating to disabled persons; amending s. 316.1964, Florida Statutes, as transferred from s. 316.163, Florida Statutes, by chapter 76-31, Laws of Florida; defining a disabled person; providing qualifications for application for identification; providing that no fee for parking on public streets or highways or in any metered parking space shall be exacted from any person parking a vehicle for the purpose of loading or unloading a disabled person; providing that no penalty for overtime parking shall be imposed upon any person parking for the purpose of loading or unloading a disabled person; authorizing the use of certain designated parking spaces and loading zones for the purpose of loading or unloading disabled persons; providing for the display of an identifying sticker; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. Section 316.1964, Florida Statutes, as transferred from section 316.163, Florida Statutes, by chapter 76-31, Laws of Florida, is amended to read:

316.1964 Disabled persons, exemption from payment of parking fees; issuance of identification stickers.—

(1) No state agency nor any county, city, town or any agency thereof shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who is currently certified by one licensed physician under chapter 458 or chapter 459 of this state, the Social Security Administration, or the Veterans Administration as a severely physically disabled individual with permanent mobility problems which substantially impair his or her ability to ambulate, and which person is licensed to operate a motor vehicle in this state with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol and who displays the proper sticker as provided in subsection (2). ~~has suffered the amputation of one or both legs or who has suffered the loss of the use of one or both legs as a consequence of paralysis or other permanent disability and who is licensed to operate a motor vehicle in this state.~~

(2) No penalty shall be imposed upon any such disabled person for parking on the streets or highways or in a metered space for a longer period of time than other persons are permitted to park on such streets or highways or in such metered space. However, persons not so disabled using the vehicle of a disabled person with a sticker for their own use shall not have the privileges of this section.

(2) (3) Upon the application of any such disabled person, the tax collector of the county in which the disabled person applies for his or her automobile license plate shall issue to such person a certificate showing that the disabled person is entitled to the immunities provided in this section and a sticker reflecting the disability, which sticker shall be displayed upon the lower left ~~right~~-hand portion of the rear window windshield of the motor vehicle of such disabled person.

(3) (4) The department is authorized and empowered to make any necessary rules and regulations to carry out the purposes of this section and to provide the necessary procedure for assuring that all applicants meet the qualifications prescribed in this section.

(4) (5) The department shall prescribe the form of the application, the certificate, and the design of a distinctive identifying sticker and the department shall supply such applications, certificates, and stickers to the tax collectors of the several counties.

(5) (6) The department shall prescribe the fee to be paid by the applicant for the certificate and sticker but the fee shall not exceed 50 cents. The department shall, in its discretion, determine at what intervals the certificate and sticker shall be renewed.

(6) (7) The fee, as set by the department, shall be collected by the tax collectors of the several counties from the applicant at the time the certificate and sticker are issued and all such fees so collected shall be paid over to the department and used to defray the expenses of carrying out the purposes of this section.

(7) *Fraudulently obtaining or unlawfully using stickers provided by this section, or using a replica of such sticker with the intent to deceive, shall be punishable as provided in s. 318.18(2).*

Section 2. Section 316.1955, Florida Statutes, as transferred from section 316.165, Florida Statutes, by chapter 76-31, Laws of Florida, is amended to read:

316.1955 Parking spaces for certain disabled persons.—

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals with permanent mobility problems which substantially impair their ability to ambulate, as certified in s. 316.1964, as herein amended, and those persons eligible under s. 320.0842, s. 320.084, and s. 320.0843, as herein amended, for license plates bearing the desig-

nation HP, DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol. Each shall park in the appropriately marked parking space persons who must use a wheelchair for mobility and who are currently certified as totally and permanently disabled by the Department of Health and Rehabilitative Services, two licensed physicians of this state, the Social Security Administration, or the Veterans' Administration.

(2) The minimum number of such parking spaces shall be:

(a) In ~~One space~~ in the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including, but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals, ~~one space each for motor vehicles with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and for motor vehicles with license plates imprinted with the internationally accepted wheelchair symbol;~~ however, a minimum of ~~four~~ **three** spaces shall be provided at physical restoration rehabilitation centers; ~~and~~

(b) For ~~One space~~ for each 300 metered on-street and publicly maintained and operated parking lot spaces, ~~one space each for motor vehicles with plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and for motor vehicles with license plates imprinted with the internationally accepted wheelchair symbol;~~ and

(c) For buildings maintained and operated by licensed business establishments conducting business with the general public and to which the general public is invited, such number of spaces as prescribed in the Standard Building Code.

(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(4) Each such parking space shall be *outlined with a color of paint and posted with a sign of a color and design approved by the Department of Transportation, with the symbol HP or lettering such as "PARKING FOR WHEELCHAIR DISABLED ONLY"* and bearing the internationally accepted wheelchair symbol.

(5) *The state and each county or municipal building code shall be construed to include the provisions for parking spaces as specified herein.*

(6) *It is a violation of this act for any person other than those authorized in this section or in s. 316.1964, as herein amended, or in s. 320.0842, s. 320.084, or s. 320.0843, as herein amended, to stop, stand, or park a motor vehicle with any such specially designated and marked parking spaces provided in accordance with this act. Whenever a law enforcement officer finds a vehicle violating these provisions, that officer is authorized to:*

(a) *Have the vehicle in violation removed to any lawful parking space or facility, or require the operator or other person in charge of the motor vehicle to immediately remove the unauthorized motor vehicle from the parking space. Whenever any motor vehicle is removed by a law enforcement officer or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the motor vehicle.*

(b) *Charge the operator or other person in charge of the unauthorized motor vehicle with a noncriminal traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an*

identification sticker, momentary parking on the public streets or highway or in any metered parking space for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking. No person, except a person who must use a wheelchair and who is certified as totally and permanently disabled in accordance with the provisions of this act, shall park in any parking space designated with the wheelchair disabled sign. Violation of this subsection shall be a traffic infraction, punishable as provided in subsection 318.18(2).

Section 3. Section 316.1956, Florida Statutes, is created to read:

316.1956 Nonpublic parking spaces for certain disabled persons.—

(1) *Any business, firm, or other person licensed to do business with the public prior to October 1, 1977, may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued a sticker for their motor vehicle pursuant to the provisions of s. 316.1964, as herein amended, or who have been issued a license plate pursuant to either s. 320.0842, s. 320.084, or s. 320.0843, as herein amended.*

(2) *Any person, except a person who meets the requirements for the issuance of such sticker or license plate, who parks in any parking space designated with either the symbol HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol is guilty of a traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an identification sticker, momentary parking in any such parking space for the purpose of loading or unloading such a disabled person. No penalty shall be imposed upon the driver for such momentary parking.*

(3) *Any law enforcement officer is authorized to enforce the provisions of subsection (2).*

Section 4. Subsection (1) of section 320.0843(1), Florida Statutes, is amended to read:

320.0843 License plates for wheelchair users.—

(1) *Beginning with the 1974 license tag year, any owner of a motor vehicle who is a resident of the state and is permanently confined to a wheelchair ~~user~~, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the registration fee for motor vehicles for private use as provided in s. 320.08(2) and (3), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate.*

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

Amendment 2—On page 1, lines 1-20, strike the entire title and insert:

A bill to be entitled An act relating to parking for the physically disabled; amending s. 316.1964, Florida Statutes, as transferred from s. 316.163, Florida Statutes, by chapter 76-31, Laws of Florida, authorizing certain physically disabled persons to park without fees on public thoroughfares or in metered spaces; amending s. 316.1955, Florida Statutes, as transferred from s. 316.165, Florida Statutes, by chapter 76-31, Laws of Florida, relating to parking spaces reserved for the physically disabled, prohibiting persons other than those authorized from parking in such spaces; creating s. 316.1956, Florida Statutes, allowing nonpublic parking spaces to be established for the physically disabled and prohibiting persons other than those authorized from parking in such spaces; amending s. 320.0843(1), Florida Statutes, providing for permanent confinement to a wheelchair for issuance of certain license tags; providing an effective date.

Senator Henderson moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 4, line 12 after the word "symbol" insert: ; and whose vehicle bear such license plate.

Amendment 2—On page 7, line 10, strike “is authorized to” and insert: shall

Amendment 3—On page 7, line 16, strike the word “the” and insert: and who is licensed to operate a motor vehicle in this

On motions by Senator Henderson, the Senate concurred in House Amendment 1 as amended and in House Amendment 2 and the House was requested to concur in the Senate amendments to the House amendment.

SB 41 passed as amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Glisson

The Honorable Lew Brantley, President

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

SB 308—A bill to be entitled An act relating to expulsion of students from public schools; amending s. 228.041(27), Florida Statutes, 1976 Supplement; redefining “expulsion” for purposes of The Florida School Code as the removal of a student from school for a period of time and under conditions set by the school board; amending s. 228.041(28), Florida Statutes, 1976 Supplement; redefining “corporal punishment” for the purposes of the Florida School Code to exclude reasonable force by a teacher or principal to protect themselves; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, after the word board insert: *Not to exceed the remainder of the term or school year and one additional year of attendance*

Amendment 2—On page 2, line 11, renumber section 3 as section 4 and insert:

Section 3. Subsection (1)(b) of section 232.26, Florida Statutes, 1976 Supplement, is amended to read:

232.26 Authority of principal.—

(b) The principal or his designated representative may suspend a student only in accordance with the rules of the district school board, and each suspension shall be reported in writing within 24 hours, with the reasons therefor, to the student's parent or guardian and to the superintendent. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension. *or the existence of district school board policies enumerating certain offenses for which immediate suspension may be employed.* No student who is required by law to attend school shall be suspended for unexcused absence or truancy. The principal or his designated representative may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus, giving notice in writing to the student's parent or guardian and to the superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

Amendment 3—On page 1 in title, line 13, after “;” insert: amending subsection (1)(b) of s. 232.26, Florida Statutes, 1976

Supplement; redefining “authority of principal” to include the existence of district school board policies enumerating certain offenses;

On motions by Senator Lewis, the Senate concurred in House Amendment 1, refused to concur in House Amendments 2 and 3 and the House was requested to recede.

