



Journal of the Senate

Number 33

Wednesday, May 25, 1977

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

INTRODUCTION

By Senator Tobiassen—

SB 1484—A bill to be entitled An act relating to Okaloosa County, Destin Fire Control District; amending ss. 3, 5, 7(1)(d), 9, and 10 of chapter 63-1685, Laws of Florida, as amended by chapter 71-787, Laws of Florida; relating to membership of the board of commissioners, audits of the board's books and records, ad valorem taxing power, and indebtedness; providing 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 HB 1282 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Thompson—

HB 1282—A bill to be entitled An act relating to county hospitals; amending s. 155.06, Florida Statutes, providing for the appointment of the board of trustees of a county hospital by the governing body of the county, rather than the Governor, in counties of less than 40,000 population under certain circumstances; amending s. 155.12, Florida Statutes, 1976 Supplement, authorizing, rather than requiring, the governing body of a county of less than 40,000 population to levy an ad valorem tax to fund the county hospital; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1184 HB 1198 HB 1206

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nuckolls—

HB 1184—A bill to be entitled An act relating to Teacher's Day; creating s. 683.15, Florida Statutes, designating the third Friday in May of each year as Teacher's Day; providing an effective date.

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

By Representative Hill—

HB 1198—A bill to be entitled An act relating to drivers' licenses; creating s. 322.252, Florida Statutes, requiring courts

which adjudicate a person incompetent to collect and forward such person's driver's license to the Department of Highway Safety and Motor Vehicles; providing an effective date.

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

By Representative Woodruff—

HB 1206—A bill to be entitled An act relating to insurance; amending s. 627.737(2), Florida Statutes, 1976 Supplement, relating to actions in tort brought against the owners, operators, etc., of motor vehicles secured by liability insurance or otherwise; providing that medical doctors, osteopaths, chiropractic physicians, and other licensed physicians shall be deemed competent and qualified as experts to testify concerning the cause and permanency of injuries for which plaintiff may recover damages; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1232 HB 1234 HB 1270
CS for HB 1250

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fontana (by request) and others—

HB 1232—A bill to be entitled An act relating to insurance; creating s. 627.7285, Florida Statutes; providing that the experience of persons operating a vehicle as part of their employment for a local transit system shall not be a factor in renewal of their personal automobile liability coverage or in the setting of rates therefor; providing certain exceptions; providing an effective date.

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

By Representative Black—

HB 1234—A bill to be entitled An act relating to the disposition of unclaimed personal property; amending s. 925.06(1), Florida Statutes; providing that unclaimed personal property, in custody after a criminal proceeding, may be retained by sheriffs for departmental use, and title shall permanently vest in the county, if the property is not claimed within a specified period; providing an effective date.

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

By Representatives McKnight and Morgan—

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

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

By the Committee on Commerce and Representative Bloom and others—

CS for HB 1250—A bill to be entitled An act relating to the Florida Banking Code; creating s. 659.67, Florida Statutes, allowing international banking corporations and international bank agencies, as defined in this act, to carry on an international banking business in Florida with certain restrictions; providing for the application of the Florida Banking Code; providing for application of certain provisions of chapter 607, Florida Statutes, (the Florida General Corporation Act); providing requirements, restrictions, and fees with respect to licenses to be issued by the Department of Banking and Finance; providing for certain permissible activities; providing for the suspension or revocation of such licenses; providing for the holding and valuation of certain securities; providing for financial certification of banks; requiring certain reports; providing for records; requiring notices of dissolution; prohibiting representative offices from conducting certain business and requiring registration; providing for regulation by the Department of Banking and Finance; adding paragraph (i) to s. 658.08(3), Florida Statutes, 1976 Supplement, and adding a new subsection (5) to said section, providing a fee for license applications and renewal and examinations; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1286	HB 1347	HB 1387
HB 1295	CS for HB 1375	HB 1401

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richard and others—

HB 1286—A bill to be entitled An act relating to professional liability insurers; amending s. 768.55(1), Florida Statutes, (former s. 624.431, Florida Statutes, 1975), providing that insurers be required to report certain information on professional liability policies issued to members of The Florida Bar; providing an effective date.

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

By Representative Papy—

HB 1295—A bill to be entitled An act relating to public records; amending s. 119.07(1), Florida Statutes, providing that the public may inspect and examine public records free of charge; providing an effective date.

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

By Representative Dixon—

HB 1347—A bill to be entitled An act relating to cosmetology; amending s. 477.03(1), Florida Statutes, 1976 Supplement, redefining the term “teaching and practice of cosmetology” for the purposes of the Florida Cosmetology Law; providing an effective date.

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

By the Committee on Governmental Operations and Representative Considine—

CS for HB 1375—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(10), Florida Statutes, 1976 Supplement, clarifying which agency has rule-making powers for travel by public officers and employees; repealing s. 112.061(9), Florida Statutes, 1976 Supplement, removing the requirement that travel agencies obtain an annual permit from the Department of Banking and Finance to do

business with the state for transportation requests; providing an effective date.

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

By Representative J. W. Lewis—

HB 1387—A bill to be entitled An act relating to banks and banking; creating s. 674.106, Florida Statutes, under the Uniform Commercial Code; defining the status of a branch or separate office of a bank for certain purposes; classifying a drive-in or walkup facility operated pursuant to s. 659.06(2)(b), Florida Statutes, 1976 Supplement, as a separate office for the purposes of this section; providing an effective date.

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

By Representative Fulford—

HB 1401—A bill to be entitled An act relating to the Tax Administration Act of 1971; amending s. 214.43(6), Florida Statutes, 1976 Supplement, to provide that certain erroneous refunds shall bear interest from the date of notice of deficiency; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1977 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative T. Lewis and others—

HCR 1977—A concurrent resolution recognizing and honoring school volunteers, urging the Governor to set aside the second week of February as School Volunteer Appreciation Week, and encouraging the citizens of Florida to urge the United States Congress to adopt House Joint Resolution 1036 so that school volunteers may be recognized and honored across the nation.

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

The Honorable Lew Brantley, President

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

HB 1140	HB 2192	HB 2151
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—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Patterson and others—

HB 1140—A bill to be entitled An act relating to durable power of attorney; amending s. 709.08(1), Florida Statutes, adding brothers and sisters as permissible family power of attorneys; providing an effective date.

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

By the Committee on Commerce—

HB 2192—A bill to be entitled An act relating to the Florida Banking Code; amending s. 659.06(1)(a), Florida Statutes, 1976 Supplement; removing certain requirements concerning the approval of branch bank applications; providing an effective date.

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

By the Committee on Commerce—

HB 2151—A bill to be entitled An act relating to mortgage brokers and mortgage solicitors; amending s. 494.04(5), Florida

Statutes, deleting a provision which appropriates license fees and charges to the Department of Banking and Finance; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1285 HB 1304 HB 1312
HB 1317 HB 1336

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richard and others—

HB 1285—A bill to be entitled An act relating to insurance; creating s. 624.432, Florida Statutes; providing that products liability insurers report specified information annually to the Department of Insurance; requiring the department to publish a summary of such information in its annual report; adding subsection (7) to s. 624.315, Florida Statutes, requiring the Department of Insurance to include certain information in its annual report to the Governor and Legislature; adding subsections (5) and (6) to s. 624.316, Florida Statutes, requiring the department to examine each insurer in certain subjects and requiring the department to examine insurers according to requirements contained in the National Association of Insurance Commissioners' Market Conduct Examination Handbook; adding subsection (6) to s. 627.331, Florida Statutes, providing that automobile liability insurers report annually to the Department of Insurance specified information relating to claims, premiums, income, and expenses; providing an effective date.

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

By Representative Ogden and others—

HB 1304—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.042(2), Florida Statutes, relating to hearings on plans for construction and operation of the expressway and transit functions of the authority, to delete the requirement that such hearings be conducted at specific locations; providing an effective date.

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

By Representative Crawford—

HB 1312—A bill to be entitled An act relating to arrests; amending s. 901.04, Florida Statutes; providing for the direction and execution of arrest warrants by municipal police officers for violations of municipal ordinances; providing a restriction; providing an effective date.

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

By Representative Hattaway—

HB 1317—A bill to be entitled An act relating to illegal taking and possession of deer and wild turkey; amending s. 372.99(2), Florida Statutes; exempting the owner or his agent, from the provision relating to prima facie evidence of intent to violate s. 372.99(1), Florida Statutes; providing for a limited permit; providing an effective date.

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

By Representative Hodes—

HB 1336—A bill to be entitled An act relating to student financial assistance; creating s. 239.95, Florida Statutes, authorizing the Department of Education to adopt rules necessary for participation in the federal program of insured loans to graduate students in health professions schools under the

Health Professions Educational Assistance Act of 1976; providing an effective date.

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

The Honorable Lew Brantley, President

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

CS for HB 1422 HB 1421

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 1422—A bill to be entitled An act relating to banks and banking; repealing s. 659.06(2)(b), Florida Statutes, 1976 Supplement, relating to drive-in and walkup facilities within 1 mile of the main banking facility; converting the facilities existing thereunder to branch banks on the effective date of this act; providing that such branches shall not be included in the limitation of s. 659.06(1)(a)1., Florida Statutes, on the number of branches which may be authorized for the calendar year in which such conversion occurs; providing an effective date.

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

By Representative J. W. Lewis—

HB 1421—A bill to be entitled An act relating to banking; amending s. 659.06(2)(a), Florida Statutes, 1976 Supplement, to provide that certain facilities providing services to customers may be located on the property on which the main banking house of the parent or branch bank is situated or on property contiguous thereto, and defining contiguous property; declaring legislative intent; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1260 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Woodruff—

HB 1260—A bill to be entitled An act relating to motor vehicles; amending s. 320.35, Florida Statutes, providing that no vehicle displaying a valid Florida license plate shall display certain other license plates on any part of the vehicle; providing exceptions; 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 as amended—

HB 1008 HB 1728 HB 1616

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative J. W. Lewis—

HB 1008—A bill to be entitled An act relating to the payment of wages or salary; creating s. 532.04, Florida Statutes; authorizing the payor of wages or salary to deposit such wages or salary directly to the account of the payee in a financial institution by electronic or other medium under certain circum-

stances; providing certain prohibitions; providing a civil remedy; providing an effective date.

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

By Representative Gersten—

HB 1728—A bill to be entitled An act relating to liens; amending s. 713.76, Florida Statutes, permitting a lienee to release his property from a lien by filing either a cash or surety bond; reducing the amount of the bond; providing that a lienee who brings an action for the release of such property shall, upon recovery, be entitled to damages, court costs, and attorney's fees; providing a penalty; providing an effective date.

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

By Representative Gersten and others—

HB 1616—A bill to be entitled An act relating to the Spanish-speaking populace of the state; creating a Commission on the Spanish-speaking Populace of Florida within the Department of Community Affairs; providing for its membership, operation, and duties; requiring annual reports; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 450	HB 646	HB 728
HB 1311	HB 1647	HB 1946
HB 1898		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kutun—

HB 450—A bill to be entitled An act for the relief of William Thomas Huddleston; providing an appropriation to compensate him for personal injury sustained and expenses incurred as a result of the negligence of the City of Coral Gables; providing an effective date.

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

By Representative Thompson—

HB 646—A bill to be entitled An act for the relief of Jessie Porter; providing a \$1,000 appropriation to compensate him for injuries sustained as a result of purchasing property from the state at a tax sale; providing an effective date.

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

By Representative Hodges—

HB 728—A bill to be entitled An act for the relief of Anna Mae Martin; providing an appropriation to compensate her for the death of her husband, Carroll L. Martin, due to the negligence of the Department of Transportation; providing an effective date.

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

By Representative Hollingsworth—

HB 1311—A bill to be entitled An act for the relief of Floree Marie Williams; providing an appropriation to compensate her for injuries caused by the negligence of the Department of Transportation; providing an effective date.

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

By Representative Fortune—

HB 1647—A bill to be entitled An act providing for the relief of Floridale Land, Inc., a Florida corporation; providing an appropriation; providing an effective date.

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

By Representatives Morgan and Tucker—

HB 1946—A bill to be entitled An act for the relief of S. M. Rooks, a former employee of the Department of Agriculture; providing an appropriation to compensate him for a permanent disability as a result of an accident during his employment with the department; recognizing his right to receive in line of duty disability retirement benefits; providing an effective date.

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

By Representative Poole—

HB 1898—A bill to be entitled An act for the relief of Miss Alice Murray; compensating her for injuries and losses sustained when she was attacked by rioters; providing an appropriation; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1017	HB 1090	CS for HB 1172
HB 1037		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mann—

HB 1017—A bill to be entitled An act relating to forfeiture of bail bonds; amending ss. 903.26(2) and (3) and 903.27(1), Florida Statutes, extending from 30 days to 60 days the periods of time within which a forfeiture of bail shall be paid and deposited; providing an effective date.

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

By Representative Craig—

HB 1037—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.16(35)(a) and (d), Florida Statutes, 1976 Supplement, and adding paragraph (e) thereto, providing that shells from oysters and clams shucked commercially in Florida shall be the property of the Division of Marine Resources of the Department of Natural Resources; excepting oysters used directly in the half-shell trade; providing that moneys derived from the sale of such shells shall be deposited into the General Revenue Fund; requiring notice of the intent of the division to collect said shells and the period of time in which the division intends to collect such shells; providing an effective date.

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

By Representatives Tucker and Morgan—

HB 1090—A bill to be entitled An act relating to charity racing days; amending s. 550.03(2)(h), Florida Statutes, authorizing the Jefferson County Kennel Club to conduct an additional day of racing with the entire proceeds payable to the Monticello Opera Company of Monticello and the Monticello-Jefferson County Chamber of Commerce; providing an effective date.

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

By the Committee on Commerce and Representative Mixson—

CS for HB 1172—A bill to be entitled An act relating to installment sales; amending s. 520.07(4), Florida Statutes, "The Motor Vehicle Sales Finance Act," and s. 520.34(7), Florida Statutes, "The Retail Installment Sales Act," relating to the cancellation of insurance policies, providing that unearned finance charges shall be credited to the final maturing installments of the contract or paid to the buyer; providing for computation of the finance charges; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 2287	HB 2202	HB 1033
HB 1045	HB 1089	HB 1120

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing—

HB 2287—A bill to be entitled An act relating to harness horse racing; adding a new section to chapter 550, Florida Statutes; expressing legislative intent concerning the daily operational expense allowance for harness horse racing permittees; providing an effective date.

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

By the Committee on Community Affairs—

HB 2202—A bill to be entitled An act relating to flood plain management for state property; amending the introductory paragraph of s. 235.26, Florida Statutes, directing the Office of Educational Facilities Construction to recommend and the State Board of Education to adopt federally prescribed flood plain management criteria in the State Uniform Building Code for public school construction; adding subsection (6) to s. 255.25, Florida Statutes, directing the Division of Building Construction and Property Management of the Department of General Services to assure compliance with federally prescribed flood plain management criteria in all construction and renovation of state-owned buildings; amending s. 284.01(1), Florida Statutes, providing for certain flood insurance for state-owned structures; providing an effective date.

