



# Journal of the Senate

Number 34

Thursday, May 26, 1977

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

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

Excused: Senator Barron for the morning session, Senator Trask at 4:00 p.m.; Senators Lewis, W. D. Childers, Peterson, Plante, Hair, Myers, Barron, Sayler, Gallen, Spicola and Poston periodically for the purpose of working on conference committee reports; Senator Gordon.

Prayer by Dwight L. Smith, pastor, First Baptist Church, Quincy:

Our Father, we wish first to recognize you as the creator and controller of the world. We want to thank you for the beauty of the creation and for the pleasure which we can enjoy in it. Forgive us, we pray, for the blunders we make and for the mess which we make of a perfect creation.

We would plead for a guidance from above as we face perplexing problems. Our finite minds are unable to deal with the pressing issues of the day so we pray that Thou wouldst empower with us with the Holy Spirit. Grant us the wisdom and the courage to admit our frailty and finiteness. To Thee we turn in these desperate times.

We would pray for our Governor, these Senators, and the House. Make these men and women into statesmen and not mere politicians. Make them real men and women, people of impeccable character.

Our Lord, give this body a special sense of thy presence today, even now. When the day's work is finished, may their rest be easy tonight because they have peace with you. We make our prayer through Jesus Our Lord, the name which is above every name. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, May 26, 1977:

HB 2127	CS for SB 288	SB 1159	SB 1219
SB 521	SB 1317	SB 1453	SB 1093
SB 522	SB 875	SB 1449	CS for SB 1131
CS for SB 1406	SB 1117	CS for SB 1167	CS for SB 773
SB 1138	SB 1348	SB 1213	SB 1176

Respectfully submitted,  
*Tom Gallen, Chairman*

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar to be heard as an Administrative Procedures Package for Thursday, May 26, 1977 at 9:00:

SB 395	SB 523	CS for SB 585	SB 634
SB 492	SB 551	SB 617	SB 715
SB 505	CS for SB 554	SB 621	SB 727

SB 734	SB 799	SB 804	SB 844
SB 797	SB 800	SB 810	

Respectfully submitted,  
*Tom Gallen, Chairman*

The Committee on Rules and Calendar recommends the following bills be placed on the Claims Bill Calendar for Thursday, May 26, 1977, to be heard after the Administrative Procedures Package which is to be heard at 9:00:

SB 36	SB 611	HB 40	HB 1716
SB 180	SB 720	HB 383	HB 1789
SB 216	SB 1041	HB 457	HB 646
SB 353	SB 1359	HB 728	
SB 557	HB 24	HB 735	

Respectfully submitted,  
*Tom Gallen, Chairman*

The Committee on Rules and Calendar recommends the following bills be placed at the end of the Special Order Calendar for May 26, 1977:

SB 900	CS for SB 109	HB 300	HB 1036
SB 1140	SB 1298	HB 575	HB 1531
SB 885	SB 1360	HB 1035	CS for SB 58

Respectfully submitted,  
*Tom Gallen, Chairman*

The Committee on Education recommends a Committee Substitute for the following: SB 696

The bill with Committee Substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Transportation recommends a Committee Substitute for the following: SB 1420

The Committee on Appropriations recommends a Committee Substitute for the following:

CS for SB 23 (by the Committee on Governmental Operations), SB 372, SB 735, SB 1111, and SB 1376; CS for SB 669 (by the Committee on Corrections, Probation and Parole)

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

By permission Senator W. D. Childers was recorded as voting yea on the passage of the following bills on May 25: Senate Bills 487, 48, 1016, 643, 425, 580, 997, 998, 999, 1003, 1038, 147, 919, 575, 1014, 548, 1165, 637, 953, 929; CS for SB 592, CS for SB 989, CS for SB 97, CS for SB 653, CS for SB 788, CS for SB 1248, CS for SB 86, CS for SCR 77, SR 1405, HCR 2351; House Bills 247, 400, 887, 779, 1259, 545, 1108; and nay on CS for SB 73.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 1426 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Spicola, by two-thirds vote Senate Bills 62 and 356, and SCR 1094 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Peterson, by two-thirds vote HB 1184 was withdrawn from the Committee on Education.