SB 308 passed as amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Glisson and Spicola

The Honorable Lew Brantley, President

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

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 3, strike everything after the Enacting clause and insert the following:

Section 1. Section 768.41, Florida Statutes, 1976 Supplement, is reenacted and amended to read:

768.41 Internal risk management program.—

(1) Every hospital licensed pursuant to ch. 395, ambulatory surgical center as defined in paragraph (d), health maintenance organization certificated under part II of chapter 641, or other facility providing in-house patient care, including, but not limited to, nursing homes licensed under chapter 400 and other similar facilities, shall, as a part of its administrative functions, establish an internal risk management program which shall include the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients through the cooperative efforts of all personnel;

(c) The analysis of patient grievances which relate to patient care and the quality of medical services;

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the health care facility to report injuries and adverse incidents to the hospital risk manager; and

~~(e) The development and implementation of a program designed to provide compensation to certain persons who are determined to have sustained a compensable injury, pursuant to the provisions of s. 768.42, the programs required by this subsection shall be commenced in hospitals upon the effective date of this act, but shall not be required in other health care facilities until one year after the effective date of this act.~~

As used in this section, "ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, and in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of the hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine, shall not be construed to be an ambulatory surgical center.

(2) The risk management program shall be the responsibility of the governing board of the health care facility. When practical, two or more health care facilities may combine their risk management activities. Regardless of the method selected to carry out the program, one or more individuals shall be designated "risk manager" for the purposes of this part.

(3) In addition to the programs mandated by this act, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending risk management programs to health care providers' offices and the assuming of provider liability by a health care facility for acts or omissions occurring within the facility.

(4) *The Department of Health and Rehabilitative Services shall, after consulting with the Department of Insurance, promulgate rules governing the establishment of such internal risk management programs to meet the needs of individual establishments. The Department of Insurance shall assist the Department of Health and Rehabilitative Services in preparing such rules. Each internal risk management program shall include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each establishment, such as an insurance coordinator, or who is retained by said establishment as a consultant. Said individual shall have free access to all establishment medical records, and the rules promulgated by the Department of Health and Rehabilitative Services shall so provide. The incident reports shall be considered to be a part of the work papers of the attorney defending the establishment in litigation relating thereto and shall be subject to discovery, but not admissible as evidence in court, nor shall any person filing an incident report be subject to civil suit for libel by virtue of such incident report. As a part of each internal risk management program, the incident reports shall be utilized to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct said problem areas. Any such hospital, ambulatory surgical center, health maintenance organization, or other similar facility may join with like entities for a combined risk management program.*

Section 2. Sections 768.42 and 768.43, Florida Statutes, 1976 Supplement, created by sections 3 and 4 of chapter 76-260, Laws of Florida, are hereby repealed.

Section 3. Subsections (5), (6), (8), and (9) of section 768.53, Florida Statutes, 1976 Supplement, are reenacted, subsection (4) of said section is reenacted and amended, and subsection (10) is added to said section to read:

768.53 Insurance risk apportionment plan as to health care providers.—

(4) The temporary joint underwriting plan shall function for a period not exceeding 3 years from the date of its adoption by the Department of Insurance, and if still in existence at the end of such 3-year period, it shall automatically terminate. The plan shall provide coverage for claims arising out of the rendering of, or failure to render, medical care or services and, in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities, in appropriate standard policy forms for all health care providers as defined in subsection (9). The plan shall include, but not be limited to:

(a) Rules for the classification of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas.

(b) A rating plan which reasonably recognizes the prior claims experience of insureds.

(c) Provisions as to rates for:

1. Insureds who are retired or semiretired.
2. The estates of deceased insureds.
3. Part-time professionals.

(d) Protection in an amount to be determined by the Insurance Commissioner. For those hospitals licensed under chapter 395 whose policies have been canceled since April 1, 1975, that have not been able otherwise to secure coverage in the standard market the plan shall provide continuous coverage at the limits available in the plan from the above date.

(e) Rules to implement the orderly dissolution of the plan at its termination.

The Insurance Commissioner may, in his discretion, require that insurers participating in the Joint Underwriting Association offer excess coverage.

(5) In the event an underwriting deficit exists at the end of any year the plan is in effect, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the premium payment paid by such policyholder to the association for that year. The association shall pay no further claims on any policy for which the policyholder fails to pay the premium contingency assessment.

(a) Any deficit sustained under the plan shall first be recovered through the premium contingency assessment. Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound.

(b) If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. "Premiums" as used herein shall mean premiums for the lines of insurance defined in paragraphs 624.605(1)(b), (j), and (p), including premiums for such coverage issued under package policies.

(6) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan. In the event no insurer is able and willing to provide such services, the Joint Underwriting Association is authorized to perform any and all such services in an identical manner as though it were an authorized insurer.

(8) All books, records, documents, or audits relating to the Joint Underwriting Association or its operation shall be open to public inspection, except that a claim file in the possession of the Joint Underwriting Association shall not be available for review during the processing of that claim.

(9) As used in this section:

(a) "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopaths licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; ~~nursing homes licensed under chapter 400~~; clinical laboratories registered under chapter 483; physicians' assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part II of chapter 641; ambulatory surgical centers as defined in paragraph (b); blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

(b) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

(c) "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part II of chapter 641, or ambulatory surgical center as defined in paragraph (b).

(10) *The manager of the plan or his assistant is the agent for service of process for the plan.*

Section 4. Subsection (1) of section 768.54, Florida Statutes, 1976 Supplement, is reenacted and subsections (2) and (3) of said section are reenacted and amended to read:

768.54 Limitation of liability and patient's compensation fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(a) "Fund" means the Florida Patient's Compensation Fund.

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395.
2. Physician licensed, or physician's assistant certified, under chapter 458.
3. Osteopath licensed under chapter 459.
4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part II of chapter 641.

6. Ambulatory surgical center, as defined in paragraph (c).

7. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(c) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment, in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine, shall not be construed to be an ambulatory surgical center.

(d) "Hospital" means a hospital licensed under chapter 395.

(e) "Health maintenance organization" means any health maintenance organization certificated under part II of chapter 641.

(2) LIMITATION OF LIABILITY.—

(a) All hospitals shall, unless exempted under paragraph (c), and all health care providers other than hospitals may, *prior to practicing or operating during any fiscal year of the fund*, pay the yearly fee and assessment or, in cases in which such hospital or health care provider joined the fund after the fiscal year had begun, a prorated assessment into the fund pursuant to subsection (3) ~~prior to practicing during any year~~.

(b) Each health care provider shall not be liable for an amount in excess of \$100,000 per claim for claims covered under subsection (3) in this state if, at the time the incident giving rise to the cause of the claim occurred, the health care provider

1. Had:

- a. Posted bond in the amount of \$100,000 per claim;
- b. Proved financial responsibility in the amount of \$100,000 per claim to the satisfaction of the board of governors of the fund through the establishment of an appropriate escrow account;
- c. Obtained medical malpractice insurance in the amount of \$100,000 or more per claim from private insurers or the Joint Underwriting Association established under s. 768.53; or
- d. Obtained self-insurance as provided in s. 768.52, providing coverage in an amount of \$100,000 or more per claim, and

2. Had paid, for the year in which the incident occurred for which the claim was filed, the fee required pursuant to subsection (3).

(c) Any hospital that can meet one of the following provisions demonstrating financial responsibility to *pay meet* claims *and costs ancillary thereto* arising out of the rendering of medical care or services in this state shall not be required to participate in the fund:

1. Post bond in an amount equivalent to \$10,000 per claim for each hospital bed in said hospital, not to exceed a \$2,500,000 annual aggregate;

2. Prove financial responsibility in an amount equivalent to \$10,000 per claim for each hospital bed in said hospital, not to exceed a \$2,500,000 annual aggregate, to the satisfaction of the board of governors of the fund through the establishment of an appropriate escrow account;

3. Obtain professional liability coverage in an amount equivalent to \$10,000 or more per claim for each bed in said hospital from a private insurer, from the Joint Underwriting Association established under s. 768.53, or through a plan of self-insurance as provided in s. 768.52; however, no hospital shall be required to obtain such coverage in an amount exceeding a \$2,500,000 annual aggregate.

(d)1. Any health care provider who does not participate in the fund, or participates and does not meet the provisions of paragraph (b), shall be subject to liability under law without regard to the provisions of this section.

2. Annually, the Department of Health and Rehabilitative Services shall require certification by each hospital that said hospital is in compliance, and shall remain in compliance, with the provisions of this section. The license of any hospital not in compliance, or failing to remain in compliance, with the provisions of this section, or of any hospital failing to provide such certification, shall be revoked or suspended by said department.

(e) The limitation of liability and coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458 who are not in a resident training program, physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, dentists licensed under chapter 466, and podiatrists licensed under chapter 461.

(3) PATIENT'S COMPENSATION FUND.—

(a) The fund.—There is created a "Florida Patient's Compensation Fund," hereinafter referred to as the "fund," for the purpose of paying that portion of any medical malpractice claim for health care providers, or for *bodily injury or property damage to the person or property of any patient arising out of the insureds' activities* patient injury claim for those health care providers set forth in subparagraphs (1)(b)1., 5., and 6., which is in excess of the limits as set forth in paragraph (2)(b). The fund shall be liable only for payment of claims against health care providers [who are] in compliance with the provisions of paragraph (2)(b), reasonable and necessary expenses incurred in the payment of claims, and fund administrative expenses.

(b) Fund administration and operation.—Management of the fund shall be vested with the Joint Underwriting Association authorized by s. 768.53, hereinafter referred to as the "JUA." The JUA shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the JUA, an attorney to be named by the Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. In the event of termination or dissolution of said JUA with respect to providing professional liability, malpractice, or *patient injury insurance for bodily injury or property damage to the person or property of any patient arising out of the insureds' activities*, the JUA shall continue to operate for the purpose of fund management as provided in this subsection.