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

By Representative Craig—

HB 1033—A bill to be entitled An act relating to the regulation of boats and title certificates; amending ss. 371.021(7), 371.131, 371.141(2), 371.151, 371.523(3), (4), and (5), 371.67(1), and 371.791, Florida Statutes, transferring duties of the Division of Marine Resources of the Department of Natural Resources to the Division of Law Enforcement of such department; removing certain boats from numbering requirement exemptions; requiring that boats exempt from numbering shall be subject to classification and licensing requirements; providing for certificates of origin and prohibiting the furnishing of fraudulent ones; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 1045—A bill to be entitled An act relating to taxation; creating s. 192.105, Florida Statutes, prohibiting the disclosure of certain federal tax information; providing a penalty; providing an effective date.

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

By Representative Tucker and others—

HB 1089—A bill to be entitled An act relating to jai alai frontons; adding paragraph (j) to s. 550.03(2), Florida Statutes, authorizing 2 additional days of charity operation for the Big Bend Jai Alai Fronton of Gadsden County; providing that the proceeds from such additional days of operation shall be allocated and paid to the Florida Agricultural and Mechanical University; providing an effective date.

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

By Representative Boyd—

HB 1120—A bill to be entitled An act relating to the transient rentals sales tax; amending s. 212.03(4) and (7), Florida Statutes, reducing to 6 months the period of time a person must reside in certain rented living quarters before being exempt from the transient rentals sales tax; providing that a person who enters into a bona fide written lease for 6 months of continuous residence at such living quarters shall also be exempt from the tax; providing an exemption for persons who have resided for 6 months or more in such living quarters or who have paid the tax for 6 months upon the effective date of the act, and exempting full-time students enrolled in institutions offering post-secondary education; authorizing the Department of Revenue to reform rental contracts in certain cases; providing an effective date.

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

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—37:

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

Excused: Senators Lewis, W. D. Childers, Peterson, Plante, Hair, Myers and Barron periodically for the purpose of working on the conference committee report on SB 1455; Senator Gordon

Prayer by Father William A. Kerr, Co-Cathedral of St. Thomas More, Tallahassee:

Heavenly Father, grant us wisdom—above all else, grant us wisdom. Help us to realize that what we do today will impact generations yet unborn, and may change the lives of people struggling to live today. Help us to realize that decision making is an important responsibility, for which we shall be judged and grant us the wisdom to rise above narrow interests or selfish concerns to seek the greater good. We pray this confidently and humbly. Amen.

REPORTS OF COMMITTEES

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

SB 1038 to be heard at 2:00 p.m.

SB 48	SB 1003	HB 545
SB 1016	HB 779	SB 646
SB 643	SB 147	CS for SB 653
SB 488	SB 919	SB 548
SB 425	SB 575	SB 1165
SB 293	CS for SB 97	SB 637
SB 580	CS for SCR 77	SB 953
CS for SB 989	CS for SB 545	CS for SB 788
SB 997	SB 1014	SB 929
SB 998	CS for SB 73	CS for SB 1248
SB 999	SB 14	CS for SB 250

HB 2127 SB 1406 CS for SB 288
 SB 521 SB 1138 SB 1317
 SB 522

Respectfully submitted,
Tom Gallen, Chairman

The Special Master for Claim Bills recommends the following pass: HB 1716 HB 1789 HB 735

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

The Committee on Commerce recommends the following pass: SB 689

The Committee on Commerce recommends the following pass: SB 1173

The Committee on Executive Business recommends the following pass: SB 913 with 2 amendments

The Committee on Transportation recommends the following pass: HB 820 with 4 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SB 1186 with 2 amendments

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

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

The Committee on Commerce recommends the following pass: SB 1426

SB 332 with 2 amendments

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

The Committee on Governmental Operations recommends the following pass:

The Committee on Commerce recommends the following pass: SB 1140 with 2 amendments, SB 847

HB 887 with 3 amendments SB 895
 CS for SB 1054 (by the Committee on Natural Resources and Conservation)
 CS for SB 1131 (by the Committee on Natural Resources and Conservation)
 CS for SB 1419 (by the Committee on Natural Resources and Conservation)

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1414 with 4 amendments

The Committee on Transportation recommends the following pass: SB 1328 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 1363 with 1 amendment HB 940 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass:

The Committee on Transportation recommends the following pass: SB 1382

CS for HB 273 with 2 amendments SB 214 with 2 amendments SB 1034

The Committee on Natural Resources and Conservation recommends the following pass: HB 1768

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

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

The Committee on Agriculture recommends the following pass: HB 73 with 2 amendments

The Committee on Appropriations recommends the following pass:

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 226 with 2 amendments

CS for SB 306 (by the Committee on Personnel, Retirement and Collective Bargaining)
 CS for SB's 454 & 1119 (by the Committee on Education)
 CS for SB 866 (by the Committee on Corrections, Probation and Parole)
 CS for SB 936 (by the Committee on Natural Resources and Conservation), with 2 amendments

The Committee on Education recommends the following pass: SB 1102

SB 1117
 CS for SB 1262 (by the Committee on Commerce)

The Committee on Judiciary-Criminal recommends the following pass: SB 1341 with 2 amendments, HB 294

The Committee on Commerce recommends the following pass:

The Committee on Governmental Operations recommends the following pass: CS for HB 325

SB 1097 with 2 amendments SB 1012
 SB 1195 SB 1058
 SB 1345 with 2 amendments SB 1151
 SB 1348 SB 1163
 SB 1428 SB 1188
 SB 1430 SB 1227
 SB 1437 SB 1295 with 3 amendments
 HB 52 SB 1307
 HB 198 SB 1323
 HB 240 SB 1360
 SB 493 with 2 amendments

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

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

The Committee on Commerce recommends the following pass: SB 826

CS for HB 463 HB 924 with 2 amendments
 HB 636 with 1 amendment SB 1423
 SB 763 with 6 amendments HB 1384 with 1 amendment
 SB 970 with 1 amendment HB 126
 HB 871

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

CS for SB 1175 (by the Committee on Transportation)

The Committee on Commerce recommends the following pass: SB 482 SB 985 HB 1220

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1324

The Committee on Judiciary-Civil recommends the following pass: HB 127 with 3 amendments

The Committee on Governmental Operations recommends the following pass: HB 324

The Committee on Education recommends the following pass:

HB 300 with 1 amendment HB 20
 HB 1259 SB 600
 CS for HB 129, with 4 amend-
 ments

The Committee on Executive Business recommends the following pass: SB 1252 with 2 amendments

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

SB 672 SB 829 with 1 amendment SB 950

The Committee on Governmental Operations recommends the following pass:

SB 1191 SB 1466
 SB 1243 HB 104
 SB 1287 CS for HB 530
 SB 1256 with 1 amendment HB 1051
 SB 1312 HB 1853
 CS for SB 915 (by the Committee on Natural Resources and Conservation)
 CS for SB 1168 (by the Committee on Health and Rehabilitative Services)

The Committee on Judiciary-Civil recommends the following pass:

SB 298 SB 1327 with 5 amendments
 SB 410 HB 372
 SB 345 HB 385

The Committee on Judiciary-Criminal recommends the following pass:

HB 171 SB 484
 SB 1322 SB 737 with 1 amendment
 SB 1396 SB 1047 with 1 amendment
 CS for HB 88 SB 928 with 1 amendment
 HB 1454 with 1 amendment HB 804

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: HB 43 with 2 amendments, HB 170

The Committee on Transportation recommends the following pass:

SB 1395 HB 2129 with 1 amendment
 SB 1427 HB 363 with 4 amendments

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

HB 1391 HB 1531 CS for HB 1767

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 258

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 772

The Committee on Education recommends a Committee Substitute for the following: SB 454 and SB 1119

The Committee on Education recommends a Committee Substitute for the following: SB 1087

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 886

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 178

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 560

The bill with Committee Substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 1112

The Committee on Commerce recommends a Committee Substitute for the following: SB 199

The Committee on Commerce recommends a Committee Substitute for the following: SB 1247

The Committee on Education recommends a Committee Substitute for the following: SB 898

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 1257

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 745

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1369

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 1421

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 1444

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 1453

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 619, SB 723

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

The Committee on Commerce recommends the following not pass: SB 842, SB 1059

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: SB 480, SB 1211

The Committee on Finance, Taxation and Claims recommends the following not pass: SB 1442

The Committee on Governmental Operations recommends the following not pass:

SB 698 SB 1319 SB 1452

The Committee on Judiciary-Civil recommends the following not pass: SB 314, SB 360

The Committee on Personnel, Retirement and Collective Bargaining recommends the following not pass: HB 25

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

Conferees on SB 1455

The President announced the appointment of Senators Lewis, W. D. Childers, Peterson, Plante, Hair, Myers and Barron as conferees on SB 1455.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Poston, the rules were waived and by two-thirds vote SB 1052 was withdrawn from the Committee on Executive Business.

On motions by Senator McClain, by two-thirds vote Senate Bills 385 and 1084 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Williamson, the rules were waived and by two-thirds vote SB 1140 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Ware, the rules were waived and by two-thirds vote SB 689 was withdrawn from the Committee on Appropriations.

Senator Gallen announced that a consent calendar would be scheduled for Tuesday, May 31, and all requests for bills to be placed on the consent calendar should be filed with the Committee on Rules and Calendar by noon, Friday, May 27.

On motions by Senator Gallen, the rules were waived and by two-thirds vote House Bills 1576, 1577, Senate Bills 1026, 296, Senate Memorials 1061, 1110, Senate Concurrent Resolutions 1107, 1332, House Memorials 567, 792, and House Concurrent Resolutions 723 and 1180 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Zinkil, the rules were waived and by two-thirds vote SB 109 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Zinkil, by two-thirds vote Senate Bills 721, 1106 and 1228 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Jon Thomas, the rules were waived and by two-thirds vote SB 560 and HB 1583 were withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Scarborough, the rules were waived and by two-thirds vote SB 1279 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Scarborough, the rules were waived and by two-thirds vote HB 1303 was withdrawn from the Committee on Appropriations.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SB 581 was withdrawn from the Committee on Commerce.

On motion by Senator MacKay, the rules were waived and by two-thirds vote HB 448 was withdrawn from the Committee on Commerce.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 178 was withdrawn from the Committee on Judiciary-Criminal.

Senator Dunn moved that the rules be waived and SB 1363 be withdrawn from the Committee on Judiciary-Criminal. The motion failed.

On motion by Senator Poston, the rules were waived and the Committee on Executive Business was granted permission to meet upon adjournment this day for the purpose of considering the suspension of Jimmy Dan Josey, Member, Board of County Commissioners, Holmes County, Florida.

On motion by Senator Lewis, the rules were waived and by two-thirds vote HB 2064 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Poston, the rules were waived and by two-thirds vote House Bills 1574 and 1575 were withdrawn from the Committee on Executive Business.

On motion by Senator Zinkil, the rules were waived and by two-thirds vote SB 1052 was withdrawn from the Committee on Governmental Operations.

REQUESTS FOR EXTENSION OF TIME

The Committee on Appropriations requests an extension of 12 days for consideration of the following:

SB 22 by Senator Graham	Health and Re-
CS for SB 23 by Committee on Governmental Operations and Senator Graham	habilitative Serv-
SB 88 by Senator Renick	ices and Judiciary-
SB 219 by Senator Holloway	Criminal and Sen-
SB 244 by Senators Holloway, Renick and Poston	ator McClain,
SB 263 by Senator Firestone, et al	et al
SB 284 by Senator Graham	CS for SB 936 by Committee on
CS for SB 306 by Committee on Personnel, Retirement and Collective Bargaining and Senator Lewis, et al	Natural Resources and Senator Jon Thomas
SB 372 by Senators MacKay and Dunn	SJR 943 by Senators MacKay, Saylor, et al
SB 429 by Senators MacKay and Gordon	SB 949 by Senator Holloway
SB 526 by Senator Gordon	SB 993 by Senator Jon Thomas
SB 574 by Senator Graham	CS for SB 1055 by Committee on Judiciary-Civil and Senators Lewis and Hair
CS for SB 605 by Committee on Natural Resources and Senator Jon Thomas	SB 1069 by Senators Gorman, Vogt and Saylor
SB 618 by Senator Dunn	SB 1111 by Senators Graham, W. D. Childers and Barron
CS for SB 669 by Committee on Corrections, Probation & Parole and Senators Pat Thomas, Dunn, Renick, et al	SB 1117 by Senator MacKay et al
SB 735 by Senators Dunn, Winn, Firestone and Castor	SB 1128 by Senator Skinner
SB 841 by Senators Poston, Myers, and Scarborough	CS for SB 1262 by Committee on Commerce and Senator MacKay
CS for SB 866 by Committee on Corrections, Probation and Parole and Senator Scarborough	SB 1268 by Senator Gordon
CS for SB 872 by Committee on Health and Rehabilitative Services and Senator Graham	SB 1284 by Senators Winn and Firestone
CS for CS for SB 911 by Committees on	SB 1313 by Senator Scott
	SB 1346 by Senator Lewis (by request) and Senator McClain
	SB 1364 by Senator Peterson
	SB 1371 by Committee on Health and Rehabilitative Services
	SB 1376 by Senator Firestone
	SB 1379 by Senator Henderson
	SB 1392 by Senator Plante
	SB 1425 by Senator Jon Thomas
	HB 1082 by Representative McPherson
	HB 1157 by Representatives Dixon and Hazouri
	HB 1303 by Representative Ogden, et al

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

SB 648 by Senator Glisson	SB 954 by Senator Renick
SB 657 by Senator Henderson	SB 957 by Senator Williamson
SB 676 by Senator Saylor	SB 964 by Senator Chamberlin
SB 685 by Senator Jon Thomas	SB 966 by Senator Firestone
SB 689 by Senator Ware	SB 968 by Senator Glisson
SB 691 by Senator Dunn	SB 972 by Senator Holloway
SB 692 by Senator Dunn	SB 977 by Senators Plante, Henderson
HB 116 by Representative Maxwell	

SB 985 by Senator Scarborough
 SB 1178 by Senator Castor
 SB 699 by Senator Dunn
 SB 703 by Senator Dunn
 SB 705 by Senator Dunn
 SB 706 by Senator Dunn
 SB 707 by Senator Dunn
 SB 708 by Senator Dunn
 SB 709 by Senator Dunn
 SB 726 by Senator Lewis
 SB 730 by Senator Henderson
 SB 733 by Senator Lewis
 SB 994 by Senator Jon Thomas
 SB 1006 by Senator Vogt
 SB 1010 by Senator Vogt
 SB 1015 by Senator Williamson
 SB 1017 by Senator Williamson
 SB 1019 by Senator Williamson