On motion by Senator MacKay, the rules were waived and by two-thirds vote HB 1026 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Firestone, the rules were waived and by two-thirds vote SB 1259 was withdrawn from the Committee on Commerce.

**REQUESTS FOR EXTENSION OF TIME**

The Committee on Commerce requests an extension of 9 days for consideration of the following:

SB 738 by Senator Firestone	SB 1142 by Senator William-son
SB 739 by Senator Firestone	SB 1147 by Senator William-son
SB 740 by Senator Firestone	SB 1148 by Senator McClain
SB 741 by Senator Firestone	SB 1166 by Senator William-son
SB 409 by Senator Tobiasen	SB 1169 by Senator Johnston
SB 1115 by Senator Lewis	SB 1171 by Senator Ware
SB 1126 by Senator Scarborough	SB 1177 by Senator Ware
SB 1127 by Senator Scott	SB 1179 by Senators W. D. Childers, Barron
SB 1133 by Senator Pat Thomas	
SB 1141 by Senator William-son	

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

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

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

SB 1183 by Senator Gordon

The Committee on Transportation requests an extension of 10 days for consideration of the following:

SB 99 by Senator Holloway	SB 1146 by Senator Holloway
SB 170 by Senator Poston	SB 1225 by Senator Hair
SB 496 by Senator Poston	SB 1258 by Senator Gordon
SB 562 by Senator Renick	SB 1260 by Senator Poston
SB 564 by Senator Henderson	SB 1273 by Senator Peterson
SB 571 by Senator Poston	SB 1412 by Senator Poston
SB 626 by Senator Renick	SB 1443 by Senator Poston
SB 627 by Senator Renick	HB 601 by House Transportation Committee
SB 697 by Senator Graham	HB 2122 by House Transportation Committee
SB 791 by Senator Scarborough	HB 2141 by House Transportation Committee
SB 838 by Transportation Committee	
SB 1079 by Senator Holloway	

On motion by Senator Renick, by unanimous consent—

SM 1061—A memorial to the Congress of the United States urging the Congress to define national objectives for air transportation before passing any legislation abolishing regulation of the nation's commercial air transportation system, to permit no sacrifice of safety standards under the guise of removing regulations over such industry, and to require that reliability of service be a controlling factor in congressional deliberation of such legislation.

—was taken up out of order and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—28

Mr. President	Gorman	Myers	Thomas, Pat
Castor	Graham	Poston	Tobiasen
Childers, Don	Hair	Renick	Trask
Childers, W. D.	Henderson	Scarborough	Vogt
Firestone	Lewis	Skinner	Williamson
Gallen	MacKay	Spicola	Wilson
Glisson	McClain	Thomas, Jon	Winn

Nays—None

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HCR 1592 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator W. D. Childers, by unanimous consent—

HCR 1592—A concurrent resolution recognizing the exemplary services performed and accomplishments attained by Roger Clary on behalf of the citizens of Okaloosa County.

—was taken up out of order and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—29

Mr. President	Hair	Sayler	Trask
Castor	Henderson	Scarborough	Vogt
Childers, Don	Lewis	Scott	Ware
Childers, W. D.	MacKay	Skinner	Williamson
Firestone	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	
Gorman	Poston	Thomas, Pat	
Graham	Renick	Tobiasen	

Nays—None

On motion by Senator W. D. Childers, by unanimous consent—

SM 1110—A memorial to the Congress of the United States urging the Government to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China; and for other purposes.

—was taken up out of order and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—25

Mr. President	Henderson	Sayler	Vogt
Castor	Lewis	Scott	Ware
Childers, Don	MacKay	Spicola	Williamson
Childers, W. D.	McClain	Thomas, Jon	Winn
Glisson	Myers	Thomas, Pat	
Gorman	Poston	Tobiasen	
Hair	Renick	Trask	

Nays—None

On motion by Senator Glisson, by unanimous consent—

HCR 723—A concurrent resolution recognizing the exemplary services performed and accomplishments attained by David M. Newell in the interest of the conservation of the state.