(c) Fees and assessments.—Annually, each health care provider, as set forth in subsection (2), electing to comply with paragraph (2)(b) shall pay the fees established under this act, for deposit into the fund, which shall be remitted for deposit in a manner prescribed by the Insurance Commissioner. The coverage provided by the fund shall begin July 1, 1975, and run thereafter on a fiscal year basis. For the first year of participation, each participating health care provider covered under the fund shall pay a fee for deposit into the fund in the amount of \$1,000 for any individual or \$300 per bed for any hospital. Those entering the fund after the fiscal year has begun shall pay a prorated share of the yearly fees for a prorated membership. The fee charged after the first year of participation shall consist of a base fee of \$500 for any individual or \$300 per bed for any hospital. The fees or assessments to be paid by those health care providers defined in subparagraphs (1)(b)5., 6., and 7. shall be established by the fund on an actuarially sound basis. In addition, after the first year of operation, additional fees shall be assessed, appropriately prorated for the portion of the year for which the health care provider participated in the fund, based on the following considerations:

1. Past and prospective loss and expense experience in different types of practice and in different geographical areas within the state;

2. The prior claims experience of ~~the members~~ *persons or hospitals* covered under the fund; and

3. Risk factors for persons who are retired, semiretired, or part-time professionals.

Said base fees may be adjusted downward for any fiscal year in which a lesser amount would be adequate and in

which the additional fee would not be necessary to maintain the solvency of the fund. Said additional fee shall be based on not more than two geographical areas with three categories of practice and with categories which contemplate individual risk ratings for hospitals, for health maintenance organizations, and for ambulatory surgical facilities. Each fiscal year of the fund shall operate independently of preceding fiscal years. Participants shall only be liable for assessments for claims from years during which they were members of the fund; in cases in which a participant is a member of the fund for less than the total fiscal year, he shall be subject to assessments for that year on a prorata basis determined by the percentage of the year he participated. The fund shall be maintained at not more than \$25,000,000 per fiscal year. Fees and refunds shall be set by the Insurance Commissioner after consultation with the JUA. Nothing contained herein shall be construed as imposing liability for payment of any part of a fund deficit on the JUA or its member insurers. If the fund determines that the amount of money in an account for a given fiscal year is not sufficient to satisfy the claims made against the account, the fund shall certify the amount of the projected insufficiency to the Insurance Commissioner and request the Insurance Commissioner to levy a deficit assessment against all participants in the fund for that fiscal year, prorated, based on the number of days of participation during the year in question. The Insurance Commissioner shall order such refund to, or levy such deficit assessment against, such participants in amounts that fairly reflect the classifications prescribed above and are sufficient to obtain the money necessary to meet all claims for said fiscal year. In no case shall any deficit assessment for a particular year against any health care provider other than a hospital exceed an amount equal to the fees or assessments originally paid by such health care provider for participation in the fund for the year giving rise to such deficit assessment.

(d) Fund accounting and audit.—

1. Moneys shall be withdrawn from the fund only upon vouchers approved by the JUA as authorized by the board of governors.

2. All books, records, and audits of the fund shall be open for reasonable inspection to the general public, except that a claim file in possession of the fund shall not be available for review during processing of that claim.

3. Persons authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any fund moneys shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the fund shall furnish, upon request, audited financial reports to any fund participant and to the Department of Insurance and the Joint Legislative Auditing Committee. The reports shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee.

5. Moneys held in the fund shall be invested in interest-bearing investments by the JUA as administrator. However, in no case shall said moneys be invested for longer than 3 years or in the stock of any insurer participating in the JUA or in the parent company or company owning a controlling interest of said insurer. All income derived from such investments shall be credited to the fund.

6. Any health care provider participating in the fund may withdraw from such participation only at the end of a fiscal year; however, such health care provider shall remain subject to any deficit assessment [or] any refund pertaining to any year in which such person or hospital participated in the fund.

(e) Claims procedures.—

1. Any person may file an action against a participating health care provider for damages covered under the fund, except that the person filing the claim shall not recover against the fund for any portion of a judgment for damages arising out of the rendering of, or failure to render, medical care or services against a health care provider for damages covered under the fund, unless the fund was named as a defendant in the suit. *The fund is not required to actively defend a claim until the provisions of s. 768.44 are completed or waived, suit instituted and the fund is named therein.* If, after the facts upon which the claim is based are reviewed, it appears that the claim will

exceed \$100,000 or, if greater, the amount of the health care provider's basic coverage, the fund shall appear and actively defend itself when named as a defendant in the suit. In so defending, the fund shall retain counsel and pay out of the account for the appropriate year attorneys' fees and expenses, including court costs incurred in defending the fund. *In any claim the* The attorney or law firm retained to defend the fund shall not be retained *to defend or employed* by the JUA to perform legal services for the JUA other than those directly connected with the fund. The fund is authorized to negotiate with any claimants having a judgment exceeding \$100,000 cost to the fund to reach an agreement as to the manner in which that portion of the judgment exceeding that \$100,000 cost is to be paid. Any judgment affecting the fund may be appealed under the Florida Appellate Rules of Procedure, as with any defendant.

2. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider who is also covered by the fund to provide an adequate defense on any claim filed which potentially affects the fund, with respect to such insurance contract or self-insurance contract. The insurer or self-insurer shall act in a fiduciary relationship toward the fund with respect to any claim affecting the fund. No settlement exceeding \$100,000, or any other amount which could require payment by the fund, shall be agreed to unless approved by the fund.

3. A person who has recovered a final judgment or a settlement approved by the fund against a health care provider who is covered by the fund may file a claim with the fund to recover that portion of such judgment or settlement which is in excess of \$100,000 or the amount of the health care provider's basic coverage, if greater, as set forth in paragraph (2)(b). In the event an account for a given year incurs liability exceeding \$100,000 to all persons under a single occurrence, the persons recovering shall be paid from the account at a rate not more than \$100,000 per person per year until the claim has been paid in full, except that court costs and reasonable attorney's fees shall be paid in one lump sum within 90 days after the settlement or judgment is rendered. Such fees shall not reduce the amount of the annual award.

4. Settlements or judgments against the fund shall be paid in the order received within 90 days after the date of settlement or judgment, unless appealed by the fund. If the account for a given year does not have enough money to pay all of the settlements or judgments, those claims received after the funds are exhausted shall be immediately payable from the assessments of participants for that year, in the order in which they were received.

5. If a health care provider participating in the fund has coverage in excess of \$100,000 per claim, such health care provider shall be liable for losses up to the amount of his coverage, and such health care provider shall receive an appropriate reduction of the fees and assessments for participation in the fund. Such reduction shall be granted only after that health care provider has proved to the satisfaction of the fund that such health care provider had such coverage during the period of membership of the fiscal year.

6. *The manager of the JUA or his assistant is the agent for service of process for the plan.*

Section 5. Subsection (1) of section 768.52, Florida Statutes, 1976 Supplement, is reenacted to read:

768.52 Medical malpractice insurance; purchase.—

(1) A group or association of health care providers as defined in s. 768.54(1)(b), composed of any number of members, is authorized to self-insure against claims arising out of the rendering of, or failure to render, medical care or services and coverage for bodily injury or property damage, including all patient injuries arising out of the insured's activities, upon obtaining approval from the Department of Insurance and upon complying with the following conditions:

(a) Establishment of a Medical Malpractice Risk Management Trust Fund to provide coverage against professional medical malpractice liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program.

Any such group or association shall be subject to regulation and investigation by the department. The group or association

shall be subject to such rules as the department adopts, and shall also be subject to part VII of chapter 626, relating to trade practices and frauds.

Section 6. Paragraph (a) of subsection (1) of section 768.44, Florida Statutes, 1976 Supplement, is reenacted, and paragraph (h) is added to subsection (2) of said section to read:

768.44 Medical liability mediation panels; membership; hearings.—

(1)(a) Any person or his representative claiming damages by reason of injury, death, or monetary loss on account of alleged malpractice by any medical or osteopathic physician, podiatrist, hospital, or health maintenance organization against whom he believes there is a reasonable basis for a claim shall submit such claim to an appropriate medical liability mediation panel before that claim may be filed in any court of this state.

(2) The chief judge of each judicial circuit shall prepare a list of persons [available] to serve on medical liability mediation panels whose purpose shall be to hear, and facilitate the disposition of, all medical malpractice actions arising within the jurisdiction of the circuit. The number of persons on the list shall be determined by the chief judge, but [they] shall be in sufficient numbers to efficiently carry out the intent of this section. Each hearing, as hereinafter provided for, shall be before a three-member panel, hereinafter referred to as the "panel," "mediation panel," or "hearing panel," composed as follows: a judicial referee, who shall be the presiding member of the hearing panel; a licensed physician; and an attorney. The judicial referee shall be a circuit judge. Such appointments [of judicial referees] shall be made by a "blind" system. The other panel members shall be selected in accordance with the following procedure:

(h) *After selection of the panelists, the judicial referee and either party may question the physician and attorney to determine if either of them has a state of mind regarding the subject matter at issue, the case at hand, or any parties directly or indirectly involved in said case that will prevent him from acting with impartiality. Upon a determination by the judicial referee that either panelist cannot act with complete impartiality, the judicial referee shall remove said panelist.*

(i) *Each of the non-judicial panelists shall be paid \$100 per day for expenses for each day or portion of a day spent upon the hearing panel. The court shall assess both parties equally for the payment of such expenses to the panelists.*

Section 7. Section 768.50, Florida Statutes, 1976 Supplement, is reenacted and amended to read:

768.50 Collateral sources of indemnity.—

(1) In any action for damages for personal injury or wrongful death, whether in tort or in contract, arising out of the rendition of professional services by a health care provider as defined in s. 768.52(9), in which liability is admitted or is determined by the trier of fact and damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts paid, ~~or to be paid,~~ to the claimant from all collateral sources which are available to him; however, there shall be no reduction for collateral sources for which a subrogation right exists. Upon a finding of liability and an awarding of damages by the trier of fact, the court shall receive evidence from the claimant and other appropriate persons concerning the total amounts of collateral sources which have been paid, ~~or will be paid,~~ for the benefit of the claimant or are otherwise available to him. The court shall also take testimony of any amount which has been paid, contributed, or forfeited by, or on behalf of, the claimant or members of his immediate family to secure his right to any collateral source benefit which he is receiving as a result of his injury, and shall offset any restriction in the award by such amounts.

(2) For purposes of this section:;

(a) "Collateral sources" means any payments made, ~~or to be made,~~ to the claimant, or on his behalf, by or pursuant to:

1. ~~(a)~~ The United States Social Security Act; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits.

2. ~~(b)~~ Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits except life insurance benefits available to the claimant, whether purchased by him or provided by others.

3. ~~(e)~~ Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. ~~(d)~~ Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

(b) "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopaths licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; clinical laboratories registered under chapter 483; physicians' assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part II of chapter 641; ambulatory surgical centers as defined in paragraph (c); blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

(c) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

(3) In the event that the fees for legal services provided to the claimant are based on a percentage of the amount of money awarded to the claimant, such percentage shall be based on the net amount of the award as reduced by the amounts of collateral sources and as increased by insurance premiums paid.