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

SB 1410 by Senators MacKay and Peterson
 SB 1416 by Senator Gordon
 SB 1417 by Senator Graham
 SB 503 by Senator Peterson
 SB 474 by Senator MacKay
 SB 1432 by Senator MacKay
 SB 996 by Senator Tobiasen
 SB 1118 by Senator MacKay
 SB 356 by Senator Spicola
 SB 774 by Senator Johnston
 SB 1344 by Senator Henderson
 SB 169 by Senator Castor
 SB 260 by Senator Jon Thomas
 SB 369 by Senators Plante and Saylor
 SB 497 by Senator MacKay
 SB 565 by Senator Skinner
 SB 602 by Senator Castor

SCR 622 by Senator Peterson (by request)
 SB 631 by Senator Peterson
 SB 683 by Senator Skinner
 SB 747 by Senator MacKay
 SB 858 by Senator Graham
 SB 893 by Senator Lewis
 SB 1040 by Senator Peterson
 SB 1088 by Senator Peterson
 SB 1101 by Senator Winn
 SB 1144 by Senator Gordon
 SB 1158 by Senator Gordon
 SB 1164 by Senator Pat Thomas
 SB 1209 by Senator Skinner
 SB 1229 by Senator Myers
 SB 1308 by Senator Plante
 SB 1314 by Senator Lewis
 SB 1354 by Senator Myers
 SB 1398 by Senator Jon Thomas
 SB 671 by Senator Gordon
 SB 631 by Senator Peterson

The Committee on Finance, Taxation and Claims requests an extension of 10 days for consideration of the following:

SB 161 by Senator Dunn and others
 SB 162 by Senator Childers, W. D. and others
 SB 165 by Senator Dunn and others
 SB 166 by Senator Childers, W. D. and others
 SB 205 by Senator Lewis
 SB 348 by Senator Plante
 SB 441 by Senator Trask
 SB 498 by Senator Thomas, Jon
 SB 509 by Senator Henderson
 SB 511 by Economic, Community and Consumer Affairs Committee
 SB 512 by Economic, Community and Consumer Affairs Committee
 SB 513 by Economic, Community and Consumer Affairs Committee
 SB 518 by Senator Gorman and Others

SB 775 by Senator Johnston
 SB 863 by Senator Henderson and others
 SB 917 by Senator Jon Thomas
 SB 935 by Senator Gorman and others
 SB 1077 by Senator Gallen
 SB 1189 by Senator Pat Thomas
 SB 1194 by Senator Gordon
 SB 1233 by Senator Gordon
 SB 1235 by Senator Trask and others
 SB 1266 by Senator Gordon
 SB 1285 by Senator Gordon
 SB 1303 by Senator Gordon
 SB 1306 by Senator Firestone
 SB 1335 by Senator Pat Thomas
 SB 1340 by Senator Gordon
 SB 1358 by Senator Gordon
 SB 1365 by Senator Gordon
 SB 1370 by Senator Gordon
 SB 1373 by Senator Gordon
 SB 1383 by Senator Gordon
 SB 1385 by Senator Gordon
 SB 1399 by Senator Gordon

SB 1435 by Senator Gordon
 CS for HB's 518 and 618

SB 1405 by Senator Gordon
 SB 1433 by Senator Gordon
 by Community Affairs Committee and Representatives Fechtcl and Boyd

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

SB 840 by Senator W. D. Childers
 SB 69 by Senator Don Childers
 SB 177 by Senator Graham
 SB 247 by Senator Glisson
 SB 264 by Senator Firestone
 SB 289 by Senator Graham
 SB 304 by Senator Jon Thomas
 SB 355 by Senator Renick
 SB 383 by Senator Spicola

SB 381 by Senator Gallen
 SB 448 by Senator Skinner
 SB 471 by Senator Renick
 SB 1304 by Senator Tobiasen
 SB 1333 by Senator Vogt
 SB 1352 by Senator Renick
 SB 1374 by Senator Wilson
 SB 870 by Senator Wilson
 SB 834 by Senator Gordon
 SB 531 by Senator Gordon

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

SB 661 by Senator Henderson
 SB 963 by Senator Chamberlin
 SB 947 by Senator Holloway
 SB 948 by Senator Holloway
 SB 890 by Senator Graham

SB 1191 by Senator Graham
 SB 1243 by Senator Trask
 SB 455 by Senator Spicola
 SB 1030 by Senator Castor
 SB 1036 by Senator McClain
 SB 1037 by Senator McClain
 SB 1052 by Senator Winn
 HB 1582 by Rules and Calendar Committee

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

SB 718 by Senator McClain
 SB 753 by Senators Plante and Don Childers
 SB 991 by Senator Glisson
 SB 1071 by Senator Poston
 HB 1583 by Committee on Rules and Calendar
 HB 330 by Representatives Hazelton and Lehman
 HB 2160 by Health and Rehabilitative Services Committee and Representative Gordon
 SB 62 by Senator Spicola
 SB 416 by Senator Hair
 SB 422 by Senator Graham
 SB 530 by Senator Gordon
 SB 586 by Senator Saylor

SB 803 by Senator Lewis (by request)
 SB 807 by Senator Lewis (by request)
 SB 809 by Senator Lewis (by request)
 SB 812 by Senator Lewis (by request)
 SB 813 by Senator Lewis (by request)
 SB 814 by Senator Lewis (by request)
 SB 1221 by Senator Gordon
 SB 1270 by Senator Graham
 SB 1377 by Senator Gordon
 SB 1386 by Senator Scarborough
 SB 1397 by Senator Graham
 HB 416 by Representative Elaine Gordon

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

SB 101 by Senator Scarborough
 SB 649 by Senator Castor
 SB 1039 by Senator Myers

SB 1121 by Senator McClain
 SB 1218 by Senator Peterson and others

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

SB 1109 by Senator Barron

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 12 days for consideration of the following:

SB 787 by Senator W. D. Childers
 SB 815 by Senator Lewis
 SB 839 by Senator W. D. Childers

SB 853 by Senator Graham
 SB 862 by Senator Glisson
 SB 918 by Senator Jon Thomas
 SB 924 by Senator McClain

HB 25 by Representative Sidney Martin
 SB 1240 by Senator Gallen
 SB 1245 by Senator Jon Thomas
 SB 1309 by Senator Tobiasen

SB 1337 by Senator Tobiasen
 SB 1362 by Senator Hair
 SB 1400 by Judiciary-Civil Committee
 SB 1402 by Senator Gordon
 SB 1409 by Senator Tobiasen

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 again refused to concur in House Amendments 2 and 3 and the House again was requested to recede and in the event the House refused to recede a Conference Committee was requested. 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—

By Senator Peterson—

SB 506—A bill to be entitled An act relating to school personnel; amending s. 231.17(1)(d), Florida Statutes; including institutions accredited by a member of the Council on Post-secondary Accreditation among the institutions authorized to certify the credentials of an applicant for a certificate to serve in an instructional capacity; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 3, strike all of Section 2. and insert the following: Section 2. Subsection (2)(a) of section 239.461, Florida Statutes, is amended to read:

239.461 Student Assistance Grant Trust Fund created; eligibility for grants.—

(2)(a) Student assistance grants from said fund shall be made only to full-time students who have been bona fide residents of Florida for the preceding 2 years. Such grants shall be awarded for the amount of demonstrated unmet need for educational expenses only and shall not exceed a total of \$1200 per academic year to any one individual applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law, a nursing diploma school approved by the Florida Board of Nursing, or an accredited Florida college, university or community college, which is a member of the Southern Association of Colleges and Secondary Schools, or accredited, or recognized as a candidate for accreditation by the Association of Advanced Rabbinical and Talmudic Schools. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years.

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

Amendment 2—On page 1 in title, line 8, insert: after "capacity"; amending s. 239.461 (2)(a); extending eligibility for student grants to students enrolled at an institution accredited or recognized by the association of Advanced Rabbinical and Talmudic Schools;

On motions by Senator Peterson, 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 amendment—

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 6 and 294 which he had approved May 19, 1977.

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 255, 257, 116, 204, 235, 271, 305, 359 and CS for SB 136 which he had approved May 23, 1977.

The Governor advised that he had transmitted to the office of the Secretary of State on May 20, 1977, CS for SB 223, which would become law without his signature.

The Governor advised that he had transmitted to the office of the Secretary of State on May 21, 1977, CS for SB 403 which would become law without his signature.

Appointment Subject to Confirmation by the Senate

The Secretary of State on May 24, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Dalton F. Newton, Dunnellon; Member, Withlacoochee River Basin Board, for term ending June 30, 1977

—which was referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 2 and 3 to SB 308, again requests the Senate to concur.

Allen Morris, Clerk

By Senators Lewis and Don Childers—

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.

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

By Senator Renick—

SB 27—A bill to be entitled An act relating to the Florida Litter Law of 1971; amending s. 403.413(2)(a), (4), (5) (a), Florida Statutes; redefining "litter"; prescribing acts of littering that are unlawful; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 10, strike line 10 and insert: Section 2. This act shall be known as the "Renick Litter" of 1977.

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

On motion by Senator Renick, the Senate refused to concur in the House amendment and the House was requested to recede. The action, with the bill and amendment, 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 amendment—

By Senator Renick—

SB 487—A bill to be entitled An act relating to the importation or possession of nonindigenous marine plants or animals; amending s. 370.081, Florida Statutes; prohibiting the importation or possession, of certain nonindigenous marine plants or animals; providing for rules and regulations; prohibiting the release of nonindigenous marine plants or animals not otherwise specified; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 28, strike "rabbit fishes" and insert: rabbitfishes

On motion by Senator Renick, the Senate concurred in the House Amendment.

SB 487 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yeas—Chamberlin, Graham, Henderson and Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2, amended Senate Amendment 1, concurred in same as amended and passed HB 247, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Brown and J. Lewis—

HB 247—A bill to be entitled An act relating to the Blind Services Program; amending ss. 413.011-413.013, 413.021(3) and (4), 413.031(1)(a) and (5), 413.041, 413.051, 413.062-413.069,

413.07(2), (3) and (4), 413.08(1)(b), (2), (4)(c), and (5), 413.-091, 121.051(6)(b), and 215.311, all Florida Statutes, and s. 413.-034(1), Florida Statutes, 1976 Supplement, conforming terminology to chapter 75-48, Laws of Florida, which transferred the Blind Services Program from the Bureau of Blind Services of the Division of Vocational Rehabilitation of the Department of Health and Rehabilitative Services to the Department of Education; creating the Office of Blind Services within the department; requiring the office to cooperate with the Division of the Blind and Physically Handicapped of the Library of Congress; creating the Advisory Council for the Blind and for membership and duties thereof; providing a term of office for the third appointive member of the Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped; deleting provisions requiring blind individuals to pay for identification cards; including certain organizations in exemptions; requiring the office of Blind Services to make certain Florida Statutes available to the blind; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 3, line 10, after industries, insert: assist them in obtaining funds for establishing enterprises where federal funds reimburse the state,

House Amendment 2 to Senate Amendment 1—On page 4 after line 18, insert: (k) Prepare and make available to the blind in braille and on electronic recording equipment, Florida Statutes chapters 120, 20, 121, and 413, in their entirety.

On motions by Senator Dunn, the Senate concurred in the House Amendments to Senate Amendment 1.

HB 247 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Holloway and Peterson

The Honorable Lew Brantley, President

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

By the Committee on Natural Resources & Conservation and Senator Renick—

CS for SB 592—A bill to be entitled An act relating to the regulation of stone crabs, blue crabs, crawfish and shrimp; amending ss. 370.13(1)(b), (2)(f) and 370.135(3), Florida Statutes, 1976 Supplement; providing for the working of stone crab and blue crab traps during daylight hours and prohibiting the pulling of such traps during certain hours; amending s. 370.14(3)(a), (c), (g), (h), Florida Statutes, 1976 Supplement, and adding paragraph (i) to said subsection; amending s. 370.14 (4), (5), and (7), Florida Statutes, 1976 Supplement; providing for the use of crawfish traps with biodegradable tops or throats; providing a third degree felony for molesting crawfish traps, lines or buoys; requiring posting a bond to possess undersized crawfish for luring non-captive crawfish; providing for boats and crawfish to be subject to search without a search warrant when the boat owner or operator is aboard; providing for forfeiture of the bond upon conviction of possession of undersized crawfish tails; providing for prima facie evidence of violation; providing for a closed season of April 1 through July 25 for taking crawfish; excepting common carriers from permit requirements; repealing s. 370.14(8), Florida Statutes; eliminating submergence devices attached to crawfish traps; amending s. 370.15 (2)(a), Florida Statutes; omitting the requirement that illegal

possession of shrimp must be on board a vessel; providing for grading of small shrimp which are legal prior to grading; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 12-19, strike all of lines 12-19

Amendment 2—On page 2, line 22, after the word “to” insert: willfully

Amendment 3—On page 4, line 18, after the word “to” insert: willfully

Amendment 4—On page 5, line 23, insert following the word “boat”: and said authorized agent or employee or other law enforcement officer has probable cause to believe that under-sized crawfish are on board the boat

On motions by Senator Renick, the Senate concurred in House Amendments 1 and 3

Senators Ware and Renick offered the following amendment to House Amendment 2 which was moved by Senator Ware and adopted:

Amendment 1—On page 2, line 22, before the word “willfully” insert: place traps in the navigation channels of the inter-coastal waterways or navigation channels maintained by the corps of engineers or any county or municipal government or to

On motion by Senator Renick, the Senate concurred in House Amendment 2 as amended and the House was requested to concur in the Senate amendment.

On motion by Senator Renick, the Senate refused to concur in House Amendment 4 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 SB 252

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 25

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 200

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Fortune, Craig, Dixon, Bloom, Morgan, Andrews, T. Lewis; Alternates: Redman and Easley as Conferees on the part of the House on SB 1455.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 42 and HB 421, as amended.

Allen Morris, Clerk

MATTERS ON RECONSIDERATION

The motion by Senator Zinkil on May 20 that the Senate reconsider the vote by which—

HB 516—A bill to be entitled An act relating to savings associations; amending s. 665.381(4) and (5), Florida Statutes, restricting the interest rate on property improvement loans and mobile home loans invested in by savings associations; prohibiting such interest from being precomputed; providing for prospective application only; providing an effective date.

—failed to pass on May 20, was taken up and adopted; and the Senate reconsidered the vote.

Senator Saylor moved the following amendment which failed:

Amendment 1—On page 1, lines 26 and 27, strike “14 percent simple interest per annum.” and insert: 6 percent add on interest if amount of loan is less than \$15,000, and 10 percent simple interest per annum if amount of loan exceeds \$15,000.