—was taken up out of order and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—26

Mr. President	Hair	Sayler	Tobiasen
Childers, Don	Henderson	Scarborough	Trask
Childers, W. D.	Lewis	Scott	Vogt
Firestone	MacKay	Skinner	Ware
Glisson	Myers	Spicola	Winn
Gorman	Poston	Thomas, Jon	
Graham	Renick	Thomas, Pat	

Nays—None

On motion by Senator Henderson, by unanimous consent—

**SR 203**—A Senate resolution commending George W. O'Brien, Jr.

—was taken up out of order and read the second time in full and adopted. The vote on adoption was:

Yeas—27

Mr. President	Graham	Poston	Thomas, Jon
Childers, Don	Hair	Renick	Thomas, Pat
Childers, W. D.	Henderson	Sayler	Vogt
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Scott	Williamson
Glisson	Myers	Skinner	Wilson
Gorman	Peterson	Spicola	

Nays—None

On motion by Senator Don Childers, by unanimous consent—

**HM 792**—A memorial to the Congress of the United States, petitioning Congress to urge the Federal Communications Commission to hold public hearings to determine if the public desires a reversal of current television industry programming trends depicting violence, sex and certain trends in commercialization.

—was taken up out of order and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—30

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

Nays—None

On motions by Senator Renick SM 1061, HCR 1592, SM 1110, HCR 723 and HM 792 were immediately certified to the House.

## 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 1594 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Culbreath—

**HB 1594**—A bill to be entitled An act relating to horse shows and sales; amending s. 535.11, Florida Statutes; providing definitions; prohibiting the administration of certain drugs to horses prior to or during a show or sale except under specified conditions; providing responsibilities of trainers; providing for examination and testing of horses by veterinarians representing the Department of Agriculture and Consumer Services; providing for searches by representatives of the department and confiscation of containers suspected of containing reserpine; providing exemption from liability; providing duties of horse show and sales companies; providing for forfeiture of prizes and trophies; amending s. 535.12, Florida Statutes; creating s. 535.14, Florida Statutes, providing for rules; providing penalties; providing an effective date.

—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 as amended HB 931 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Steinberg—

**HB 931**—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11, Florida Statutes, relating to the illegal furnishing of alcoholic beverages to minors, to provide that such a violation must be committed; providing a saving clause; providing an effective date.

—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 2189 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce—

**HB 2189**—A bill to be entitled An act relating to unfair insurance trade practices; reenacting ss. 626.951, 626.9511, 626.9521, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 626.9611, 626.9621, 626.9631, and 626.9641, Florida Statutes, 1976 Supplement, and reenacting and amending ss. 626.9541 and 626.9551, Florida Statutes, 1976 Supplement, relating to unfair insurance trade practices; providing definitions; prohibiting misrepresentations and false advertising of insurance policies; prohibiting false information and false advertising generally as well as defamatory material and filing of false financial statements and entries; prohibiting agreements aimed at boycott, coercion, and intimidation; prohibiting issuance or delivery of stock as an inducement for insurance; prohibiting certain kinds of unfair discrimination in trade matters; prohibiting certain rebates with regard to insurance contracts; prohibiting certain defined unfair claim settlement practices; prohibiting the failure of an insurance company to maintain certain complaint handling procedures; prohibiting misrepresentation in insurance contracts; prohibiting certain misleading representations and comparisons; permitting certain advertising gifts; prohibiting free insurance; prohibiting excess or reduced premium charges or increasing premium during policy term; providing for statement of insurance costs included in an overall purchase price or financing; prohibiting certain insurance transactions through credit card facilities; prohibiting certain interlocking ownership and management; prohibiting certain arrangements with regard to funerals and funeral directors; prohibiting false claims; requiring written proposals for investment plans; prohibiting certain activities with regard to insolvent insurers; prohibiting the refusal of certain risks; prohibiting coercion of persons borrowing money to purchase specific insurance policies; providing that the Department of Insurance may charge any person with unfair trade practices whether defined or not; providing procedures for hearings under this act; providing for powers of the department with respect to unfair trade practices; providing for judicial review of certain actions; providing penalties; providing standards to be followed by the Department of Insurance; repealing sections 626.965, 626.966, 626.967, 626.968, 626.969, 626.970, 626.971, 626.972, 626.974, 626.975, 626.976, 626.977, 626.978, 626.979, 626.980, 626.981, 626.982, 626.983, 626.984, 626.985, 626.986, and 626.987, Florida Statutes, relating to trade practices and frauds; 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 2235 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries and Licensing—