(4) Unless otherwise expressly provided by law, no insurer or any other party providing collateral source benefits as defined in subsection (2) shall be entitled to recover the amounts of any such benefits from the defendant or any other person or entity, and no right of subrogation or assignment of rights of recovery shall exist. All policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act.

Section 8. Section 768.45, Florida Statutes, 1976 Supplement, is reenacted and amended to read:

768.45 Medical negligence; standards of recovery, etc.—

(1) In any action for recovery of damages based on the death or personal injury of any person, in which it is alleged that such death or injury resulted from the negligence of a health care provider, as defined in s. 768.50(2)(b) ~~s. 768.53(4)~~, the claimant shall have the burden of proving by the greater weight of evidence that the alleged actions of the health care provider represented a breach of the accepted standard of care for that health care provider. The accepted standard of care for a given health care provider shall be that level of care, skill and treatment which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

(2)(a) If the health care provider whose negligence is claimed to have created the cause of action is not certified by the appropriate American board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory agency of this state;
2. Is trained and experienced in the same discipline or school of practice; and
3. Practices in the same or similar medical community.

(b) If the health care provider whose negligence is claimed to have created the cause of action is certified by the appropriate American board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similar health care provider" is one who:

1. Is trained and experienced in the same specialty; and
2. Is certified by the appropriate American board in the same specialty.

(c) The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. Any health care provider may testify as an expert in any action if he:

1. Is a "similar health care provider" pursuant to paragraph (a) or (b); or,
2. Is not a similar health care provider pursuant to paragraph (a) or (b) but ~~is~~ ~~(b)~~ ~~but~~, to the satisfaction of the court, possesses sufficient training, experience, and knowledge to provide such expert testimony as to the acceptable standard of care in a given cause.

(3)(a) If the injury is claimed to have resulted from the negligent affirmative medical intervention of the health care provider, the claimant must, in order to prove a breach of an accepted standard of care, show that the injury was not within the necessary or reasonably foreseeable results of the surgical, medicinal, or diagnostic procedure constituting the medical intervention, if the intervention from which the injury is alleged to have resulted was carried out in accordance with an acceptable standard of care by a reasonably prudent similar health provider.

(b) The provisions of this subsection shall apply only when the medical intervention was undertaken with the informed consent of the patient in compliance with the provisions of s. 768.46.

(4) The existence of a medical injury shall not create any inference or ~~or~~ presumption of negligence against a health care provider, and the claimant must maintain the burden of proving that an injury was proximately caused by a breach of the accepted standard of care by the health care provider. However the discovery of the presence of a foreign body, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or diagnostic procedures shall be prima facie evidence of negligence on the part of the health care provider.

Section 9. Section 768.48, Florida Statutes, 1976 Supplement, is reenacted and amended to read:

768.48 Itemized verdict.—

(1) In any action by a patient against a health care provider, as defined in s. 768.50(2)(b), in a tort or contract claim for malpractice in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(a) Amounts intended to compensate the claimant for reasonable expenses which have been incurred, or which will be incurred, for necessary medical, surgical, x-ray, dental, or ~~or~~ rehabilitative services, including prosthetic devices; necessary ambulance, hospital, and nursing services; drugs; and therapy;

(b) Amounts intended to compensate the claimant for lost wages or loss of earning capacity and other economic losses and for the inconvenience of the claimant, which have been incurred or will be incurred; and

(c) Amounts intended to compensate the claimant for pain and suffering, loss of companionship, embarrassment, and other items of general damages which have been incurred or will be incurred in the future.

(2) Each category of damages shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraphs (1)(a) and (1)(b) shall be computed before and after reduction to present value. Future damages itemized under paragraph (1)(c) shall not be reduced to present value. In itemizing amounts intended to compensate

for future losses, the trier of facts shall set forth the period of years over which such amounts are intended to provide compensation.

Section 10. Section 768.51, Florida Statutes, 1976 Supplement, is reenacted and amended to read:

768.51 Alternative methods of payment of damage awards.—

(1) In any action by a patient against a health care provider, as defined in s. 768.50(2)(b), in a tort or contract claim for malpractice in which the trier of fact determines that the amount necessary to compensate the claimant for future losses exceeds \$200,000, payment of amounts intended to compensate the claimant for losses to be incurred in the future shall be made by one of the following means:

(a) The defendant may make a lump sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

(b) The court may, at the request of either party, enter a judgment ordering the damages for future losses to be paid in whole or in part by periodic payments rather than by a lump sum payment.

1. In entering a judgment ordering the payment of future damages by periodic payments, the court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages. The total of such periodic payments shall be equal to the amount of all future damages before any reduction to present value. The period of time over which such periodic payments shall be made shall be the period of years determined by the trier of fact in arriving at its itemized verdict. The court may order that the amounts of the payments be equal or vary in amount depending upon the probable need of the claimant. The judgment shall provide that all economic losses and expenses incurred during any given period be paid by the defendant even though they exceed the specified payment. However, there shall be no requirement to pay more than the original lump sum judgment before any reduction to present value, and if any periodic payments exceed the amount specified by the judgment, successive payments shall be reduced accordingly until the entire judgment is paid.

2. As a condition to authorizing periodic payments of future damages, the court shall require the judgment debtor to post security adequate to assure full payment of such damages awarded by the judgment. If the judgment debtor is unable to post the required security, the court shall order that all damages, both past and future, be paid to claimant in a lump sum, and periodic payments shall not be authorized in such a case. Upon termination of periodic payments of future damages, the court shall order the return of such security, or so much as remains, to the judgment debtor.

3. In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the required periodic payments, the court shall find the judgment debtor in contempt and, in addition to the required periodic payments, shall order the judgment debtor to pay the claimant all damages caused by the failure to make such periodic payments, including court costs and attorney's fees. If insolvency of the judgment debtor is proven to the court to be probable, the court may order that the balance of payments due be placed in trust for the benefit of the claimant.

4. The judgment ordering the payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Such payments shall only be subject to modification as specified in this section.

5. If the claimant has been awarded damages to be discharged by periodic payments and the claimant dies prior to the termination of the period of years during which such payments are to be made, the liability of the defendant for amounts set forth in paragraphs 768.48(1)(a) and (c) shall cease and the estate of the claimant shall have no claim for such amounts. In such event, the remaining balance of all amounts to be paid pursuant to paragraph 768.48(1)(b) shall be paid into the estate of the claimant in a lump sum. *If the claimant lives longer than the period of time in which such payments are to be made, such payments shall continue for the*

remainder of the claimant's life at the same rate as the payments being made at the time they would otherwise have terminated.

6. Claimant's attorney's fee, if payable from the judgment, shall be based upon the total judgment, adding all amounts awarded for past and future damages. The attorney's fee shall be paid from past and future damages in the same proportion, and the periodic payments shall be reduced by the amount of attorney's fees paid from future damages payable. The attorney's fee may be paid in a lump sum upon entry of judgment or, at the attorney's option, periodically in conjunction with the claimant's payment. If paid periodically, the attorney's fee shall be paid as long as payments are made to the claimant, with the remaining balance due paid in a lump sum, if the claimant dies prior to all payments having been made.

(2) Nothing in this section shall preclude any other method of payment of awards, if such method is consented to by the parties.

Section 11. Section 768.49, Florida Statutes, 1976 Supplement, is reenacted to read:

768.49 Remittitur and additur.—

(1) In any action for the recovery of damages based on personal injury or wrongful death arising out of medical malpractice, whether in tort or in contract, wherein the trier of fact determines that liability exists on the part of the defendant and a verdict is rendered which awards money damages to the plaintiff, it shall be the responsibility of the court, upon proper motion, to review the amount of such award to determine if such amount is clearly excessive or inadequate in light of the facts and circumstances which were presented to the trier of fact. If the court finds that the amount awarded is clearly excessive or inadequate, it shall order a remittitur or additur as the case may be. If the party adversely affected by such remittitur or additur does not agree, the court shall order a new trial in the cause on the issue of damages only.

(2) In determining whether an award is clearly excessive or inadequate in light of the facts and circumstances presented to the trier of fact and in determining the amount, if any, that such award exceeds a reasonable range of damages [or is inadequate], the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;

(b) Whether it clearly appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; and

(e) Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons.

(3) It is the intent of the Legislature to vest the trial courts of this state with the discretionary authority to review the amounts of damages awarded by a trier of fact in light of a standard of excessiveness or inadequacy. The Legislature recognizes that the reasonable actions of a jury are a fundamental precept of American jurisprudence and that such actions should be disturbed or modified with caution and discretion. However, it is further recognized that a review by the courts in accordance with the standards set forth in this section provides an additional element of soundness and logic to our judicial system and is in the best interests of the citizens of Florida.

Section 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 13. This act shall take effect on July 1, 1977 and shall apply to all actions filed thereafter.

Amendment 19—Strike the Title and insert the following:

A bill to be entitled

An act relating to medical malpractice; reenacting and amending s. 768.41, Florida Statutes, 1976 Supplement, relating to internal risk management programs of hospitals and other similar facilities; removing the requirement that such facilities develop and implement a program to provide compensation to persons who have sustained compensable injuries; removing exclusion of facilities for performing terminations of pregnancy from the definition of ambulatory surgical center; providing that the Department of Health and Rehabilitative Services shall, after consulting with the Department of Insurance, promulgate rules governing the establishment of such internal risk management programs; providing that the incident reports shall be part of the work papers of the defense counsel; providing that persons filing an incident report shall not be subject to civil suit for libel by virtue of such incident report; repealing ss. 768.42 and 768.43, Florida Statutes, 1976 Supplement, relating to the implementation of such compensation programs through an insurance program and the use of medical incident committees; reenacting s. 768.53 (5), (6), (8), and (9), Florida Statutes, 1976 Supplement, relating to health care providers and the insurance risk apportionment plan reenacting and amending subsection (4) thereof, and adding a subsection (10) thereto, relating to service of process; reenacting subsection (1) of s. 768.54, Florida Statutes, 1976 Supplement, relating to limitation of liability and the patient's compensation fund; reenacting and amending subsections (2) and (3) of said section; reenacting s. 768.52(1), Florida Statutes, 1976 Supplement, relating to self insurance by health care providers, with respect to medical malpractice liability; reenacting s. 768.44(1)(a), Florida Statutes, 1976 Supplement, and adding paragraph (h) to subsection (2) of said section; providing for disqualification of certain panelists on medical liability mediation panels; providing for expenses of panelists; reenacting and amending s. 768.50, Florida Statutes, 1976 Supplement, relating to indemnification from collateral sources; reenacting and amending s. 768.45, Florida Statutes, 1976 Supplement, relating to medical negligence of a health care provider and standards of recovery therefor; reenacting and amending s. 768.48, Florida Statutes, 1976 Supplement, which provides that verdicts in cases of medical malpractice shall be itemized in specified categories; reenacting and amending s. 768.51, Florida Statutes, 1976 Supplement, relating to alternative methods of payment with respect to claims against health care providers; reenacting s. 768.49, Florida Statutes, 1976 Supplement, relating to procedures with respect to recoveries for damages in cases where the award is clearly excessive or inadequate; removing applicability to nursing homes licensed under chapter 400; providing severability; providing an effective date.