HB 516 passed and was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Gallen	McClain	Thomas, Pat
Barron	Glisson	Plante	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Henderson	Renick	Ware
Dunn	Holloway	Scott	Winn
Firestone	Johnston	Thomas, Jon	Zinkil

Nays—10

Childers, Don	Saylor	Spicola	Wilson
Gorman	Scarborough	Vogt	
Lewis	Skinner	Williamson	

Votes after roll call:

Yea—Hair

Yea to Nay—Firestone

SB 780, a companion measure, was laid on the table.

Abstained from Voting

Pursuant to Rule 1.20, I hereby recuse myself from voting on HB 516.

K. H. MacKay, Jr., 6th District

SPECIAL ORDER

SB 48—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.181, Florida Statutes; prohibiting certain persons and entities from holding any horseracing or dogracing or jai alai permit; providing for denial, suspension, and revocation of permits; requiring certain persons and entities convicted of certain felonies to be divested of interest in a permitholder as a condition of the holder retaining the permit; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 28, insert after “(b)”: subsequent to the effective date of this act

Amendment 1 was adopted by the following vote:

Yeas—18

Mr. President	Holloway	Skinner	Williamson
Barron	Peterson	Thomas, Jon	Winn
Gallen	Poston	Tobiassen	Zinkil
Hair	Renick	Trask	
Henderson	Scott	Ware	

Nays—17

Castor	Gorman	McClain	Vogt
Chamberlin	Graham	Plante	Wilson
Childers, Don	Johnston	Scarborough	
Dunn	Lewis	Spicola	
Glisson	MacKay	Thomas, Pat	

On motion by Senator MacKay, further consideration of SB 48 was deferred until 11:00 a.m.

SB 1016—A bill to be entitled An act relating to bail; amending ss. 903.26(2), (5), 903.27(1), 903.28(1), 903.29, 903.31, Florida Statutes; requiring written notice of forfeiture to the surety agent and surety company; providing for discharge of forfeiture upon determination that defendant was confined in jail or adjudicated insane and confined in an institution or hospital at the time of the required appearance; providing for judgment against the surety if the forfeiture is not paid or discharged within a specified time after the notice to the surety agent and surety company and the bond is secured other than by money or certain bonds; providing partial or complete remission of forfeiture for cause within 3 years of forfeiture; providing for arrest of principal by surety within 3 years after the forfeiture; providing conditions for satisfying the conditions of the bond; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 12 and 13, strike “or adjudicated insane and confined in an institution or hospital” and insert: or adjudicated insane and confined in an institution or hospital

Amendment 2—On page 2, line 1, strike “72 hours” and insert: 7 days

On motion by Senator Williamson, by two-thirds vote SB 1016 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Holloway

SB 643—A bill to be entitled An act relating to the security of state property; amending ss. 287.35, 287.38, 287.43, Florida Statutes, 1976 Supplement; providing the Division of Security of the Department of General Services with the power and duty to provide for the training and upgrading of personnel and to enforce certain rules of the department; including the Governor's office within the property for which the division is to provide and maintain security; designating certain law enforcement officers as ex officio security agents; requiring the department to promulgate rules for the protection and regulation of certain state-owned and state-leased property and for the preservation of public peace and order on such property; authorizing the adoption of such rules as ordinances; providing a penalty; providing for the enforceability of ordinances on such property; creating s. 287.355, Florida Statutes; providing for qualifications and arrest powers of security agents; authorizing agents to carry arms; requiring agents to carry identification; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Renick:

Amendment 1—On page 4, strike all of line 12 and insert: ~~adopt~~ and promulgate rules *necessary for the*

Senator Renick moved the following substitute amendment which was adopted:

Amendment 2—On pages 1-5, strike everything after the enacting clause and insert: Section 1. Section 287.355, Florida Statutes is created to read:

287.355 Security agents, qualifications; arrest powers.—

(1) Each security agent employed by the division is declared to be a law enforcement officer who shall have the power, on state-owned or state-leased property the security of which is the responsibility of the division, to make arrests for violations of state law or county or municipal ordinances. Each security agent shall have the same protections and immunities as any other law enforcement officer in exercising the arrest power. A security agent may carry a firearm or other weapon while on duty, and each security agent shall carry a badge or other identification.

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

Senator Renick moved the following title amendment which was adopted:

Amendment 3—On page 1, strike lines 1-25 and insert: A bill to be entitled An act relating to the security of state property; creating s. 287.355, Florida Statutes; providing for arrest powers of security agents; authorizing agents to carry arms; requiring agents to carry identification; providing an effective date.

On motion by Senator Renick, by two-thirds vote SB 643 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Graham	Renick	Vogt
Barron	Henderson	Sayler	Ware
Castor	Holloway	Scott	Wilson
Chamberlin	Johnston	Spicola	Winn
Childers, Don	McClain	Thomas, Jon	Zinkil
Gallen	Peterson	Thomas, Pat	
Glisson	Poston	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Trask, Williamson

SB 488 was taken up and on motion by Senator Renick—

HB 400—A bill to be entitled An act relating to state-owned lands; providing that state lands may have a portion of such lands designated for indigenous trees to be established and maintained by the using agency with the assistance of the Division of Forestry of the Department of Agriculture and Consumer Services; providing that the division may exempt lands which are unsuitable; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Renick moved the following amendments which were adopted:

Amendment 1—On page 2, line 2, strike “may” and insert: shall

Amendment 2—On page 1 in title, line 3, strike “may” and insert: shall

On motion by Senator Renick, by two-thirds vote HB 400 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Graham	Poston	Tobiassen
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Winn
Dunn	Johnston	Scott	Zinkil
Firestone	McClain	Skinner	
Gallen	Peterson	Spicola	
Glisson	Plante	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Pat Thomas, Trask, Williamson, Wilson

SB 488 was laid on the table.

SB 425—A bill to be entitled An act relating to the State University System; amending s. 239.665, Florida Statutes, removing certain restrictions on the use of credit cards; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote SB 425 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Hair	Poston	Thomas, Pat
Castor	Henderson	Renick	Vogt
Chamberlin	Holloway	Sayler	Ware
Childers, Don	Johnston	Scarborough	Winn
Firestone	MacKay	Scott	Zinkil
Gallen	McClain	Skinner	
Glisson	Peterson	Spicola	
Graham	Plante	Thomas, Jon	

Nays—1

Tobiassen

Votes after roll call:

Yeas—Trask, Williamson and Wilson

On motion by Senator Castor, the rules were waived and SB 425 was ordered immediately certified to the House.

SB 293 was taken up and on motion by Senator Sayler, by two-thirds vote HB 887 was withdrawn from the Committee on Appropriations and placed on the calendar. On motion by Senator Sayler—

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.

—a companion measure, was substituted for SB 293 and read the second time by title.

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

Amendment 1—On page 4, line 8, strike all of section 3 and renumber subsequent section

Senator Chamberlin moved the following amendment which failed:

Amendment 2—On page 3, lines 1-4, strike all of paragraph (5) and renumber subsequent paragraphs

Senator Scarborough presiding

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

Amendment 3—On page 1, lines 5 and 6, strike "providing an appropriation;"

Amendment 4—On page 1, line 5, strike "commission" and insert: council

The President presiding

On motion by Senator Sayler, by two-thirds vote HB 887 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—3

Chamberlin	Williamson	Zinkil
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SB 293 was laid on the table

SB 580—A bill to be entitled An act relating to electrical contractors; adding s. 468.181(8), (9), Florida Statutes; providing definitions for "registration" and "registrant"; amending s. 468.186, Florida Statutes; providing for renewal of registration; providing that registrants may not go on inactive status; amending s. 468.187(2), (3), Florida Statutes, and adding a new subsection to said section; providing an initial registration without examination fee; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 580 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Trask

On motion by Senator Holloway, the rules were waived and SB 580 was ordered immediately certified to the House.

By the Committee on Agriculture and Senator Skinner—

CS for SB 989—A bill to be entitled An act relating to animal industry; creating s. 585.155, Florida Statutes; requiring that certain calves be vaccinated at a certain age; providing a means of documenting such vaccinations; providing for the use of approved vaccine; providing a penalty; providing an effective date.

—was read the first time by title and SB 989 was laid on the table.

On motions by Senator Skinner, by two-thirds vote CS for SB 989 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—32

Mr. President	Dunn	Glisson	Hair
Castor	Firestone	Gorman	Henderson
Childers, Don	Gallen	Graham	Holloway

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

Nays—None

SB 997—A bill to be entitled An act relating to ad valorem property tax assessment; repealing s. 195.101, Florida Statutes; withdrawing from the Comptroller the authority to withhold funds from counties and municipalities which assess property at less than that prescribed by law; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 997 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Childers, Don Johnston

SB 998—A bill to be entitled An act relating to ad valorem real property taxation; creating s. 193.012, Florida Statutes; providing that homestead properties not be subject to reappraisal of value due to the development of income-producing properties in the vicinity; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 998 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Firestone Graham

Votes after roll call:

Yeas—Henderson and Wilson

By the Committee on Finance, Taxation and Claims and Senators Trask, Glisson, W. D. Childers, Sayler, Plante, Gallen, Gorman, Barron, Peterson and Poston—

CS for SB 999—A bill to be entitled An act relating to ad valorem property taxation; repealing s. 193.114(8) (9), Florida Statutes, relating to the authority of the executive director to make rules; amending s. 193.114(5), (6), (7), Florida Statutes, to provide new procedures for insuring that assessment rolls comply with law; amending s. 195.096(1), (2)(a), (b), (d), (e), (f), (3), (4), Florida Statutes, 1976 Supplement, to require in-depth audit of the assessment rolls of each county at least once every 4 years and prescribing the use of documentary stamps in sales to assessment ratio studies; amending s. 195.092, Florida Statutes; specifying venue and prescribing certain judicial remedies to secure a just valuation of property; amending s. 194.032(1), (10), Florida Statutes, 1976 Supplement, to revise the time for commencement of property appraisal adjustment board meetings and to delete references to disapproval of assessment rolls by Assessment Administration Review Commission and the Department of Revenue; amending

s. 194.011(2), Florida Statutes, 1976 Supplement, to delete references to approval of assessment rolls by Assessment Administration Review Commission and the Department of Revenue; amending s. 194.181(1), (2), (5), Florida Statutes, 1976 Supplement, to reflect actions brought by the Department of Revenue to secure a just valuation of property; repealing s. 195.097, Florida Statutes, which provides for post audit review of assessment rolls by the Department of Revenue; repealing s. 195.093, Florida Statutes, to abolish the Assessment Administration Review Commission; providing an effective date.

—was read the first time by title and SB 999 was laid on the table.

On motion by Senator Trask, by two-thirds vote CS for SB 999 was read the second time by title.

Senator Zinkil moved the following amendment which failed:

Amendment 1—On pages 3-12, strike everything after the enacting clause and insert: Section 1. Subsection (8) of Section 193.114, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 193.114(8), F.S., for present text.)

(8) Upon the disapproval of all or any part of any roll of any county, the initial roll submitted to the department shall constitute a provisional roll prior to full compliance with the requirements of law. Within 60 days after the executive director orders disapproval of a roll, or by September 15, whichever is later, the taxing authorities of the county shall certify to the property appraiser provisional millage rates after the Property Appraisal Adjustment Board hears complaints as provided for under Section 194.032 and otherwise determined in the same manner as provided in Chapter 200. The tax collector shall prepare and mail preliminary tax bills based upon the provisional roll. Upon compliance with the requirements of law and upon approval of a final roll, supplemental bills and refunds shall be prepared to be distributed to the taxpayers. Both the preliminary and supplemental bills shall be due, payable and collectable in the same manner provided by Chapter 197 for taxes shown on an approved tax roll. The millage of each taxing authority levied on the final roll shall be adjusted as necessary in order to produce the same revenue which would be generated under the provisional roll, except as hereinafter provided. It is the legislative intent that a readjustment of millage rates under this subsection shall not reduce or increase the total of all revenues available from state or local sources to a school district or to a unit of local government, as defined in Chapter 218. The Department of Education shall recompute the required local effort of a school district affected by an adjustment of assessed values, utilizing the nonexempt valuations on the final approved tax roll, and shall adjust subsequent allocations to a school district accordingly. If the property appraiser does not reasonably comply with the implementation schedule of the department to prepare a roll in compliance with the requirements of law, which schedule shall be a part of every order disapproving a roll, then the executive director may bring action as provided in §195.092, to enforce implementation of a roll in compliance with law.

Section 2. The Senate Finance, Taxation and Claims Committee and the House Finance and Taxation Committee shall conduct a study of alternative processes by which the state can provide for the timely and equitable assessment of property at just value and report their findings to the Legislature by February 15, 1978.

Section 3. Subsection (8) of Section 193.114, Florida Statutes, as amended by this act shall be repealed on July 1, 1978.

Section 4. This act shall take effect July 1, 1977.

Senator Ware moved the following amendment:

Amendment 2—On page 12, between lines 13 and 14, insert: Section 7. Section 193.03, Florida Statutes is hereby reenacted to read:

193.03 Method of fixing millage in year of revaluation.—

(1) After the assessment rolls have been prepared on the basis required by law, the board of county commissioners and

the board of public instruction and all other governing boards or governing authorities of all other taxing districts, within the counties including municipalities, whose taxes are assessed on the tax roll prepared by the county assessor, shall reduce the millage to be levied by each such governing authority from what it was in the preceding year proportionate to the increase of the general level of assessed value over the preceding year. Provided, however, if in preparing its proposed budget for the year in which the reduction of millage is required such budget making authority determines that the millage required for operating funds should be increased no more than ten per cent more than the millage determined in subsection (6) of this section it shall proceed as follows:

(a) The budget making authority shall cause to be published, at least one time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding ten per cent is being proposed. Said advertisement shall state that the budget making authority will meet on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal. Said meeting may coincide with the required public hearing on the tentative budget as required by law.

(b) Each budget making authority shall submit its proposed budget and millage increase to the comptroller who shall verify said budget and millage to determine that the proposed increase does not exceed ten per cent as set forth above.

(2) Provided, further, that in all counties of the state having a population of seventy-five thousand or more; according to the latest official decennial census, and in which there is now established or may hereafter be established a budget commission, the budget making authority of such counties shall submit their proposed budgets and millage increase to such budget commission in lieu of submitting the same to the comptroller and such budget commission shall verify said budget and millage increase to determine that the proposed increase does not exceed ten per cent of the millage as reduced by this section.