**HB 2235**—A bill to be entitled An act relating to horseracing; providing legislative intent; providing for a special per race purse allowance for winter thoroughbred horse racing permits; providing for certain taxes and commissions with respect to winter thoroughbred horse racing; providing limitations thereon; providing for a purse allowance for summer thoroughbred horse racing; providing exceptions to beginning

and ending dates for summer thoroughbred racing; providing for a special purse allowance for harness racing; providing for payment of a percentage of the pari-mutuel handle by harness tracks for purchases; providing for purse allowances for thoroughbred horse racetracks with average daily handles of less than \$400,000; providing for track allowances for same; amending s. 550.081, Florida Statutes, relating to allocation of horseracing periods of operation; amending s. 550.161(1), Florida Statutes, relating to license fees for pari-mutuel pools of less than \$400,000 daily; amending s. 550.261, Florida Statutes, relating to purse requirements for winter horseracing; amending s. 550.262(3), Florida Statutes, relating to Florida breeders' awards and overnight purses for harness racing; amending s. 550.37(5), Florida Statutes, 1976 Supplement, relating to operation of harness tracks and the payment of certain taxes therefor; amending s. 550.38, Florida Statutes, relating to certain awards to breeders of Florida-bred horses; amending s. 550.42, Florida Statutes, providing for certain taxes and commissions with respect to summer thoroughbred horse racing; providing limitations thereon; amending subsection (1) of 550.09, Florida Statutes, to provide that every permitholder licensed by the division of pari-mutuel wagering shall pay an admission tax; providing the amount thereof; repealing chapters 75-43 and 75-46, Laws of Florida, relating to subjects set forth in this act; providing effective and expiration dates.

—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 2270      HB 2234      HB 2269      HB 2118

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries and Licensing—

HB 2270—A bill to be entitled An act relating to quarter horse racing; adding subsection (13) to s. 550.16, Florida Statutes; providing for payment of an additional 1 percent from total contributions to quarter horse pari-mutuel pools to be deposited in the Florida Quarter Horse Racing Promotion Trust Fund; providing for the Department of Agriculture and Consumer Services to administer such funds; providing legislative intent that such funds be used to supplement and augment purses and promote the owning and breeding of quarter horses in Florida; providing an effective date.

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

By the Committee on Regulated Industries and Licensing—

HB 2269—A bill to be entitled An act relating to horseracing; amending s. 550.39(2), Florida Statutes, and adding a new subsection, relating to certain payments in lieu of taxes now imposed upon horseracing tracks; providing a fixed daily license fee for quarter horse race meets; providing an effective date.

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

By the Committee on Agriculture and General Legislation—

HB 2118—A bill to be entitled An act relating to dogracing and horseracing; amending s. 550.26(5), Florida Statutes; providing that payments from the Florida Harness Horse Racing Promotion Trust Fund may be made directly to the Florida Standardbred Breeders' and Owners' Association; providing an effective date.

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

By the Committee on Regulated Industries and Licensing—

HB 2234—A bill to be entitled An act relating to pari-mutuel wagering; adding a new section to chapter 550, Florida Statutes, and adding a new section to chapter 551, Florida Statutes, requiring dogracing, horseracing, and jai alai permittees to

withhold an additional commission of 0.6% from the pari-mutuel pools; providing for disposition of said funds; excepting quarter horse racing permittees; repealing chapter 75-42, Laws of Florida, relating to the presently provided additional 0.4% commission authorized to be withheld from the pari-mutuel pools, which authorization expires July 1, 1977; providing effective and expiration dates.