WHEREAS, chapter 76-260, Laws of Florida, relating to medical malpractice, medical liability insurance, and related matters has been held to be constitutionally deficient at the circuit court level, and

WHEREAS, the Legislature wishes to reenact provisions contained in said chapter, NOW, THEREFORE,

Senator MacKay moved that the Senate refuse to concur in the House Amendments and request the House to recede. The motion failed by the following vote:

Yeas—17

Mr. President	Graham	Myers	Thomas, Pat
Chamberlin	Hair	Peterson	Vogt
Childers, Don	Johnston	Poston	
Dunn	Lewis	Renick	
Firestone	MacKay	Saylor	

Nays—21

Barron	Henderson	Spicola	Wilson
Castor	McClain	Thomas, Jon	Winn
Childers, W. D.	Plante	Tobiassen	Zinkil
Gallen	Scarborough	Trask	
Glisson	Scott	Ware	
Gorman	Skinner	Williamson	

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

CS for SB 475 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—4

Firestone	Johnston	MacKay	Wilson
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Vote after roll call:

Yea—Holloway

Senator Dunn moved that the Senate reconsider the vote by which CS for SB 475 passed.

The motion was placed on the calendar for consideration May 18.

SPECIAL ORDER

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.

—was taken up pending roll call.

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

Amendment 1—On page 1, strike all of lines 15 through 17 and insert the following rates: On the amount financed, \$12 per \$100 per year for any amount financed up to \$1,000; and on any amount financed in excess of \$1,000, the rate on such excess shall not exceed \$10 per \$100 per year. The finance charge under

On motion by Senator Trask, by two-thirds vote SB 1134 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Peterson	Thomas, Pat
Chamberlin	Hair	Plante	Tobiassen
Childers, Don	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Ware
Dunn	Lewis	Saylor	Winn
Gallen	McClain	Scott	
Glisson	Myers	Thomas, Jon	

Nays—10

Castor	Scarborough	Vogt	Zinkil
Firestone	Skinner	Williamson	
Graham	Spicola	Wilson	

SB 519—A bill to be entitled An act relating to motor vehicles; amending s. 320.01(26), renumbering s. 320.01(27), Florida Statutes, 1976 Supplement, and adding a new subsection (27) to said section; redefining registration period and defining renewal period; amending s. 320.0105(2)(b), Florida Statutes; excepting certain motor vehicles privately owned by a natural person from registration based on owner's birth month; adding s. 320.02(3), Florida Statutes; requiring notification of motor vehicle owner's change of address; amending s. 320.06(1), (2), (4), (5), (8), Florida Statutes; providing for issuance of plates for indefinite period; providing for phased-in issuance of alphanumeric plate; providing for validation sticker reflecting renewal period; conforming language to new definitions; providing procedures for license plate replacement; providing for annual issuance of validation stickers; providing for imprinting county name in license plate; providing for inspection and

replacement of license plates; amending s. 320.065(2), (3), Florida Statutes, 1976 Supplement; postponing issuance of indefinite license plate for certain rental trailers; amending s. 320.07(1), (3), Florida Statutes; providing for expiration of registration period; authorizing operation of vehicle during renewal period; amending s. 320.071, Florida Statutes; providing for advance registration; amending s. 320.72, Florida Statutes; repealing portions relating to specially selected numbers for license plates; adding s. 325.19(8), Florida Statutes; providing for license plate inspection; providing an effective date.

—was read the second time by title.

Senator Plante presiding

The Committee on Transportation offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 5, strike all of lines 18 through and including line 31, and on page 6, strike all of lines 1 through and including line 10 and insert: (b) Registration license plates bearing the alphanumeric system of identification shall be issued for an indefinite period 4 year periods beginning July 1, 1977, only to owners of new or used motor vehicles not in possession of a valid license plate and for the replacement license plates provided for in Sections 320.06(5)(a), 320.06(7), and 325.19 and each consecutive fourth year thereafter. Beginning July 1, 1979, alphanumeric license plates shall be issued to every owner of a motor vehicle not possessing an alphanumeric license plate, according to the schedule provided in paragraph (c). Full implementation of the alphanumeric system shall be completed by June 30, 1980. With each license plate, a validation sticker reflecting the owner's birth month, or appropriate renewal period if a nonnatural person is the owner, and a serially numbered validation sticker reflecting the year of expiration, as well as a sticker reflecting the county name, shall be issued in accordance with the following schedule. Such license plate, and validation stickers revalidation sticker, and county name sticker shall be issued monthly throughout the year, based on the applicant's appropriate renewal period month of birth. The

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

Amendment 1A—On page 1, line 1, after the word "bearing" insert: a graphic symbol and

Amendment 1 as amended was adopted.

The Committee on Transportation offered the following amendment which was moved by Senator Scarborough and failed:

Amendment 2—On page 12, strike all of line 18 through and including line 23 and insert: (b) ~~Revalidation~~ Validation stickers shall be retroreflective tape or any other material which will adhere to the metal registration license plates and shall be two stickers, one imprinted with the owner's birth month or with the month and and one with the last two digits reflecting the registration period for which issued and shall be serially numbered.

The Committee on Transportation offered the following amendment which was moved by Senator Myers and failed:

Amendment 3—On page 5 strike all of line 19 and insert: bearing a graphic symbol and the alphanumeric system of identification shall begin

Senator Graham moved the following amendments which were adopted:

Amendment 4—On page 18, lines 14-22, strike Section 9 and renumber remaining section

Amendment 5—On page 2, lines 5 and 6 in title, strike "providing for license plate inspection;"

On motion by Senator Myers, by two-thirds vote SB 519 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

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

Nays—1

Wilson

Vote after roll call:

Yea—Dunn

SB 84—A bill to be entitled An act relating to the Teachers' Retirement System of Florida; repealing s. 238.07(1), Florida Statutes, to remove the requirement that a member be retired at age 70; providing an effective date.

—was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 1, line 9, insert: Section 1. Subsection (2) of section 238.181, Florida Statutes, is amended to read:

238.181 Retired member may be employed on a part-time basis substitute teacher; conditions.—

(2) A retired teacher may be employed on a part-time basis and receive compensation for services rendered without reducing or in any way affecting his retirement or pension status but in no case shall the part-time employment exceed 600 500 hours in any single calendar year.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 3 in title, after the semicolon insert: amending s. 238.181(2), Florida Statutes; increasing the number of hours of part-time employment per calendar year allowed a person retired under such system without reducing or affecting his retirement or pension status;

On motion by Senator W. D. Childers, by two-thirds vote SB 84 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The President presiding

SB 1232—A bill to be entitled An act relating to the licensing of the construction industry; amending ss. 468.102(1), 468.103, 468.105-468.109, 468.110(1), 468.112(2), 468.113(2), 468.114(2), (7), Florida Statutes; redefining terms; prescribing membership of the Florida Construction Industry Licensing Board; deleting obsolete language; requiring state registered contractors to comply with local requirements unless state certification is obtained; providing for special registration to specialty contractors; requiring the state certification and registration to be conspicuously displayed in the contractor's primary place of business; setting standards, qualifications for and categories of certification; requiring credit report for applicants for cer-

tification; providing for forfeiture of application fee; requiring board to furnish written grounds for denial of permission to take examination and to supply notice of right to hearing to applicant denied permission to take certification examination; providing certain requirements to be met by business organizations engaging in contracting; authorizing certified public records of board to be received in evidence; requiring registered and certified contractors to affix license numbers to contracts and bids; providing procedure for qualifying more than one business entity; providing for expiration and renewal of certificates and registration; prescribing fee to change from inactive to active status; increasing initial fees for certification and registration; providing for biennial renewal fees; providing that examination papers are confidential and that applicant may waive confidentiality; prescribing grounds for disciplinary action; clarifying subcontractor exemptions; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1232 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Glisson	Myers	Thomas, Pat
Barron	Gorman	Poston	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, Peterson and Plante

On motion by Senator W. D. Childers, the rules were waived and SB 1232 was ordered immediately certified to the House.

SB 1072 and CS for SB 1072 by the Committee on Governmental Operations were taken up, together with:

By the Committees on Commerce and Governmental Operations and Senators Holloway, Poston and W. D. Childers—

CS for CS for SB 1072—A bill to be entitled An act relating to building codes; amending ss. 553.70, 553.71, and 553.73, Florida Statutes; providing a new date; providing short title; requiring that, by a certain date, local governments and state agencies which regulate building construction shall adopt one of certain model building codes designated as the State Minimum Building Codes, including provisions of state law on accessibility by handicapped persons in addition to certain state laws regulating liquefied petroleum gas, plumbing, electrical, and glass construction; authorizing local governments and state agencies to provide more stringent requirements under certain conditions; providing for application and enforcement of State Minimum Building Codes; exempting certain buildings; providing that such codes shall not contain a housing code, as defined in the act, except upon local request; providing procedures for recommending amendments; amending ss. 553.74(1), 553.77, Florida Statutes; deleting authorization for the board to make rules concerning construction or construction permits or to hear appeals; authorizing the board to issue advisory opinions on certain subjects; amending s. 553.79(3) and (4), Florida Statutes; providing that when certain conditions specified by law are met, a local building code may impose more stringent requirements than the State Minimum Building Codes without notifying the board; amending ss. 553.80 and 553.83, Florida Statutes; correcting terminology and deleting authorization for the board to impose State Minimum Building Codes where a city or county fails to enforce same; correcting terminology; repealing s. 553.78, Florida Statutes, 1976 Supplement, which provides guidelines and standards for the State Minimum Building Codes; repealing ss. 553.81, 553.82, Florida Statutes, which provide for the board to hear appeals and which directs

the board to publish and distribute copies of the State Minimum Building Codes; providing an effective date.