(3) In the event any budget making authority shall determine that due to impending emergencies said authority will require funds in excess of those anticipated, and that unless additional funds are made available the operation of said authority in meeting its legal duties and obligations will be seriously impaired and provided that such budget making authority has requested and obtained a ten percent increase as set forth in subsections (1) or (2) herein, the said budget making authority may apply for an additional increase not to exceed five per cent of the millage as reduced by subsection (6), in the millage required to meet the budget for operating funds in the following manner:

(a) It shall adopt a resolution calling a public meeting for the purpose of explaining and discussing such proposed increase in the millage required to meet the budget and fix the time and place for such meeting, and it shall thereupon publish a notice of such meeting for two successive weeks in a newspaper of general circulation published in the county in which the meeting shall be held, which meeting shall be held not less than five nor more than ten days from the date of the last publication of the notice. At the meeting the proposed increase in the millage shall be explained and discussed by the budget making authority and opportunity afforded the taxpayers present to discuss and object to the same. Such notice shall briefly state the amount of increase sought and reasons for such increase.

(b) Such budget making authority shall then prepare and record in the minutes of its meeting, either general or special, a certificate of compliance with the above set forth proceeding; and

(c) Each budget making authority shall submit its proposed budget and millage increase together with the reasons for requesting the additional increase and a certified copy of compliance as above required to one of the following commissions: the county budget commission in all counties in the state having a population of seventy-five thousand or more, according to the latest official decennial census, and in which there is now established or may hereafter be established a county budget commission; or, the county review commission which shall be created by separate resolution of the board of county commissioners and the board of public instruction and shall be com-

posed of three members of the board of county commissioners, one of whom shall be the chairman of said board, and three members of the board of public instruction, one of whom shall be the chairman of the board, and the affirmative vote of a majority of the membership of said commission shall be required to approve any additional increase.

(d) The commissions as provided in paragraph (c) shall have and exercise final authority as to whether the proposed additional increase not to exceed five per cent of the millage as reduced by subsection (6) shall be allowed and in what amount. In exercising this authority the commissions may require additional information and data be furnished by the budget making authority requesting such additional increase. Provided always that the budget making authority shall have the burden of clearly showing the extreme need for such increase and the existence of the conditions precedent for such increase as set forth in this subsection.

(4) The board of county commissioners and board of public instruction and all other governing boards or governing authorities referred to herein, shall decrease or increase the millage to be levied in compliance with this section; provided, however, nothing in this section shall be construed to authorize an increase in millage in excess of the maximum millage permitted by law nor to prevent the reduction of millage lower than required by this section.

(5) All references to millage and reduction of millage contained in this section shall apply to all millages levied on the basis of county tax assessors' rolls whether such millage is levied pursuant to local, special or general law.

(6) The provisions of this section shall apply in the year when there has been an increase in the general level of assessed value. The ratio by which all millages assessed in the preceding year shall be divided in order to secure the reduction proportionate to the increase in the general level of assessed value shall be the ratio of the total of assessed valuation in the current year to the total of assessed valuation in the preceding year. Such totals of assessed valuation shall exclude the value of all property and improvements not assessed in both years. The tax assessor shall maintain a separate list of all properties and improvements which are added to the tax rolls each year and a separate list of properties and improvements which are withdrawn from the rolls. The assessor shall certify to each budget making authority the ratio by which all millages must be reduced in order to comply with this section. If any budget making authority is dissatisfied with the tax assessor's determination of such ratio such authority may request the comptroller to review the tax rolls and to determine the proportion by which the millages must be reduced to comply with this section. Such authority may then fix the millage based on the comptroller's determination.

(Renumber subsequent section.)

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

Amendment 2A—On page 1, lines 3 and 4, strike "the board of public instruction"

Amendment 2 failed by the following vote:

Yeas—14

Mr. President	Johnston	Sayler	Wilson
Childers, Don	Peterson	Tobiasen	Zinkil
Gallen	Plante	Ware	
Henderson	Poston	Williamson	

Nays—18

Castor	Gorman	Scarborough	Trask
Chamberlin	Graham	Scott	Vogt
Dunn	Hair	Skinner	Winn
Firestone	MacKay	Spicola	
Glisson	McClain	Thomas, Pat	

On motion by Senator Trask, by two-thirds vote CS for SB 999 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Holloway	Sayler	Trask
Childers, Don	Johnston	Scarborough	Vogt
Dunn	MacKay	Scott	Ware
Glisson	McClain	Skinner	Williamson
Gorman	Peterson	Spicola	
Hair	Plante	Thomas, Pat	
Henderson	Poston	Tobiassen	

Nays—5

Chamberlin	Graham	Winn	Zinkil
Firestone			

Votes after roll call:

Nay—Castor

Yea to Nay—Spicola

SB 1003—A bill to be entitled An act relating to ad valorem real property taxation; amending s. 193.011, Florida Statutes, to revise and clarify the criteria for determining just valuation of real property for tax purposes; 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 Trask and adopted:

Amendment 1—On page 1 strike lines 29 and 30; and on page 2 strike lines 1 and 2 and insert: (1) The present cash value of the property, *which is the amount a willing purchaser would pay a willing seller, exclusive of reasonable fees and costs of purchase, in cash or the immediate equivalent thereof in a transaction at arm's length;*

Amendment 2—On page 2, strike lines 22 through 27 after the word "financing" and insert: ", and allowance for unconventional or atypical terms of financing arrangements.

Amendment 3—On page 1 in title, strike lines 2 through 6 and insert: An act relating to ad valorem property taxation; amending s. 193.011, Florida Statutes, to revise and clarify the criteria for determining just value; providing an effective date.

On motion by Senator Trask, by two-thirds vote SB 1003 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	Graham	Plante	Tobiassen
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Sayler	Vogt
Childers, Don	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Zinkil

The Senate resumed consideration of—

SB 48—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.181, Florida Statutes; prohibiting certain persons and entities from holding any horseracing or dogracing or jai alai permit; providing for denial, suspension, and revocation of permits; requiring certain persons and entities convicted of certain felonies to be divested of interest in a permitholder as a condition of the holder retaining the permit; providing an effective date.

Senator Dunn moved the following amendment:

Amendment 2—On page 1, line 16, strike everything after the enacting clause and insert: Section 1. Section 550.181, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 550.181, F.S., for present text.)

550.181 Certain persons prohibited from holding racing or jai alai permits; suspension and revocation.—

(1) No corporation, general or limited partnership, sole proprietorship, business trust, joint venture or unincorporated association, or other business entity shall hold any horseracing or dogracing permit or jai alai fronton permit in this state if any one of the persons or entities specified in subsection (a) has been determined by the division not to be of good moral character or has been convicted of any offense in subsection (b).

- (a) 1. The permitholder;
2. Employee of permitholder;
3. The sole proprietor of the holder;
4. A corporate officer or director of the holder;
5. A general partner of the holder;
6. A trustee of the holder;
7. A member of an unincorporated association holder;
8. A joint venturer of the holder;
9. The owner of more than 10 percent of any equity interest in the holder, whether as a common shareholder, general or limited partner, voting trustee or trust beneficiary; or

10. An owner of any interest in the permit or permitholder, including any immediate family member of the owner, or holder of any debt, mortgage, contract or concession from the permitholder, who by virtue thereof is able to control the business of the permitholder.

- (b) 1. A felony in this state;
2. Any felony in any other state which would be a felony if committed in this state under the laws of Florida;
3. Any felony under the laws of the United States;
4. A felony under the laws of another state if related to gambling; or
5. Bookmaking as defined in s. 849.25.

(2) After notice and hearing, the Division of Pari-Mutuel Wagering shall refuse to issue or renew or suspend, as appropriate, any permit found in violation of subsection (1). The order shall become effective 120 days after service of the order upon the permitholder and shall be amended to constitute a final order of revocation unless the permitholder has, within that period of time, either caused the divestiture or agreed with the convicted person upon a complete immediate divestiture of his holding, or has petitioned the circuit court as provided in subsection (3) or, in the case of corporate officers or directors of the holder or employees of the holder, has terminated the relationship between the permitholder and those persons mentioned. The Division of Pari-Mutuel Wagering may, by order, extend the 120-day period for divestiture, upon good cause shown, to avoid interruption of any jai alai or race meeting, or to otherwise effectuate this section. If no action has been taken by the permitholder within the 120-day period following the issuance of the order of suspension, the division shall, without further notice or hearing, enter a final order of revocation of the permit. When any permitholder or sole proprietor of a permitholder is convicted of an offense specified in subsection (1)(b), the Board of Business Regulation may approve a transfer of the permit to a qualified applicant, upon a finding that revocation of the permit would impair the state's revenue from the operation of the permit or otherwise be detrimental to the interests of the state in the regulation of the industry of pari-mutuel wagering. In such approval, no public referendum shall be required, notwithstanding any other provision of law. Petitions for transfer after conviction must be filed with the Board of Business Regulation within 30 days after service upon the permitholder of the final order of revo-

cation. The timely filing of such a petition shall automatically stay any revocation order until further order of the Board of Business Regulation.

(3) The circuit courts shall have jurisdiction to decide a petition brought by a holder of a pari-mutuel permit who shows that his or its permit is in jeopardy of suspension or revocation under subsection (2) and that it is unable to agree upon the terms of divestiture of interest with the person specified in subsection (1)(a)3.-9. who has been convicted of an offense specified in subsection (1)(b). The court shall determine the reasonable value of the interest of the convicted person and order a divestiture upon such terms and conditions as it finds just. In determining the value of the interest of the convicted person, the court may consider, among other matters, the value of the assets of the permitholder, its good will and value as a going concern, recent and expected future earnings, and other criteria usual and customary in the sale of like enterprises.

(4) The Division of Pari-Mutuel Wagering shall make such rules for the photographing, fingerprinting, and obtaining of personal data of individuals described in subsection (1)(a) and the obtaining of such data regarding the business entities described in subsection (1)(a) as is necessary to effectuate the provisions of this act.

Section 2. Section 550.21, Florida Statutes, is amended to read:

550.21 Permits not assignable.—

(1) No permit granted under the provisions of this chapter shall be ~~transferred transferable~~ or ~~assigned assignable~~ except upon application to, and written consent and approval of, the ~~transferee by the said~~ Division pursuant to the provisions of ~~Section 550.181 of Pari-Mutuel Wagering.~~

(2) At all times prior to approval of a transfer or assignment of the permit the transferor shall be deemed to be the permitholder.

(3) Whenever a permit to conduct pari-mutuel wagering is held by a corporation or business entity other than an individual, no transfer of 10 percent or more of the stock or other evidence of ownership or equity in the permitholder shall be made absent the prior approval of the transferee by the Division pursuant to the provisions of 550.181.

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

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

Amendment 2A—On page 1, lines 12 and 13, strike “has been determined by the division not to be of good moral character or”

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

Amendment 2B—On page 2, line 14, strike the semi-colon and insert: which would be a felony if committed in this state under the laws of the State of Florida.

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

Amendment 2C—On page 2, between lines 17 and 18 insert: (2)(a) If the applicant for permit as specified under subsection (1) or a permitholder as specified in subsection (1)(a), has received a full pardon or a restoration of civil rights with respect to the conviction specified in subsection (1)(b), then the conviction shall not constitute an absolute bar to the issuance or renewal of a permit or grounds for the revocation or suspension of a permit.

(b) Any permitholder as specified in subsection (1)(a) who on the effective date of this act had been convicted of any offense specified in subsection (1)(b) and who had not received as of the effective date of this act, a full pardon or restoration of civil rights with respect to such conviction, shall have until January 1, 1978, within which to obtain a full pardon or restoration of civil rights under Florida law.

(renumber subsequent subsections)

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

Amendment 2D—On page 2, line 16, strike the semi-colon and insert: which would be a felony under the laws of the State of Florida if committed in this State; or

Amendment 2 as amended was adopted.

Senator Dunn moved the following title amendments which were adopted:

Amendment 3—On page 1, line 11, after the semicolon insert: providing certain exemptions for present permitholders;

Amendment 4—On page 1, line 11, after the semicolon insert: amending s. 550.21, Florida Statutes; prohibiting the transfer of more than 10 percent of the stock of a corporation or association licensed to conduct pari-mutuel wagering, unless approved by the Division;

On motion by Senator Dunn, by two-thirds vote SB 48 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	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Peterson	Thomas, Jon	
Gorman	Plante	Thomas, Pat	

Nays—None

On motion by Senator Plante 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 with amendments—

By Senator Sayler—

SB 1454—A bill to be entitled An act relating to the ethics in government; adding sections 112.311(7), (8) and (9), Florida Statutes, providing legislative intent; adding subsections (18) and (19) to s. 112.312, Florida Statutes, defining asset and liability; amending section 112.3145, Florida Statutes, 1976 Supplement, by substantially rewriting section providing for full financial disclosure for certain persons; and defining full financial disclosure; and providing for disclosure of interest in business entities; providing for limited financial disclosure, defining persons required to file limited financial disclosure; providing for general provisions; providing for public records; providing for deadline and place for filing disclosure; providing for disclosure by candidates; providing for disclosure of gifts; amending section 112.3147, Florida Statutes, 1976 Supplement, providing for distribution and content of forms; creating section 112.3148, Florida Statutes, providing for disclosure of representation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 28, strike everything after the enacting clause and insert: Section 1. Subsections (1), (4), and (8) of section 112.312, Florida Statutes, 1976 Supplement, are amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) “Advisory body” means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations. “Exempted body” means a body which meets each of the following characteristics:

(a) *Its powers, jurisdiction, and authority do not include the determination or adjudication of any rights, duties, or obligations, other than those relating to its internal operations.*

(b) *It does not exercise responsibility with respect to judicial nominations.*

(c) *It does not make recommendations or adopt provisions with respect to the conservation, restoration, or regulation of natural resources which are either final, binding on another person or body whose action is final, or are of such a nature that positive action of another person or body is required to reverse or supersede them; provided that a local body whose activities are limited to civic beautification, historical preservation and restoration, or recreational development shall be considered an exempted body unless it fails to meet one of the characteristics set forth in paragraphs (a), (b), or (d).*

(d) *It does not have an annual budget or appropriation, or authorized annual expenditures, of \$50,000 or more.*

(4) "Candidate" means any person who has filed a statement of full and public disclosure of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

(8) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the statement of full and public financial disclosure ~~statement~~ required by this part is required to be filed.

Section 2. Subsection (1) of section 112.313, Florida Statutes, is amended, and subsections (12) and (13) are added to said section, to read:

112.313 Standards of conduct for public officers and employees of agencies.—

(1) DEFINITION.—As used in this section, unless the context otherwise requires, the term "public officer" shall include any person elected or appointed to hold office in any agency, including any person serving on an exempted advisory body.