—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 as amended HB 2217 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Finance and Taxation—

HB 2217—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(2), Florida Statutes, to exempt feminine hygiene products from the sales tax; amending s. 212.08(4), and (8), Florida Statutes, providing clarifying language in regard to the taxable status of certain vessels engaged in interstate or foreign commerce; providing 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 HB 2313 and HB 2152 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce—

HB 2313—A bill to be entitled An act relating to the practice of acupuncture; prohibiting the practice of acupuncture by any person not specifically authorized as provided in this act; creating ss. 458.25, 459.25, 460.45, 461.25, 462.25, 466.65, and 474.50, Florida Statutes, authorizing physicians, physician's acupuncture assistants under supervision, osteopathic physicians, osteopathic physician's acupuncture assistants under supervision, chiropractic physicians, chiropractic physician's acupuncture assistants under supervision, podiatrists, naturopaths, dentists, and veterinarians, licensed to practice in this state, to practice acupuncture pursuant to their individual practices, upon certification therefor by their respective professional licensing boards; providing for regulation of the practice of acupuncture by the State Board of Medical Examiners, the State Board of Osteopathic Medical Examiners, the Florida State Board of Chiropractic Examiners, the Board of Podiatry Examiners, State Board of Naturopathic Examiners, the Florida State Board of Dentistry, and the Florida State Board of Veterinary Medicine, respectively; providing definitions; providing for qualifications and fees for certification; providing for denial, suspension, revocation, and renewal of certificates; providing procedures and fees pursuant to failure to renew; requiring diagnostic examination and informed consent in certain cases; adding subsection (13) to s. 20.30, Florida Statutes, establishing an advisory committee and providing membership, qualifications, terms, and functions; grandfathering in certain persons; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Economic, Community and Consumer Affairs.

By the Committee on Commerce—

HB 2152—A bill to be entitled An act relating to retail installment sales; amending ss. 520.03(3), 520.32(2), 520.52(2), and 520.65(9), Florida Statutes, relating to the appropriation of license fees for use by the Department of Banking and Finance in the administration of chapter 520, Florida Statutes, relating to retail installment sales and finance; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has adopted SCR 466.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

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

SB 458	SB 1463	SB 1155
SB 1464	SB 867	SB 713
SB 1471	SB 1470	SB 851
SB 1469	SB 710	
SB 868	SB 1465	

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and passed SB 27.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed SB 506.

*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 receded from House Amendments 2 and 3 and passed SB 308 as amended.

*Allen Morris, Clerk*

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 passed as amended CS for HB 1142 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representative Hector (by request)—

CS for HB 1142—A bill to be entitled An act relating to environmental control; creating s. 403.072, Florida Statutes; providing legislative intent; authorizing the Department of Environmental Regulation to establish a method for determining the landward extent of waters by use of soil or plant indicators; providing for approval of amendments to existing rules; providing for consistency with plant or soil indicators adopted by the Legislature; providing an effective date.

—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 with amendment—

By Senators Poston and Renick—

SB 1467—A bill to be entitled An act relating to The Lower Florida Keys Hospital District, Monroe County; amending section 2 of chapter 67-1724, Laws of Florida, as amended, changing the number of board of commissioners, providing for re-

moval of commissioners by the Governor; deleting requirement to be freeholder; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1 in title, lines 7-8, strike all of said lines and insert: commissioners by the Governor; providing an

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

SB 1467 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—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 receded from House amendment #4, concurred in Senate Amendment to House amendment #2 and passed CS for SB 592, as amended.

*Allen Morris, Clerk*

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(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.

—passed as amended and was ordered engrossed and then enrolled. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable Lew Brantley, President*

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

By Senators Skinner and Hair—

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

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On pages 2-6, strike everything after the enacting clause and insert:

Section 1. Section 370.153, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 370.153, F.S., for present text.)*

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(1) **DEFINITIONS.**—When used in this section, unless the context clearly requires otherwise:

(a) **Inland waters.**—All creeks, rivers, bayous, bays, inlets, and canals.

(b) **Sample.**—One or more shrimp taken from an accurately defined part of the area defined.

(c) **Series.**—Ten or more samples taken within a period of not more than 1 week, each sample being taken at a different station within the pattern.

(d) **Pattern.**—Ten or more stations.

(e) **Station.**—A single location on the water of the areas defined.