—which was read the first time by title and SB 1072 and CS for SB 1072 were laid on the table.

On motions by Senator Holloway, by two-thirds vote CS for CS for SB 1072 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—36

Mr. President	Gorman	Myers	Thomas, Pat
Barron	Graham	Poston	Tobiassen
Castor	Hair	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
Glisson	McClain	Thomas, Jon	Zinkil

Nays—None

Votes after roll call:

Yeas—Peterson and Plante

On motion by Senator W. D. Childers, the rules were waived and CS for CS for SB 1072 was ordered immediately certified to the House.

SB 778—A bill to be entitled An act relating to insurance; amending s. 627.679(2), Florida Statutes, providing that credit life insurance is limited to \$20,000 on loans with any one creditor other than on loans not exceeding 1 year duration; limiting the insurance on loans not exceeding 1 year duration to \$20,000 with any one insurer; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Scarborough and adopted:

Amendment 1—On page 1, line 13, insert the following and renumber subsequent sections:

Section 1. Subsections (3) and (5) of section 627.553, Florida Statutes, are amended to read:

627.553 Debtor groups.—

(3) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or \$20,000 ~~\$5,000~~, whichever is less, except that loans not exceeding 1 year duration shall not be subject to such limits ~~the \$5,000 limit~~; provided further, that on such loans not exceeding 1 year duration the limit of coverage shall not exceed \$20,000 ~~\$10,000~~ with any one insurer.

(5) On a policy for which the premium is paid wholly from the creditor's funds without the collection of identifiable charges from the insured debtors for the insurance, directly or indirectly, and which policy is effected through a licensed life agent principally engaged in the sale of life insurance, other than one defined in s. 626.321(1)(e), who shall receive all commission or any other form of compensation thereunder, the provisions of part VIII of this chapter shall not apply to such policy, and the amount of insurance under such policy on the life of any debtor shall at no time exceed the amount owed by him to the creditor or \$20,000 ~~\$10,000~~, whichever is less, and the term of insurance on any loan insured thereunder shall not be longer than 5 years from the date it becomes effective.

Amendment 2—On page 1 in title, line 2, insert after "amending": s. 627.553(3), (5), and

On motion by Senator Scarborough, by two-thirds vote SB 778 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Barron

Votes after roll call:

Yea—Williamson
Nay to Yea—Barron

On motion by Senator Gallen, by unanimous consent—

SB 1067—A bill to be entitled An act relating to securities pledged as collateral for state funds; amending s. 18.11(1), (5), Florida Statutes, renumbering subsections (2)-(6), and adding a new subsection (2) to said section; providing additional types of securities which are acceptable; authorizing the State Treasurer to accept a telex pending actual receipt of a safekeeping receipt; providing the length of time for which a telex or telegram is acceptable; providing requirements of the telex or telegraph; repealing ss. 18.111 and 18.112, Florida Statutes, relating to securities for deposits of public funds; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1067 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Holloway

On motion by Senator Gallen, by unanimous consent—

SB 1062—A bill to be entitled An act relating to state money; amending s. 18.10(2), Florida Statutes; allowing short-term investments in United States treasury obligations to be in book-entry form; allowing such investments to be under repurchase agreement; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1062 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	Peterson	Tobiassen
Barron	Graham	Plante	Trask
Castor	Hair	Poston	Vogt
Chamberlin	Henderson	Renick	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	

Nays—None

SB 1343—A bill to be entitled An act relating to Human Rights Advocacy Committees; adding s. 20.19(6)(f) and (g), Florida Statutes, 1976 Supplement; providing that certain matters before state or district Human Rights Advocacy Committees are confidential and exempt from public disclosure; authorizes such committees to examine records and documents of agencies; providing immunity for committee members except in certain cases; providing immunity from liability or prosecution under certain chapters for other persons releasing information; authorizing committee members to enter and inspect any facility operated, controlled, or regulated by the state for certain purposes; providing an effective date.

—was read the second time by title.

Senator Plante moved the following amendment which was adopted:

Amendment 1—On page 2, line 6, strike “, through their chairpersons,”

On motion by Senator Graham, by two-thirds vote SB 1343 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
Chamberlin	Henderson	Poston	Trask
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn
Gorman	Myers	Thomas, Jon	

Nays—None

HB 526—A bill to be entitled An act relating to the Administrative Procedure Act; adding subsection (3) to s. 120.63, Florida Statutes, 1976 Supplement, exempting the Division of Pari-mutuel Wagering of the Department of Business Regulation from certain hearing and notice requirements for certain hearings by stewards, judges, and boards of judges; requiring the Division of Pari-mutuel Wagering to adopt alternative procedures, including a hearing upon reasonable notice; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 526 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 971—A bill to be entitled An act relating to homestead tax exemption; amending s. 196.041, Florida Statutes; providing that a person having an equitable or beneficial interest in property held in trust for his benefit shall not be denied homestead tax exemption if the deed recites that the settlor or grantor may at any time revoke or amend the trust without the consent of any other person and reacquire title to the property; providing that conveyances made prior to July 1, 1977 which contain such a recitation are entitled to the same benefits; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 971 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Johnston

Vote after roll call:

Yea—Winn

SB 550—A bill to be entitled An act relating to public lodging and food service establishments; amending s. 20.16(2)(b), (11), Florida Statutes; repealing s. 20.16(6), Florida Statutes; renaming the Division of Hotels and Restaurants of the Department of Business Regulation as the Division of Hotels; amending ss. 509.013(1), (2), (3), (6), 509.032, 509.072, 509.091, 509.092, 509.101(1), 509.141(1), (2), (4), 509.142, 509.151, 509.161, 509.162, 509.2111, 509.212, 509.221(1), (2), (4), (6), (8), (9), 509.241(3), (4), (5), 509.251(5), 509.261(1)(a), (3)(a), (b), (4), 509.281, 509.291(1), 509.301(1), (2), (3), 509.302(3), 215.22(26), and adding s. 215.22(27), Florida Statutes; amending s. 509.211(2)(a), (b), (4), (5)(a), (c), (d), Florida Statutes, 1976 Supplement; repealing ss. 509.013(5), 509.221(7), 509.241(2), 509.251(3), (4), 509.292, Florida Statutes; creating ss. 381.601-381.641, Florida Statutes; removing the statutory provisions relating to the licensing and regulation of public food service establishments from chapter 509, Florida Statutes, and reenacting such provisions, with some modifications, in chapter 381, Florida Statutes, to be administered by the Department of Health and Rehabilitative Services; renaming the Hotel and Restaurant Trust Fund as the Hotel Trust Fund; establishing the Restaurant Trust Fund and providing for the deposit of funds collected by the Department of Health and Rehabilitative Services as a result of food service establishment regulation in such fund; providing for the appointment of a portion of the members of the Advisory Council for Industry Education by the Secretary of Health and Rehabilitative Services; removing the food service establishment representatives from the advisory council to the division; removing certain duties from such council and creating an advisory council on the food service industry in the Department of Health and Rehabilitative Services; directing the Division of Statutory Revision and Indexing to make certain changes in the Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 26, line 9, strike “.” and insert: ; however, the governing body of each county may require consultation and cooperation from the county health department on policies adopted as priorities in public health.

Senator Sayler moved the following substitute amendment which was adopted:

Amendment 2—On page 26, strike all of lines 6 through 9

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

Amendment 3—On page 26, line 10, strike “Deposit of funds.—” and insert: Restaurant Trust Fund; collection and disposition of moneys received.—There is created within the department a Restaurant Trust Fund to be used for the exclusive purpose of carrying into effect all laws, rules and regulations pertaining to the department’s responsibilities with respect to construction, maintenance, and operation of public food service establishments.

The Committee on Appropriations offered the following amendment which was moved by Senator Myers:

Amendment 4—On page 45, line 30, strike “July 1, 1977” and insert: October 1, 1977

Senator Plante moved the following substitute amendment:

Amendment 5—On page 45, line 30, strike “1977” and insert: 1978

Amendment 5 was adopted by the following vote:

Yeas—19

Mr. President	Hair	Scarborough	Thomas, Pat
Barron	Holloway	Scott	Trask
Dunn	McClain	Skinner	Williamson
Gallen	Plante	Spicola	Winn
Gorman	Renick	Thomas, Jon	

Nays—14

Castor	Glisson	Lewis	Ware
Childers, Don	Graham	Myers	Wilson
Childers, W. D.	Henderson	Tobiassen	
Firestone	Johnston	Vogt	

Vote after roll call:

Yea to Nay—Gallen

On motion by Senator Myers, by two-thirds vote SB 550 as amended was read the third time by title and passed. The vote on passage was:

Yeas—31

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

Nays—1

Plante

Vote after roll call:

Yea—Spicola

On motion by Senator Peterson, the rules were waived and the Senate immediately reconsidered the vote by which SB 550 as amended passed.

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

Amendment 6—On page 26, line 6, add “.” and insert: (4), The governing body of each county may require consultation and cooperation from the county health department on policies adopted as priorities in public health.

SB 550 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	

Nays—1

Scarborough

On motions by Senator Chamberlin, by two-thirds vote SCR 1476 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote, placed on the Special Order Calendar.

SCR 1476—A resolution honoring Miss Dolores Keller, Florida Teacher of the Year for 1978.

—was read the second time in full. On motion by Senator Chamberlin SCR 1476 was adopted and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

Senators Brantley, Barron, Castor, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Williamson, Wilson, and Winn were recorded as co-introducers of SCR 1476.

Senator Chamberlin introduced Dolores Anne Keller to the Senate and presented a copy of the resolution to her.

On motion by Senator Chamberlin, the rules were waived and SCR 1476 was ordered immediately certified to the House.

HB 1238—A bill to be entitled An act relating to the naming of state buildings; renaming the Florida City State Farmers Market as the "George H. Cooper, Sr., Farmers Market at Florida City"; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 1238 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Hair and Williamson

SB 655, a companion measure, was laid on the table.