(3) DOING BUSINESS WITH ONE'S AGENCY.—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(12) EXEMPTIONS.—No person shall be held in violation of subsection (3) or subsection (7) if:

(a) *Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within said city or county; or*

(b) *The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and the official or his spouse or child have in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder; and the official or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and the official has at any time prior to the submission of the bid filed a statement with the Department of State if he is a state officer or employee, or with the Supervisor of Elections of the county in which the agency has its principal office if he is an officer or employee of a political subdivision, disclosing his, or his spouse's or child's, interest and the nature of the intended business; or*

(c) *The purchase or sale is for legal advertising in newspapers, for any utilities services, or for use of common carriers; or*

(d) *An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivisions thereof; or*

(e) *In the case of public officers serving on an exempted body, the public officer makes a full disclosure to the appointing body of the transaction or relationship or contract prohibited under subsection (3) or subsection (7) and the appointing body votes by a two-thirds vote to waive the prohibition. In instances where appointment to the exempted body is made by an individual, waiver may be effected after public hearing by a determination of the appointing person and full disclosure by the appointee.*

(13) REPRESENTATION OF CLIENTS BEFORE GOVERNMENT AGENCIES.—No elected state officer shall personally represent a client for a fee or commission before any agency of state government during his tenure in office and no elected local officer shall represent a client for a fee or commission before any agency of the same local government during his tenure in office. Representation before a government agency shall not be deemed to include:

(a) *Appearances in ministerial matters.*

(b) *Appearances before any court or judges or commissioners of industrial claims.*

(c) *Representations on behalf of one's agency in an official capacity.*

(d) *The preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.*

Section 3. Section 112.3144, Florida Statutes, is created to read:

112.3144 Representation before governmental agencies restricted.—No constitutional officer and no state officer, local officer or specified employee, as defined in s. 112.3145(1), shall personally represent another person or entity for compensation before the governmental body or agency of which such officer or employee was an officer, member or employee for a period of 2 years following vacation of that office or position.

Section 4. Subsections (1), (2), (3), (4) and (5) of section 112.3145, Florida Statutes, 1976 Supplement, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an *exempted advisory* body. A governmental body with land-planning or zoning, or natural resources responsibilities shall not be considered an *exempted advisory* body.

3. Any person holding one or more of the following positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; district school superintendent; community college presidents; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(b) "Specified employee" means:

1. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as general counsel or assistant counsel to any state agency; a judge of industrial claims; and a hearing examiner.

2. Any person employed in the office of the Governor or in the office of any member of the cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; ~~unless otherwise provided, the program director, district administrator, division director, assistant division director, deputy director, and the bureau chief, and assistant bureau chief of any state department or division, or any person having the power normally conferred upon such persons, and any state employee with power to grant or deny or who recommends approval or denial of any permission relating to land development or water use by whatever title.~~

4. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state

institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

5. Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

6. The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

8. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

9. *Each member of any constitution revision commission established pursuant to Section 2 of Article XI of the State Constitution.*

(c) "State officer" means:

1. All elected public officers, to include [those elected to] the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an *exempted advisory* body.

3. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(d) "Assets" means any article of value or intangible representation of value which may be redeemed or converted into a negotiable form, including, but not necessarily limited to: cash; government or corporate bonds; bank accounts; accounts receivable; loans, notes, and mortgages; cash surrender value of life insurance; stocks and securities; real property; and other negotiable instruments. For the purposes of this section, assets shall be listed and valued according to whether they are tangible personal property, real property, or intangible personal property. The value of tangible personal property is the insured value, or, if the insured value is not known, the reporting person's good faith estimate of its fair market value. Fair market value is the amount a purchaser, willing but not obliged to buy, would pay to one willing but not obliged to sell. The value of real property can be no less than the assessed value as determined by the property appraiser. The value of intangible personal property is the fair market value.

(e) "Liability" means any amount which the reporting person owes to another person or entity and which is payable in money, goods, or services. The unpaid balance as of the date of disclosure shall be used as the amount of the liability for net worth valuation purposes. Liabilities include, but are not limited to: accounts payable; credit cards and retail installment accounts; notes payable, whether secured or unsecured; loans against life insurance; interest payable; taxes and assessments payable; and liens and mortgages payable.

(f) "Net worth" means the amount remaining after all liabilities have been deducted from all assets.

(2)(a) In order to qualify as a candidate a person seeking nomination or election to a constitutional office or state or local [elective] office shall file a sworn statement of full and public disclosure of financial interests together with, and at the same time he files, his other qualifying papers.

(b) Each constitutional officer or state or local officer and each specified employee shall file a statement of full and public disclosure of financial interests no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year [he] is in office. Each constitutional officer or state or local officer who is appointed and each specified employee who is employed shall file a statement of full and public disclosure of financial interests within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person

whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) *Constitutional officers*, state officers, specified employees, and persons seeking to qualify as candidates for constitutional office or state office shall file their statements of full and public disclosure of financial interests with the Secretary of State. Local officers and persons seeking to qualify as candidates for local office shall file their statements of full and public disclosure of financial interests with the Supervisor of Elections Clerk of the Circuit Court of the county in which they are principally employed or are residents.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, The statement of full and public disclosure of financial interests shall include:

(a) 1. A copy of the reporting persons most recent federal income tax return; or

2. All sources and each amount of income in excess of \$1,000 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and [from which he] received an amount [an amount which was] in excess of \$1,000 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The reporting person's net worth as of the preceding December 31.

(d)(e) The description of each asset in excess of \$1,000 and its value, including the location or description of all real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

(e)(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling, child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the [amount represented by the] difference between the preferential and customary rate charged on the debt.

(f)(e) The names and addresses of all persons or business entities to whom the reporting person owed a debt or debts for a total financial liability in excess of \$1,000 during the disclosure period and the amount of the debt. Indebtedness on life insurance policies owed to the company of issuance shall not be counted. Every debt which in sum equals more than the reporting person's net worth.

(g) Unless the governing body of a county or municipality requires the filing of a statement by a local officer under its jurisdiction pursuant to the provisions of paragraphs (a) through (f), inclusive, any state officer or local officer other than those in elective office or members of a land planning or zoning board, board of adjustment, water management board under chapter 373, an occupational or professional

licensing board, board of business regulation, board of regents, citrus commission, game and freshwater fish commission, environmental regulation commission, constitution revision commission established under article XI, parole and probation commission, commission on ethics, elections commission, public employees relations commission, industrial relations commission, all authorities, and judges of industrial claims, shall have the option to file a statement of financial interest which includes:

1. All sources of income in excess of \$1,000 received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first:

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this subparagraph indirect ownership shall not include ownership by a spouse or minor child.

4. A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling, child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this subparagraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

5. Every debt which in sum equals more than the reporting person's net worth.

(h) No later than July 1, 1978, the governing body of each municipality and county within this state shall determine which local officers not excluded from the option provided in paragraph (g) shall make disclosure pursuant to the provisions of paragraphs (a) through (f), inclusive, or paragraph (g) of this act. Upon such determination, and by September 1 annually thereafter, the governing body of each municipality and county shall submit a report to the Commission on Ethics and the Legislature indicating which local officers the governing body has required to file a statement pursuant to the provisions of paragraphs (a) through (f) inclusive. If the governing body of any municipality or county fails to make a determination according to this part by July 1, 1978 the local officers under their jurisdiction shall file a statement pursuant to the provisions of paragraphs (a) through (f) inclusive.

(4) Each constitutional officer, state officer, local officer, and specified employee not prohibited from engaging in such representation by s. 112.313(13) shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified employee or

by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or hearing officer, or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, [permit, or transfer does not require substantial discretion,] a variance, a special consideration, or a certificate of public convenience and necessity.

(5) The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each constitutional officer, state officer and specified employee no later than 30 days prior to the filing deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the filing deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any constitutional officer, state officer, specified employee, or local officer.

Section 5. Subsection (4) is added to section 112.3147, Florida Statutes, 1976 Supplement, to read:

112.3147 Forms.—

(4) All forms prescribed by rule of the Commission on Ethics for the filing of full and public disclosure of financial interests shall be constructed to reflect the intent and the methods of valuation prescribed by s. 112.3145(1)(d), (e), and (f). Such forms shall also contain the specific statutory directives prescribed therein for complying with the filing of full and public financial disclosure. It is the intent of this subsection to eliminate any need to utilize professional help in determining net worth or the value of any asset or liability in making full and public disclosure of one's financial interests. Whenever a doubt arises as to the proper valuation of an asset or liability or the determination of net worth a person may supplement his or her disclosure statement with additional information setting forth the valuation method employed.

Section 6. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms, etc.—

(1) The commission shall be composed of nine members. Four of these members shall be appointed by the Governor, no more than two of whom shall be from the same political party, subject to confirmation by the senate. One member appointed by the Governor shall be a former city or county official. Two members shall be appointed by the Speaker of the House and two members shall be appointed by the President of the Senate. ~~Neither the Speaker of the House nor President of the Senate shall appoint more than one member from the same political party. One member shall be appointed by the Chief Justice of the Supreme Court and shall be a former circuit or appellate judge.~~ No member may hold any public employment. All members shall serve 2-year terms, except that four of the initial members appointed by the Governor shall serve 1-year terms. All succeeding appointments shall be for 2 years. Members of the commission shall receive no salary, but shall receive travel and per diem as provided in s. 112.061. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term and may not succeed himself as chairman. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 7. Subsection (8) is added to section 112.322, Florida Statutes, 1976 Supplement, to read:

112.322 Duties and powers of commission.—

(8) The commission shall adopt and have published in the Florida Administrative Code the following rules:

(a) Rules providing for the technical and administrative operations and procedures of the commission. However, no rule shall be adopted which supersedes, transcends, or expands the legislative intent or statutory authority of this part.

(b) Rules describing the organization of the commission, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

(c) Rules of practice setting forth the nature and requirements of all formal and informal procedures, including copies of all forms and instructions used by the commission.

(d) Rules of procedure appropriate for the presentation of arguments concerning issues of law or policy, and for the presentation of evidence on any pertinent fact that may be in dispute.

(e) Rules for the scheduling of meetings, hearings, and workshops, including the establishment of agenda therefor, one of which shall be that an agenda shall be prepared by the commission at least 7 days before the event and made available for distribution on request of any interested persons.

Section 8. Section 112.327, Florida Statutes, is created to read:

112.327 Malfeasance, misfeasance, nonfeasance; civil damages.—

(1) Whenever a public officer or employee is found in a civil action to have committed an act constituting malfeasance in office, from which act such officer or employee benefited financially, such officer or employee shall be liable to the state, in the case of a state officer or employee, or to the county or municipality, in the case of a county or municipal officer or employee, for damages in an amount equal to treble the sum of such financial benefit.

(2) Whenever a person is found in a civil action to have participated, directly or indirectly, in the commission of an act by a public officer or employee constituting malfeasance in office, from which act such person benefited financially, such person shall be liable to the state, in the case of an act committed by a state officer or employee, or to the county or municipality, in the case of an act committed by a county officer or employee, for damages in an amount equal to treble the sum of such financial benefit.

(3) Whenever a public officer or employee is found in a civil action to have committed an act or omitted to perform an act constituting nonfeasance or misfeasance in office, from which act or omission such officer or employee benefited financially, such officer or employee shall be liable to the state, in the case of a state officer or employee, or to the county or municipality, in the case of a county or municipal officer or employee, for damages in the amount of any such financial benefit plus accrued interest at the rate of 10 percent per annum.

(4) Whenever a person is found in a civil action to have directly participated in the commission of an act by a public officer or employee, or directly participated in having a public officer or employee omit the performance of an act, constituting nonfeasance or misfeasance in office, from which act or omission such person benefited financially, such person shall be liable to the state, in the case of an act or omission by a state officer or employee, or to the county or municipality, in the case of an act or omission by a county or municipal officer or employee, for damages in the amount of any such financial benefit plus accrued interest at the rate of 10 percent per annum.

Section 9. This act shall take effect on January 1, 1978.

Amendment 2—On page 1 in title, lines 1-24, strike all of said lines and insert: A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.312 (1), (4), and (8), Florida Statutes, 1976 Supplement; providing definitions; amending s. 112.313(1), Florida Statutes, and adding subsections (12) and (13); providing exemptions from restrictions on doing business with one's agency and on conflicting employment or contractual relationships; prohibiting representation of clients before certain government agencies by state and local officers during tenure in office; providing exemptions; creating s. 112.3144, Florida Statutes; prohibiting representation of clients by constitutional officers, state and local officers, and specified employees before the agency of which such person was a member, officer, or employee for 2 years following vacation of office; amending s. 112.3145(1), (2), (3), (4), and (5), Florida Statutes, 1976 Supplement, relating to disclosure of

financial interests and clients represented before agencies; providing definitions; including constitutional officers and members of constitutional revision commissions; revising requirements with regard to the statement of full and public disclosure of financial interests; providing an optional disclosure method for certain officials; adding subsection (4) to s. 112.3147, Florida Statutes, 1976 Supplement; providing requirements with regard to disclosure forms; amending s. 112.321(1), Florida Statutes; providing for appointment of a member of the Commission on Ethics by the Chief Justice of the Supreme Court and removing a restriction against appointment of certain members from the same political party; adding subsection (8) to s. 112.322, Florida Statutes, 1976 Supplement; requiring the adoption and publication of certain rules by the commission; creating s. 112.327, 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 nonfeasance or misfeasance shall be liable for actual damages plus interest; providing an effective date.

Senator Saylor moved that the Senate refuse to concur in the House Amendments to SB 1454 and the House be requested to recede.

Senator Gallen moved that the rules be waived and time of recess be extended until final action on the motion by Senator Saylor.

Senator Graham offered as a substitute motion that consideration of the motion by Senator Saylor be deferred until after consideration of SB 1038. The substitute motion failed.

The question recurred on the motion by Senator Gallen which was adopted.

The motion by Senator Saylor was adopted and the action, with the bill and amendments, was certified to the House.

Pursuant to the motion by Senator Gallen, the State recessed at 12:05 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—35:

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

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

INTRODUCTION

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

SR 1485—A senate resolution in recognition of the exemplary services performed and accomplishments attained by the Panama City Jaycees.

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

On motions by Senator Barron, by two-thirds vote SR 1485 was withdrawn from the Committee on Rules and Calendar,

placed on the calendar, read the second time in full and adopted. The vote on adoption was:

Yeas—33

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

Nays—None

On motion by Senator Barron 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 adopted HCR 2351 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hutto and others—

HCR 2351—A concurrent resolution recognizing the exemplary services performed and accomplishments attained by the Panama City Jaycees in the promotion of good citizenship and community involvement.

—was read the first time in full. On motions by Senator Barron, the rules were waived and HCR 2351 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The President introduced and welcomed to the Senate Tom Najjar, president of the Panama City Jaycees; Leon Foster, and Jimmy Southall, past presidents.

The Honorable Lew Brantley, President

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

SB 714

SB 656

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

CS for SB 946

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 925.