Senator Scarborough presiding

HB 592—A bill to be entitled An act relating to the Department of Commerce, creating s. 288.075, Florida Statutes, making confidential and privileged within a certain period of time certain records of the Division of Economic Development which contain or would provide information concerning the plans, intentions, or interests of any private corporation, partnership, or person to locate, relocate, or expand its manufacturing or other business activities in Florida; providing a penalty; amending s. 119.07(2)(b), Florida Statutes, relating to public records, to conform to this act; providing that nothing in this act shall be construed to waive any provision of Chapter 120, Florida Stat-

utes, or any other provision of law requiring a public hearing; providing that no public officer or employee shall enter into a binding agreement with any corporation, partnership or person when information concerning such corporation, partnership or person is confidential pursuant to this section until 90 days after such information is made public; 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 Vogt and adopted:

Amendment 1—On page 2, line 12, strike "." and insert: , except upon petition by any party to a court of competent jurisdiction, and upon determination by said court that the petitioner has proven, in the opinion of the court, need for access to such documents.

Amendment 2—On page 2, line 16, insert after employee: acting in his individual capacity

Amendment 3—On page 2, line 18, insert after when: such public officer or employee has knowledge that

Amendment 4—On page 2, line 21, insert after person: who is an employee of the Department of Commerce

Amendment 5—On page 1 in title, strike lines 2-25 and insert: An act relating to the Department of Commerce, creating s. 288.075, Florida Statutes, making confidential and privileged within a certain period of time certain records of the Division of Economic Development which contain or would provide information concerning the plans, intentions, or interests of any private corporation, partnership, or person to locate, relocate, or expand its manufacturing or other business activities in Florida, except upon petition to and determination by a court of competent jurisdiction of proof of need for access to such documents; providing a penalty; amending s. 119.07(2)(b), Florida Statutes, relating to public records, to conform to this act; providing that nothing in this act shall be construed to waive any provision of Chapter 120, Florida Statutes, or any other provision of law requiring a public hearing; providing that no public officer or employee acting in his individual capacity shall enter into a binding agreement with any corporation, partnership or person when such public officer or employee has knowledge that information concerning such corporation, partnership or person is confidential pursuant to this section until 90 days after such information is made public; providing an effective date.

On motion by Senator Vogt, by two-thirds vote HB 592 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Chamberlin	Graham	Peterson	Thomas, Jon
Childers, Don	Henderson	Plante	Thomas, Pat
Childers, W. D.	Holloway	Poston	Tobiassen
Firestone	Johnston	Renick	Trask
Gallen	Lewis	Scarborough	Vogt
Glisson	MacKay	Scott	Winn
Gorman	Myers	Skinner	Zinkil

Nays—5

Castor	Spicola	Ware	Wilson
Sayler			

Votes after roll call:

Yeas—Hair and Williamson

Nay—McClain

SB 222 was taken up and on motion by Senator Holloway, the rules were waived and by two-thirds vote CS for HB 182 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Holloway—

CS for HB 182—A bill to be entitled An act relating to insurance; amending s. 627.351(6), Florida Statutes, 1976 Supple-

ment; providing that the risk against flood loss to buildings and contents, and personal property in buildings in or below first floor level located in special flood hazard zones designated by the U. S. Department of Housing and Urban Development remain insured under the National Flood Insurance Program under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 222 and read the second time by title.

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

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsection (6) of section 627.351, Florida Statutes, 1976 Supplement, as created by chapter 76-96, Laws of Florida, is hereby repealed.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike all of lines 2 through 11 and insert: An act relating to windstorm insurance; repealing s. 627.351(6), Florida Statutes, 1976 Supplement; deleting the provision that certain windstorm risks shall be and remain insured under the National Flood Insurance Program to be eligible for windstorm insurance coverage; providing an effective date.

On motion by Senator Holloway, by two-thirds vote CS for HB 182 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Castor	Graham	Myers	Thomas, Pat
Chamberlin	Hair	Peterson	Tobiassen
Childers, Don	Henderson	Plante	Trask
Childers, W. D.	Holloway	Poston	Ware
Firestone	Johnston	Renick	Wilson
Gallen	Lewis	Scott	Winn
Glisson	MacKay	Spicola	Zinkil
Gorman	McClain	Thomas, Jon	

Nays—1

Williamson

Votes after roll call:

Yeas—Dunn and Vogt

SB 222 was laid on the table.

SB 1230—A bill to be entitled An act relating to the State University System; creating s. 240.145, Florida Statutes, prohibiting the merger of state universities without legislative approval; providing an effective date.

—was read the second time by title.

Senator Pat Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, line 14, insert after the word, "other": state

On motion by Senator Pat Thomas, by two-thirds vote SB 1230 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	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Plante and Vogt

On motion by Senator Pat Thomas, the rules were waived and SB 1230 after being engrossed was ordered immediately certified to the House.

The President presiding

SB 742—A bill to be entitled An act relating to law enforcement; adding subsection (4) to s. 112.531, Florida Statutes, defining "interrogation"; amending s. 112.532(1)(d), (2) and (3), Florida Statutes, relating to law enforcement officers' rights; providing for complaints of a criminal nature; providing for hearing procedure; restricting civil suits against employing agency; providing an effective date.

—was read the second time by title.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 2, line 4, strike "where the complaint is of criminal nature." and insert: a period (.)

On motion by Senator Firestone, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 464 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fontana—

HB 464—A bill to be entitled An act relating to law enforcement; adding subsection (4) to s. 112.531, Florida Statutes, defining "interrogation"; amending s. 112.532(1)(d), (2) and (3), Florida Statutes, relating to law enforcement officers' rights; providing for complaints of a criminal nature; providing for hearing procedure; restricting civil suits against employing agency; providing an effective date.

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

Special Order, continued

Pending further consideration of SB 742 as amended, on motion by Senator Firestone HB 464 a companion measure, was substituted for SB 742 and by two-thirds vote read the second time by title.

Senator Scarborough moved the following amendments which were adopted:

Amendment 1—On page 2, line 4, strike "where the complaint is of criminal nature." and insert: a period (.)

Amendment 2—On page 3, lines 4-6, strike "; provided, however, no law enforcement officer may sue his employing agency except for malicious prosecution." and insert: a period (.)

On motion by Senator Firestone, by two-thirds vote HB 464 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

SB 742 was laid on the table.

Senator Plante moved that the Senate reconsider the vote by which HB 464 passed.

The motion was placed on the calendar for consideration May 18.

SB 185 was taken up and on motion by Senator Jon Thomas, the rules were waived and by two-thirds vote HB 62 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar. On motion by Senator Jon Thomas—

HB 62—A bill to be entitled An act relating to arrests; adding subsection (6) to s. 901.15, Florida Statutes, authorizing a peace officer to arrest a person without a warrant if the officer has probable cause to believe that the person has committed a battery upon the person's spouse and the officer finds evidence of bodily harm or reasonably believes that there is danger of further violence; providing an effective date.

—a companion measure, was substituted for SB 185 and read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote HB 62 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Castor and Saylor

SB 185 was laid on the table.

SB 326—A bill to be entitled An act relating to homestead tax exemption; amending s. 196.081(1), Florida Statutes, 1976 Supplement; authorizing certain permanently and totally disabled veterans to claim total homestead exemption with respect to condominiums or mobile homes used as a homestead; eliminating the requirement that the disability be service-connected for a veteran to claim such homestead exemption; providing an effective date.

—was read the second time by title.

Senator Jon Thomas moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, insert: service connected

Amendment 2—On page 1, line 21, after "discharged" insert: or the surviving spouse of the veteran who remains unmarried

On motion by Senator Jon Thomas, by two-thirds vote SB 326 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gallen	Holloway	Peterson
Chamberlin	Glisson	Johnston	Plante
Childers, Don	Gorman	Lewis	Poston
Childers, W. D.	Graham	MacKay	Renick
Firestone	Henderson	Myers	Saylor

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

Nays—None

Vote after roll call:

Yea—Castor

SB 147—A bill to be entitled An act relating to pest control; amending s. 482.021(3)—(6), (8), (9), (12), (16), (19), (22), Florida Statutes, and adding new subsections (16) and (24) to said section; defining "pesticide or economic poison," and "termite or other wood-destroying organism inspection report"; redefining certain existing definitions; amending s. 482-051(1), Florida Statutes; providing for the use of economic poisons, in accordance with label or restrictions accepted by specified federal and state agencies; amending s. 482.061, Florida Statutes; providing for individual inspector admission to certified operators examination and payment of certificate fees while in department employ; adding s. 482.071(3), Florida Statutes; requiring specified insurance coverage of licensee; amending s. 482.081, Florida Statutes; clarifying provisions; amending s. 482.091, Florida Statutes; providing for identification cards for persons providing pest control; providing certain requirements, responsibilities, and exemptions for identification card holders; amending s. 482.111(5), Florida Statutes; providing that a certified operator may designate another certified operator to perform duties during a temporary absence; providing for joint responsibility; amending s. 482.132, Florida Statutes; specifying "good moral character" as a qualification for certification as a pest control operator; amending s. 482-133, Florida Statutes; modifying prerequisite qualifications for a pest control operator's certificate examination; amending s. 482.141(3), (5), Florida Statutes; providing for refund of examination application fees in certain cases; amending ss. 482-151, 482.162(1), Florida Statutes; clarifying provisions; amending s. 482.171(1), (6), Florida Statutes; specifying that business entities, rather than business locations, are subject to suspension or revocation of license for violation of the act; providing for notice contents for license or card suspension or revocation; amending s. 482.191(2), (3), Florida Statutes; providing additional punishment provision; amending s. 482.211(1), Florida Statutes; providing for exemption of governmental agencies; amending s. 482.221, Florida Statutes; removing obsolete grandfathering provisions; amending s. 482.231, Florida Statutes; authorizing certain employees to use fogging machines under supervision; amending s. 482.241, Florida Statutes; clarifying "liberal interpretation" provision; amending s. 482.242, Florida Statutes; clarifying "preemption" provision; creating s. 482.26, Florida Statutes; requiring licensees to provide a termite or other wood-destroying organism inspection report to parties involved in a closing under certain circumstances; requiring reports based on visual inspection to contain certain information; providing that the report shall not be a guarantee unless stated in report; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 1—On page 10, line 26, strike "will" and insert: shall

Amendment 2—On page 11, line 12, strike "law" and insert: lawn

Amendment 3—On page 14, line 30, strike "crop dusting" and insert: aerial application

Amendment 4—On page 18, lines 11-12, strike "and on a form approved by the department"

Amendment 5—On page 14, line 25, after the word "federal," strike "or" and after the word "municipal" strike "agencies; to" and insert after the word "municipal": , or

Amendment 6—On page 5, between lines 15 and 16 insert: (25) "Visual inspection" means inspection of all visible and accessible areas of the structure.

Amendment 7—On page 11, lines 18-19, strike “, prior to July 1, 1977,”

The Committee on Commerce offered the following amendment which was moved by Senator Zinkil:

Amendment 8—On pages 17 and 18, strike all of lines 29 and 30 on page 17 and all of lines 1-24 on page 18

Senator Zinkil moved the following substitute amendment which was adopted:

Amendment 9—On page 18, lines 12-15, strike “The written report of this inspection shall be presented to or made available for, all the parties involved in the closing prior to the transfer or conveyance of real property.”

The Committee on Commerce offered the following amendment which was moved by Senator Zinkil and failed:

Amendment 10—On pages 2 and 3, strike on page 2, line 28 the words “requiring licensees” and all of lines 29-31; and on page 3 all of lines 1-3 and the words “in report;” on line 4.

Senator Williamson moved the following amendment which was adopted:

Amendment 11—On page 18, strike all of lines 16 through 24

Senator Wilson moved the following amendment which was adopted:

Amendment 12—On page 17, line 28, strike “differ” and insert: conflict

Senator Williamson moved the following amendment which was adopted:

Amendment 13—On page 3, strike all of lines 1 through 4 in title and insert: providing an effective date.

Senator Williamson moved the following amendment:

Amendment 14—On page 18, between lines 24 and 25, insert: Section 21. Nothing in this act shall require any individual who is applying pesticides or economic poison to his property to have an identification card or a license pursuant to this act. (re-number subsequent sections)

Senator Williamson moved that SB 147 as amended be re-committed to the Committee on Commerce.

Senator Scarborough moved as a substitute motion that further consideration of SB 147 as amended be deferred. The motion was adopted.

SB 500—A bill to be entitled An act relating to insurance; amending s. 631.52, Florida Statutes; excluding professional liability, surplus lines, and ocean marine insurance from the application of the Florida Insurance Guaranty Association Act; amending s. 631.54(4)(5), Florida Statutes; providing that member insurers have no right of subrogation against the insureds of any insolvent insurer; redefining the term “insolvent insurer”; amending s. 631.57(1)(b), Florida Statutes; providing that the Florida Insurance Guaranty Association, Incorporated shall not be liable for penalties or interest; amending s. 631.60(2), Florida Statutes; providing for priority of expenses of handling claims against insolvent insurers; amending s. 631.67, Florida Statutes; providing for stay of proceedings in courts and proceedings before quasi-judicial bodies and administrative boards; providing for the duration of stays of proceedings; providing that stays of proceedings may be waived or shortened if requested by the association; amending s. 631.68, Florida Statutes; providing that certain claims are barred if they are not settled and suit is not instituted against the insured of an insolvent insurer or the association within a specified time; creating s. 631.70, Florida Statutes; providing that the provisions of s. 627.428, Florida Statutes, relating to attorney’s fees, shall not apply to any claim presented to the association except when the association denies by affirmative action, other than delay, a covered claim

or a portion thereof; amending s. 631.021(4), Florida Statutes; providing that the association is a necessary party to delinquency proceedings; amending s. 631.395, Florida Statutes; prescribing materials to be furnished to insurance guaranty funds under certain liquidation orders; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 2, lines 19-20, strike “professional liability,”

Amendment 2—On page 5, lines 24-26, strike “a necessary party to any delinquency proceedings brought pertaining to one of its member insurers” and insert: given reasonable written notice by the department of all hearings which pertain to an adjudication of insolvency of a member insurer

Amendment 3—On page 3, line 11, insert before the “.”: by exhaustion of appellate review

Amendment 4—On pages 5 and 6, lines 27-31 on page 5 and lines 1-11 on page 6, strike all of section 9 and renumber subsequent section

Senator Hair moved the following amendments which were adopted:

Amendment 5—On pages 3 and 4, lines 22 through 6, strike all of section 4 and insert: Section 4. Subsection (9) of section 631.54, Florida Statutes, is created to read:

631.54 Definitions.—As used in this part:

(9) “Expenses in handling claims” means expenses including but not limited to those which relate to the investigation, adjustment, defense, or settlement of specific claims under or arising out of a specific policy.

Amendment 6—On page 6, line 13, strike the period “.” and insert: and shall apply to any insolvency adjudicated on or after that date.

The Committee on Commerce offered the following amendments which were moved by Senator Hair and adopted:

Amendment 7—On page 2 in title, lines 7-11, strike “a necessary party to delinquency proceedings; amending s. 631.395, Florida Statutes; prescribing materials to be furnished to insurance guaranty funds under certain liquidation orders;” and insert: to receive notice of hearings involving insolvency adjudications;

Amendment 8—On page 1 in title, line 4, strike “professional liability,”

Senator Hair moved the following amendment which was adopted:

Amendment 9—On page 1 in title, strike all of lines 15 and 16, and through the word “insurers” on line 17 and insert: creating s. 631.54(9), Florida Statutes; defining the term “expenses in handling claims”

On motion by Senator Hair, by two-thirds vote SB 500 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	Hair	Plante	Tobiassen
Castor	Henderson	Poston	Trask
Chamberlin	Holloway	Renick	Vogt
Childers, Don	Johnston	Scarborough	Ware
Childers, W. D.	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn
Gorman	Myers	Thomas, Jon	Zinkil
Graham	Peterson	Thomas, Pat	

Nays—None

SB 489—A bill to be entitled An act relating to professional service corporations; amending s. 621.12, Florida Statutes; providing that the corporate name of a professional service corporation may contain the last names of retired or deceased former shareholders of the corporation or of a predecessor corporation or partnership; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 489 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yeas—Chamberlin and Williamson

SB 684—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.015, Florida Statutes, 1976 Supplement, to allow members of a county property appraisal adjustment board to be replaced from time to time by other members of the respective governing board of the county and district school board on appointment by their respective chairpersons; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendments which were moved by Senator Don Childers and adopted:

Amendment 1—On page 1, line 23, after the word “be” insert: Temporarily

Amendment 2—On page 1, line 24, after the word replaced strike “from time to time”

Pending further consideration of SB 684 as amended, on motion by Senator Don Childers, the rules were waived and by two-thirds vote HB 1068 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar. On motion by Senator Don Childers—

HB 1068—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.015, Florida Statutes, 1976 Supplement, to allow members of a county property appraisal adjustment board to be temporarily replaced by other members of the governing board of the county and district school board on appointment by their respective chairpersons; providing an effective date.

—a companion measure, was substituted for SB 684 and read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1068 was read the third time by title, passed and 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	Vogt
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Sayler	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Nays—None

Vote after roll call:

Yea—Trask

SB 684 was laid on the table.

Senator W. D. Childers presiding

The President presiding

By the Committee on Judiciary-Civil and Senator Skinner—

CS for SB 486—A bill to be entitled An act relating to corneal transplant; creating s. 732.9185, Florida Statutes, permitting medical examiners to remove the cornea of a decedent for purposes of corneal transplant under certain conditions; relieving medical examiners and eye banks of liability for failure to obtain consent of next of kin; providing an effective date.

—was read the first time by title and SB 486 was laid on the table.

On motions by Senator Skinner, by two-thirds vote CS for SB 486 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—26

Mr. President	Hair	Peterson	Thomas, Pat
Chamberlin	Henderson	Poston	Tobiassen
Childers, Don	Johnston	Renick	Wilson
Childers, W. D.	Lewis	Sayler	Winn
Firestone	MacKay	Scarborough	Zinkil
Glisson	McClain	Scott	
Graham	Myers	Skinner	

Nays—8

Dunn	Spicola	Trask	Ware
Gallen	Thomas, Jon	Vogt	Williamson

Votes after roll call:

Yeas—Castor and Gorman

Senator Plante presiding

On motion by Senator Myers, the rules were waived and time of adjournment was extended until 12:05 p.m.

The President presiding

SB 406—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052(1)(c), Florida Statutes, 1976 Supplement; authorizing members of the Elected State Officers' Class of the Florida Retirement System to purchase additional retirement credit for service as a small claims court judge or as a justice of the peace prior to January 1, 1973, upon the payment of specified amounts; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 406 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 253—A bill to be entitled An act relating to the State Board of Cosmetology; amending s. 477.18(1)(c), Florida Statutes; deleting the obsolete requirement which allowed members of the board in 1967 to remain in office without complying with the educational or practicing requirements for members; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 253 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 919—A bill to be entitled An act relating to the Constitution Revision Commission; authorizing the chairman of the commission to incur expenses and expend funds; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Hair and adopted:

Amendment 1—On page 1, strike all of lines 9 through 14 and insert: Section 1.

(1) The chairman of the Constitution Revision Commission, appointed pursuant to Section 2, Article XI of the State Constitution, is authorized to employ personnel and to incur expenses related to the official operation of the commission or its committees, to sign vouchers, and to otherwise expend funds appropriated to the commission for carrying out its official duties.

(2) All state and local agencies are hereby authorized and directed to assist, in any manner necessary, the Constitution Revision Commission established pursuant to Section 2, Article XI, of the State Constitution upon its request or the request of its chairman.

Senators Scott and Plante offered the following amendment which was moved by Senator Scott:

Amendment 2—On page 1, between lines 14 and 15, insert: Section 2. Every member of the Constitutional Revision Commission shall comply with the financial disclosure requirements imposed by law or by the constitution on elected constitutional officers.

(Renumber subsequent section.)

On motion by Senator Gallen, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Ware, the rules were waived and the Committee on Commerce was granted permission to consider SB 1097 May 18.

On motion by Senator Henderson, the rules were waived and by two-thirds vote CS for HB 42 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 868 was withdrawn from the Committee on Natural Resources and Conservation.

CO-INTRODUCERS

Senator Renick-SB 326; Senator Tobiassen-SB 375; Senator Poston-Senate Bills 997, 998, 999 and 1003

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 16 was corrected and approved.

Pursuant to the motion by Senator Myers, the Senate adjourned at 12:05 p.m. to convene at 8:30 a.m., May 18, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.