Allen Morris, Clerk

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote SB 777 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 388 was withdrawn from the Committees on Commerce and Appropriations and referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 1212 and 1021 were withdrawn from the Committees on Commerce and Appropriations and remained referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 615 was withdrawn from the Committee on Commerce.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 1263 was withdrawn from the Committees on Commerce and Judiciary-Criminal and remained referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 1394 was withdrawn from the Committee on Commerce.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 774 was withdrawn from the Committees on Education and Commerce.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 966 was withdrawn from the Committee on Commerce and referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 975 was withdrawn from the Committees on Transportation, and Economic, Community and Consumer Affairs.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 1417 was withdrawn from the Committees on Education and Appropriations and remained referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 1340 was withdrawn from the Committees on Natural Resources and Conservation and Commerce.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 1405, 1266, 1303, 1373, 1433, 1385 and 1285 were withdrawn from the Committee on Commerce.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 1194 was withdrawn from the Committees on Commerce and Judiciary-Criminal.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 1069, 1087, 1131, 1364, 1379, 1392, 772, 1052 and HB 1157 were withdrawn from the Committee on Appropriations.

On motion by Senator Pat Thomas, the rules were waived and staff members of the Department of General Services were granted privileges of the floor during consideration of SB 1038.

SPECIAL ORDER, continued

SB 1038—A bill to be entitled An act relating to the Capitol Center; amending s. 272.111 and creating s. 272.115, Florida Statutes, expressing legislative intent and directing the Division of Building Construction and Property Management to preserve and restore the old state capitol building; amending s. 272.121(1) and (4), Florida Statutes, including such restoration within the Capitol Center long-range plan; requiring the submission of an architectural study of such restoration by the division and the Capitol Center Planning Commission to the Governor and Legislature; providing an effective date.

—was read the second time by title.

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

Amendment 1—On pages 2-4, strike everything after the enacting clause and insert: Section 1. Notwithstanding any law to the contrary, the Department of General Services shall preserve and restore the old Florida Capitol building to its 1902 form identified as "The 1902 Capitol Restoration Alternative with Nominal Improvements and with Existing Monroe Street Alignment" in the March, 1977 report of the Department of General Services.

Section 2. The sum of \$3,798,000 is appropriated from the General Revenue Fund to the Department of General Services for the preservation and restoration as directed in Section 1.

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

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

Amendment 1A—On page 1, line 11, after the period insert: If the total cost of such interior and exterior preservation and restoration shall exceed the sum of \$3,798,000, no contract shall be let and the amount herein appropriated shall revert to the general revenue fund.

Senator Scarborough moved the following substitute amendment to Amendment 1 as amended:

Amendment 2—On pages 2-4, strike everything after the enacting clause and insert:

Section 1. The Division of Building Construction and Property Management of the Department of General Services shall demolish the old Capitol and clear the premises situated east of the new Capitol Complex; provided, the Division shall preserve and move as a whole or as component parts all usable portions of the 1845 Capitol Building and reconstruct same at a different location within the Capitol Center, which site shall be selected by the Department of General Services and approved by the Capitol Center Planning Commission.

Section 2. The sum of \$2,899,000 is appropriated from the General Revenue Fund to the Department of General Services for the demolition of all the old Florida Capitol Building and the clearance and landscaping of the site after the current occupants have vacated the building.

Section 3. The sum of \$3,300,000 is appropriated from the General Revenue Fund to the Department of General Services for construction of a replica of the Capitol of 1845.

Section 4. The sum of \$3,151,000 is appropriated from the General Revenue Fund to the Department of General Services for demolition of the Elliot Building and the re-routing of Monroe Street in conformity with the Florida Department of Transportation Alternate Plan #1 dated March 3, 1977.

Section 5. The sum of \$1,191,712 is appropriated from the General Revenue Fund to the Department of General Services for restoring and landscaping Waller Park.

Section 6. This act shall take effect upon becoming a law.

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

Amendment 2A—On page 2-4, strike everything after the enacting clause and insert: Section 1. The sum of \$50,000 is appropriated to the Division of Archives, History, and Records Management of the Department of State for replica models and photographic exhibitions of all phases of the Florida Capitol Building to be displayed in the R. A. Gray Building.

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

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

Amendment 2B—On page 1, strike everything after "shall" on line 3 through line 8 on page 2 and insert: preserve the old Florida Capitol in its 1977 form.

Amendment 2 failed.

Senator Wilson moved the following amendment to Amendment 1 which failed:

Amendment 1B—On page 1, line 3, strike "1902" and insert: 1923

Amendment 1 as amended was adopted.

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

Amendment 3—On pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the restoration of the old Florida Capitol Building to the 1902 form; providing an appropriation; providing an effective date.

On motion by Senator Pat Thomas, by two-thirds vote SB 1038 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	MacKay	Thomas, Jon
Barron	Graham	Peterson	Thomas, Pat
Castor	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Wilson
Childers, Don	Holloway	Scott	Winn
Dunn	Johnston	Skinner	
Glisson	Lewis	Spicola	

Nays—6

Firestone	Sayler	Vogt	Zinkil
McClain	Scarborough		

Votes after roll call:

Yeas—Gallen, Tobiassen

Nays—Myers, Ware, Williamson

Explanation of Vote:

I voted "No" on SB 1038 because I believe the existing 1947 version of the old State Capitol should be preserved for posterity and the old capitol should not be destroyed for the "sins" of the new.

David H. McClain, 21st District

HB 779—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.131(3), Florida Statutes, relating to uniform traffic signals and devices, extending the mandatory compliance date with respect to traffic control signals purchased prior to January 1, 1972, to January 1, 1980; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 779 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yeas—Holloway, MacKay, Pat Thomas

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 taken up with pending Amendment 14 which was withdrawn.

On motion by Senator Zinkil, by two-thirds vote SB 147 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Johnston

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 taken up with pending Amendment 2 which was withdrawn.

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

Amendment 3—On page 1 in title, strike all of line 5 and insert: providing authority to employ personnel; directing agencies to assist; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 919 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	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—None

On motion by Senator Hair, the rules were waived and SB 919 after being engrossed was ordered immediately certified to the House.

SB 575—A bill to be entitled An act relating to safe drinking water; creating ss. 403.850-403.864, Florida Statutes; providing short title, declaration of policy, and definitions; requiring the Department of Environmental Regulation to adopt primary and secondary drinking water regulations; providing variances and exemptions from the regulations; authorizing the department to take such actions as it deems necessary when presented with imminent hazards; requiring the department to adopt a plan for emergency provision of drinking water; providing for notice to users and regulatory agencies whenever there is a problem with the public water supply system or a failure to comply with regulations; providing for inspections of public water systems; prescribing prohibited acts; providing penalties and remedies; providing the powers and duties of the department; providing for the powers and duties of the Department of Health and Rehabilitative Services with respect to the act and for a coordinated budget request with the Department of Environmental Regulation; requiring a state public water supply laboratory certification program and a public water supply accounting program; amending s. 381.261, Florida Statutes; providing the Department of Health and Rehabilitative Services with certain supervisory duties over water systems not covered by this act; amending s. 381.291, Florida Statutes; authorizing the Department of Health and Rehabilitative Services to issue orders requiring owners to correct water systems, not covered by this act, which systems constitute a nuisance or menace to the public health; adding s. 403.101 (3), (7), Florida Statutes; providing for the regulation of operators of water purification and wastewater treatment plants; prescribing fees with respect to examination and certification; repealing ss. 381.2611, 381.271, 381.281, 381.293, Florida Statutes; deleting the powers and duties of the Division of Health as they relate to water supply systems, methods of water purification, and disposal of drainage, sewage, and refuse, and regulation of operators of purification and wastewater treatment plants; providing severability; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 21, line 9, strike "Department of Administration" and insert: Auditor General

Senator Spicola moved the following amendment which was adopted:

Amendment 2—On page 22, line 16, strike "Department of Administration" and insert: Auditor General

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

Amendment 3—On page 6, between lines 28 and 29, insert new paragraph (c): (c) Primary and secondary drinking water regulations for non-community water systems which shall be no more stringent than the national primary or secondary drinking water regulations in effect at such time.

On motion by Senator Spicola, by two-thirds vote SB 575 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Spicola, the rules were waived and SB 575 after being engrossed was ordered immediately certified to the House.

By the Committee on Judiciary-Criminal and Senator Spicola—

CS for SB 97—A bill to be entitled An act relating to criminal law; amending s. 806.01, Florida Statutes; making it a felony of the first degree for any person to willfully and maliciously, by fire or explosive, damage certain structures; making it a felony of the second degree for any person to willfully and maliciously set fire to or distribute flammable, explosive, or combustible material within or adjacent to any hospital, nursing home, jail, prison facility, or institution in which persons are confined by court order; making it a felony of the third degree for any person to willfully and maliciously set fire to or distribute flammable, explosive, or combustible material within or adjacent to any structure other than a hospital, nursing home, jail, prison facility, or institution in which persons are confined by court order or to willfully and maliciously set fire to any tree, grass, or other vegetation; providing penalties; defining the term "damage"; amending s. 806.111, Florida Statutes; making it a felony of the third degree for any person to possess, manufacture, or dispose of any firebomb or incendiary device with intent that the same be willfully and maliciously used to set fire to or burn any structure or property; providing that the possession, manufacture, or disposal of any firebomb or incendiary device be prima facie evidence that the person possessing, manufacturing, or disposing of the same intends that it be willfully and maliciously used to set fire to or burn any structure or property; redefining the term "firebomb"; defining the terms "incendiary device" and "structure"; providing penalties; providing exceptions; providing an effective date.

—was read the first time by title and SB 97 was laid on the table.

On motions by Senator Spicola, by two-thirds vote CS for SB 97 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—32

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

Nays—None

By the Committee on Education and Senators Sayler, Lewis, and Tobiassen—

CS for SCR 77—A concurrent resolution proposing that the Florida Postsecondary Education Commission conduct a study of the feasibility of a centralized admissions system for post-secondary education in Florida.

—was read the first time by title and SCR 77 was laid on the table.

On motion by Senator Sayler, by two-thirds vote CS for SCR 77 was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 1, line 13, after the word "system" insert: and census of student enrollment

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

Amendment 2—On page 1 in title, line 5, after the word "system" insert: and a census of student enrollment

CS for SCR 77 as amended was read in full, adopted, ordered engrossed and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

On motions by Senator Trask, the rules were waived and Senate Bills 999 and 1003 after being engrossed were ordered immediately certified to the House.

On motions by Senator Trask, the rules were waived and Senate Bills 997 and 998 were ordered immediately certified to the House.

CS for SB 545, by the Committee on Education and Senators Castor, Dunn, Gordon, Sayler, Vogt, Graham, Lewis, MacKay and Tobiassen, was read the first time by title and SB 545 was laid on the table.

Pending further consideration of CS for SB 545, on motion by Senator Castor—

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

—a companion measure, was substituted for CS for SB 545 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 1259 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

CS for SB 545 was laid on the table.

SB 1014—A bill to be entitled An act relating to podiatrists; amending s. 461.08(1)(d), Florida Statutes; providing that the license or registration of a practitioner of podiatry may be revoked, suspended, or annulled, or such practitioner may be reprimanded, when he becomes mentally or physically unable to competently practice podiatry; authorizing the State Board of Podiatry Examiners to compel a podiatrist to submit to examination under certain circumstances; providing that failure to submit to the examination constitutes an admission of the allegations; providing that an affected podiatrist shall have the opportunity to demonstrate that he can resume the competent practice of podiatry; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1014 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Ware, the rules were waived and SB 1014 was ordered immediately certified to the House.

CS for SB 73, by the Committee on Judiciary-Criminal and Senators Dunn, Winn, Castor, Gordon, Plante, Firestone, and MacKay, was read the first time by title and SB 73 was laid on the table.

Pending further consideration of CS for SB 73, on motion by Senator Dunn, by two-thirds vote CS for HB 273 was withdrawn from the Committee on Appropriations and placed on the calendar. On motion by Senator Dunn—

CS for HB 273—A bill to be entitled An act relating to Citizen Dispute Settlement Centers; authorizing boards of county commissioners to establish mediation centers for the resolution of minor criminal or civil disputes between citizens; establishing objectives for the centers; authorizing an advisory body to promulgate rules; authorizing the chief judge of the circuit to oversee operations of the center and providing for the appointment of a director for each center; establishing eligibility for participation in the mediation programs; authorizing the establishment of procedures; providing confidentiality of information received by the center from participants; providing for written settlements; providing for funding of centers; providing an effective date.

—a companion measure, was substituted for CS for SB 73 and read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator McClain:

Amendment 1—On page 3, strike all of line 18 and insert: (2)(a) The Florida Supreme Court through the office of the

state courts administrator shall administer and distribute state funds for the establishment and operation of the Citizens Dispute Settlement Centers and such other funds as may be available to the state from federal funds or private foundation, support for programs in the nature of consumer dispute resolution programs, programs to improve small claims courts and other programs to aid in resolution of minor disputes.

(b) The Citizen Dispute Settlement Center shall be

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

Amendment 1A—On page 1, line 3, insert: , as may be appropriated for this purpose,

Amendment 1 as amended was adopted.

Senator McClain moved the following amendments which were adopted:

Amendment 2—On page 4, line 6, strike period (.) after word “permitted” and insert a comma after word “permitted” and the following language: “any mediation decision shall not be binding on the parties, but shall be advisory. Under no circumstances shall such mediation decision be admissible into evidence in a Court of law.”

Amendment 3—On page 5, strike line 10 and insert: privileged communications, and they shall not be introduced or used against any party to the mediation proceeding in any criminal or civil action in this state. Information received by persons

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 4—On page 1 in title, line 7, after “centers;” insert: establishing authority in the Florida Supreme Court’s Office of State Courts Administrator to administer and distribute funds for the establishment and operation of the centers;

On motion by Senator Dunn, by two-thirds vote CS for HB 273 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Castor	Graham	Poston	Thomas, Jon
Chamberlin	Hair	Renick	Thomas, Pat
Childers, Don	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Skinner	Zinkil
Glisson	MacKay	Spicola	

Nays—12

Barron	Henderson	Scott	Ware
Gallen	McClain	Tobiassen	Williamson
Gorman	Peterson	Trask	Wilson

CS for SB 73 was laid on the table.

On motion by Senator Dunn, by two-thirds vote SB 14 was removed from the calendar and indefinitely postponed.

HB 545—A bill to be entitled An act relating to state attorneys; amending s. 27.34(1), Florida Statutes; providing that a county or municipality may appropriate funds to pay the salary of one assistant state attorney who shall solely prosecute violations of ordinances or special laws; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 545 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Chamberlin	Gallen	Graham
Barron	Childers, Don	Glisson	Hair
Castor	Firestone	Gorman	Henderson

Holloway	Poston	Skinner	Vogt
Johnston	Renick	Spicola	Ware
Lewis	Sayler	Thomas, Jon	Williamson
McClain	Scarborough	Tobiassen	Winn
Peterson	Scott	Trask	Zinkil

Nays—1

Wilson

SB 146, companion bill to HB 545, was laid on the table.

SB 646 was taken up and on motion by Senator Castor, the rules were waived and by two-thirds vote HB 1108 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar. On motion by Senator Castor—

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.

—a companion measure, was substituted for SB 646 and read the second time by title.

Senators Jon Thomas, Castor and Dunn offered the following amendment which was moved by Senator Castor and adopted:

Amendment 1—On page 2, lines 10-30, through page 3, lines 1-14, strike all of said lines and insert: (f) “Harmful to minors” means that quality, whether actual or simulated, of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors, and
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors, and
3. Is without serious literary, artistic, political or scientific value for minors.

(g) “Knowingly” means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any motion picture described herein which is reasonably susceptible of examination by the defendant, or the character of any exhibition, presentation, representation or show described herein, other than a motion-picture show, which is reasonably susceptible of being ascertained by the defendant.

(2) OFFENSES AND PENALTIES.—

(a) 1. It is unlawful for any person knowingly to produce, conduct, direct, perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor.

2. It is unlawful for any person knowingly to aid, abet, counsel, hire, or otherwise procure a minor to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation, which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor.

Senator Don Childers moved the following amendment which failed:

Amendment 2—On page 3, line 17, (after “s. 775.084.”) insert: An individual convicted under the provisions of s. 847.-014(2)(a) 2 shall be sentenced to a minimum term of imprisonment of 3 years. Notwithstanding the provisions of s. 948.01, adjudication of guilt of imposition of sentence shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole, prior to serving such minimum sentence.

On motion by Senator Castor, by two-thirds vote HB 1108 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Hair, Vogt, Williamson

SB 646 was laid on the table.

By the Committee on Governmental Operations and Senator Peterson—

CS for SB 653—A bill to be entitled An act relating to the ownership, custody, and control of state-owned aircraft, motor vehicles, facilities, and equipment used for law enforcement and fire control; amending s. 287.16(2), Florida Statutes, exempting state-owned aircraft, motor vehicles, facilities, and equipment used for law enforcement or fire control from transfer of ownership, custody, and control to the Department of General Services; providing an effective date.

—was read the first time by title and SB 653 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 653 was read the second time by title.

Senator Sayler moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, strike the comma and insert: after the word control: *which are operated over 300 hours per calendar year,*

On motion by Senator Peterson, by two-thirds vote CS for SB 653 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Williamson

SB 548—A bill to be entitled An act relating to public defenders; amending s. 27.51(1), Florida Statutes; authorizing the public defenders to represent indigent parole violators at parole revocation hearings; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 548 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Firestone	Hair	McClain
Castor	Gallen	Henderson	Plante
Chamberlin	Glisson	Johnston	Poston
Childers, Don	Gorman	Lewis	Renick
Dunn	Graham	MacKay	Sayler

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

Nays—None

Votes after roll call:

Yeas—Holloway, Williamson

SB 1165—A bill to be entitled An act relating to the Florida Human Relations Act; amending ss. 13.201(1), (2), 13.211, 13.221, 13.231, 13.241 and 13.251, Florida Statutes; creating s. 13.261, Florida Statutes; renaming the act the Florida Human Rights Act; adding age, handicap, and marital status as factors upon which discrimination is not to be based; providing additional definitions; renaming the Commission on Human Relations and restructuring it; providing compensation for members; clarifying powers and functions of the commission; giving the commission subpoena power enforceable in civil court; defining unlawful employment practices; providing administrative and judicial remedies; providing severability; 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, after line 20, insert: (6) "Employer" means any person employing fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

Renumber subsequent subsections.

Senator Graham moved the following amendment which was adopted:

Amendment 2—On page 10, line 26, strike ";" and insert: No plan shall discriminate in its benefit formula based upon color, national origin or marital status. Nothing therein shall preclude a plan from actuarially adjusting benefits based upon sex, age or early retirement, disability or offering options.

Senator Wilson moved the following amendment which was adopted:

Amendment 3—On page 5, lines 3-5, strike all and insert: 13-231. Commission on Human Rights, Relations, assigned to the office of the Governor Department of Community Affairs. The Commission created by this part is assigned to the Office of the Governor Department of Community Affairs.

On motion by Senator Castor, by two-thirds vote SB 1165 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Williamson

On motion by Senator Castor, the rules were waived and SB 1165 after being engrossed was ordered immediately certified to the House.

SB 637—A bill to be entitled An act relating to the Department of Transportation; amending s. 338.19(1), Florida Statutes; requiring the department to reimburse a utility owned by a municipality, county, or agency or authority of the state or

of a political subdivision for the entire expense of removing or relocating a facility of such utility; providing for certain deductions from reimbursement; authorizing expenditure of both restricted and unrestricted state roads moneys and gas tax revenues for such reimbursement; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Holloway and adopted:

Amendment 1—Strike all of line 20 through and including line 31 on page 1 and all of line 1 through and including line 24 on page 2 and insert: (1) Any utility heretofore or hereafter placed upon, under, over or along any public road that is found by the state or other authority to be unreasonably interfering in any way with the convenient, safe, or continuous use or maintenance, improvement, extension or expansion of such public road shall, upon 30 days' written notice to the utility or its agent, by the state or other authority be removed or relocated by such utility, at its own expense; provided, however, that in the case of water and sewer facilities lying within the state highway system and owned by a municipality, a county, or a public corporation created by the legislature to own and operate water and sewer facilities, the state shall reimburse the utility from the Working Capital Trust Fund of the Department of Transportation for the entire expense properly attributable to removal or relocation on the state highway system after making an appropriate deduction therefrom for any increase in the value of the new facility and any salvage value derived from the old facility. Such reimbursement shall be considered a proper expenditure for state highway system construction and it shall be permissible for the Department of Transportation to expend both restricted and unrestricted state road moneys and gas tax revenue for such reimbursement. If the relocation of utility facilities, as referred to in s. 111 of the Federal Aid Highway Act of 1956, Public Law 627 of the Eighty-Fourth Congress, is necessitated by the construction of a project on the Federal Aid Interstate System, including extensions thereof within urban areas, and the cost of such project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall relocate same upon order of the Division of Road Operations, and the state shall pay the entire expense properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

Amendment 2—On page 1 in title, strike all of lines 5 through and including line 9 and insert: certain utility owners for the cost of removing or relocating certain utility facilities; providing for certain deductions from

On motion by Senator Holloway, by two-thirds vote SB 637 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Graham	Renick	Trask
Castor	Hair	Sayler	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, Don	Holloway	Scott	Winn
Dunn	Johnston	Skinner	Zinkil
Firestone	Lewis	Spicola	
Glisson	MacKay	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—None

Vote after roll call:

Yea—Williamson

On motion by Senator Holloway, the rules were waived and SB 637 after being engrossed was ordered immediately certified to the House.

SB 953—A bill to be entitled An act relating to pay periods for state officers and employees; amending s. 112.055, Florida

Statutes, to provide for consultation with the Department of Banking and Finance before approval of pay periods is granted by the Department of Administration; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 953 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Poston	Thomas, Jon
Castor	Hair	Renick	Tobiassen
Chamberlin	Henderson	Sayler	Trask
Dunn	Lewis	Scarborough	Vogt
Firestone	MacKay	Scott	Wilson
Gallen	McClain	Skinner	Winn
Glisson	Plante	Spicola	Zinkil

Nays—1

Johnston

Votes after roll call:

Yeas—Graham, Holloway, Williamson

By the Committee on Natural Resources and Conservation and Senators Ware, Gallen and Barron—

CS for SB 788—A bill to be entitled An act relating to coastal construction setback lines; amending s. 161.053, Florida Statutes, to authorize local governments to implement coastal regulation programs; providing for rules by the Department of Natural Resources; providing for variances by local governments; providing that the department shall identify procedures for variances and for local adoption of coastal regulation programs; providing an effective date.

—was read the first time by title and SB 788 was laid on the table.

On motion by Senator Ware, by two-thirds vote CS for SB 788 was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 3, line 11, strike everything after line 11 and insert: Section 2. Subsection (9) is added to section 161.052, Florida Statutes, to read:

161.052 Coastal construction and excavation; regulation.—

(9) The department may make recommendations to the Governor and Cabinet as head of the department as to the purchase of the fee or any lesser interest in any lands seaward of the setback requirement as environmentally endangered lands or as outdoor recreation lands.

Section 3. Subsection (9) is added to section 161.053, Florida Statutes, to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(9) Concurrent with the establishment of a coastal construction setback line, the department shall make recommendations to the Governor and Cabinet as head of the department as to the purchase of the fee or any lesser interest in the lands seaward of the setback line as environmentally endangered lands or as outdoor recreation lands; provided, however, as to those setback lines established pursuant to this section prior to the effective date of this amendment, the department may make recommendations as to the purchase of the fee or any lesser interest in the lands as environmentally endangered lands or as outdoor recreation lands.

Section 4. This act shall take effect July 1, 1977.

Amendment 2—On page 1 in title, line 10, after the (;) semi-colon insert: adding ss. 161.052(9), 161.053(9), Florida Statutes; providing for recommendations by the Department of Natural Resources as to purchase as environmentally endangered or outdoor recreation lands of the fee or lesser in-

terest in land seaward of the setback requirements of s. 161.052, Florida Statutes, or of the coastal construction setback lines established under s. 161.053, Florida Statutes; providing an effective date.

On motion by Senator Ware, by two-thirds vote CS for SB 788 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Graham

Abstained from Voting

I am not voting on CS for SB 788 because it may have a specific financial impact on property in which I have an interest.

Guy Spicola, 22nd District

SB 929—A bill to be entitled An act relating to funding of community colleges; amending s. 230.767, Florida Statutes; establishing procedures for determining the legislative budget request for operating funds for community colleges; establishing procedures for allocating funds appropriated to the community colleges; providing authority for the Commissioner of Education to adjust funding factors and assigned enrollments; ensuring that each community college receives at least the same amount of state funds computed for the previous year's assigned full-time equivalent enrollment; establishing a procedure for the adjustment of allocations made to colleges having actual full-time equivalent enrollments below their assigned enrollment based on the previous year's allocation; establishing a procedure for the allocation of amounts of funds recovered to colleges with actual full-time equivalent enrollments above the number assigned in the previous year; providing for the Department of Education to use up to 0.5 percent of the amount appropriated for adjustments necessary to maintain the financial stability of the colleges; deleting the determination and apportionment of the amount for transportation; amending s. 230.754(2)(g), Florida Statutes, to conform a cross-reference to provisions of this act; repealing s. 230.7661, Florida Statutes, relating to the procedure for determining the transportation density index for community colleges; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 2, line 29, insert after the word "cost": , including staffing requirements and workload,

Amendment 2—On page 3, line 7, insert after the period: Vocational education programs offered in community colleges and school districts shall be classified into uniform multi-level cost categories based on data from an annual cost study using a uniform program structure, standard elements of cost, and uniform definition of terms.

Amendment 3—On page 3, line 14, strike "inflation factors" and insert: salary and price level adjustments

Senators Spicola, Peterson, Ware and Sayler offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 4—On page 5, line 12, strike the period and insert: ; provided however that in 1977-78 and 1978-79 the

Department of Education shall have authority to use up to an additional 2% of the amount appropriated for the community college program fund each year to provide for allocation adjustments.

Senator Spicola moved the following amendment which was adopted:

Amendment 5—On page 1 in title, line 27, insert after the semicolon: providing for, during 1977-79, the Department of Education to use up to 2 percent of the amount appropriated for allocation adjustments;

On motion by Senator Lewis, by two-thirds vote SB 929 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Williamson
Dunn	Holloway	Sayler	Winn
Firestone	Johnston	Scott	Zinkil
Gallen	Lewis	Thomas, Jon	
Glisson	MacKay	Tobiassen	

Nays—3

Castor McClain Spicola

Vote after roll call:

Yea—Graham

On motion by Senator Plante 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 refused to recede from House Amendments 1 and 2 to SB 1454 and requests a conference committee. The Speaker has appointed Representatives Martin, Dyer, Margolis, Poindexter and Kirkwood as conferees on the part of the House.

Allen Morris, Clerk

On motion by Senator Plante the Senate acceded to the request for a Conference Committee. The President appointed Senator Plante, chairman; Senators Sayler, Gallen, Spicola and Poston as conferees.

SPECIAL ORDER, continued

By the Committee on Judiciary-Civil—

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

—was read the first time by title and SB 1248 was laid on the table.

On motions by Senator Hair, by two-thirds vote CS for SB 1248 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—32

Mr. President	Childers, Don	Gallen	Graham
Castor	Dunn	Glisson	Hair
Chamberlin	Firestone	Gorman	Henderson

Holloway	Plante	Spicola	Ware
Johnston	Poston	Thomas, Jon	Williamson
Lewis	Renick	Tobiassen	Wilson
MacKay	Saylor	Trask	Winn
McClain	Scott	Vogt	Zinkil

CS for SB 250 was laid on the table.

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

Nays—None

CS for SB 250, by the Committee on Commerce and Senator Hair (by request), was read the first time by title and SB 250 was laid on the table.

Pending further consideration of CS for SB 250, on motion by Senator Hair, the rules were waived and by two-thirds vote CS for HB 86 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Hair—

CS for HB 86—A bill to be entitled An act relating to insurer insolvency; creating s. 631.397, Florida Statutes; requiring the Department of Insurance, as receiver of an insolvent insurer, to apply for court approval of a proposal to disburse certain marshaled assets of such insurer to associations entitled thereto including the Florida Insurance Guaranty Association, Incorporated and similar associations in other states which have similar laws; providing for approval of other appropriate relief; specifying minimum contents of such proposals; requiring notice of such application; providing an effective date.

—a companion measure, was substituted for CS for SB 250 and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 86 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33			
Mr. President	Hair	Renick	Vogt
Castor	Henderson	Saylor	Ware
Chamberlin	Holloway	Scarborough	Williamson
Childers, Don	Johnston	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	
Gorman	Plante	Tobiassen	
Graham	Poston	Trask	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator MacKay, the rules were waived and by two-thirds vote HB 2123 was withdrawn from the Committee on Commerce.

On motion by Senator Lewis, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet Monday, May 30 from 5:00 p.m. until 9:00 p.m.

On motion by Senator Lewis, by two-thirds vote CS for HB 1250 was withdrawn from the Committee on Finance, Taxation and Claims.

ENROLLING REPORTS

CS for SB 475 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 23, 1977.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Williamson—SB 40; Senator Henderson—SB 698; Senator Wilson—Senate Bills 646 and 998; Senator Pat Thomas—Senate Bills 997, 998, 999, 1003 and 1173; Senators Don Childers and Senator Peterson—SB 1038.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 20 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 9:00 a.m., May 26, 1977.