(f) **Licensed live bait shrimp producer.**—Any individual licensed by the Department of Natural Resources to employ the use of any trawl for the taking of live bait shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(g) **Licensed dead shrimp producer.**—Any individual licensed by the Department of Natural Resources to employ the use of any trawl for the taking of shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(2) **SHRIMPING PROHIBITED.**—It is unlawful to employ the use of any trawl or other net, except a common cast net, designed for or capable of taking shrimp, within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties, except as hereinafter provided.

(3) **LIVE BAIT SHRIMP PRODUCTION.**—

(a) Any licensed live bait shrimp producer shall be permitted to use a roller frame trawl or an otter trawl not to exceed 20 feet in width for the production of live bait shrimp. No other type or size of trawl shall be permitted.

(b) A live bait shrimp production license shall be issued by the Department of Natural Resources upon the receipt of an application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler, and Clay Counties and not to exceed 45 feet in length in Nassau County, for live shrimp production within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and the payment of a fee of \$50. The design of the application and permit shall be determined by the department. The proceeds of the fee imposed by this paragraph shall be used by the Department of Natural Resources for the purposes of enforcement of marine resource laws.

(c) The executive director of the Department of Natural Resources, or his designated representative, may by order close certain areas to live bait shrimp production when sampling procedures justify the closing, based upon sound conservation

practices. The revocation of any order to close has the effect of opening the area.

(d) Every live bait shrimp producer shall produce evidence satisfactory to the department that he has the necessary equipment to maintain the shrimp alive while aboard the shrimp fishing vessel. All vessels fishing for live bait shrimp must be equipped with live bait shrimp tanks of a type and capacity satisfactory to the department, and no more than 5 pounds of dead shrimp will be allowed on board such vessel per day.

(e) 1. Each licensed live bait shrimp producer who stores his catch for sale or sells his catch shall either:

a. Maintain on-shore facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities' ability to maintain the catch alive when the live bait shrimp producer produces for his own facility; or

b. Sell his catch only to persons who have on-shore facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities' ability to maintain the catch alive when the producer sells his catch to an on-shore facility. The producer shall provide the Department of Natural Resources with the wholesale number of the facility to which the shrimp have been sold and shall submit this number on a form designed and approved by the department.

2. All persons who maintain on-shore facilities as described in this paragraph, whether the facilities are maintained by the licensed live bait shrimp producer or by another party who purchases shrimp from live bait shrimp producers, shall keep records of their transactions in conformance with the provisions of s. 370.07(5).

(4) **DEAD SHRIMP PRODUCTION.**—Any person may operate as a commercial dead shrimp producer on the St. Johns River provided that:

(a) A dead shrimp production permit is procured from the Department of Natural Resources upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Natural Resources. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Motorboat Revolving Trust Fund to be used by the Department of Natural Resources for the purpose of enforcement of marine resource laws.

(b) All commercial trawling shall be restricted to the St. Johns River proper in the area north of Buckman Bridge at Orange Park and at least 100 yards from the nearest shoreline.

(c) No person shall use any trawl exceeding 35 feet in length \**[or less than]* a 1 ½-inch stretch mesh with a 10-pound pull. Length measurement shall be made from the point where the webbing is hung on the corkline at one end of said net to the point where the webbing is hung on the corkline at the opposite end of said net.

(d) No person shall use any tickler chain.

(e) The Department of Natural Resources may, by rule, place additional restrictions upon the types of equipment to be used by dead shrimp producers.

(f) All commercial shrimping activities shall be allowed during daylight hours from Tuesday through Friday each week.

(g) No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5). The number of permits issued by the department for commercial trawling or dead shrimp production in any one year shall be the number issued in the base year, 1976. All permits shall be non-transferable, and annually renewable only by the original holder thereof. All permits not renewed shall expire and shall not be renewed under any circumstances.

(h) It is illegal for any person to sell dead shrimp caught in the St. Johns River unless the seller is in possession of a dead shrimp production license issued pursuant to this subsection.

(i) It is illegal for any person to purchase shrimp for consumption from any seller (with respect to shrimp caught in the St. Johns River) who does not produce his dead shrimp production license prior to the sale of the shrimp.

(j) In addition to any other penalties provided for in this section, any person who violates the provisions of this subsection shall have his license revoked by the department.

(5) **NONCOMMERCIAL TRAWLING.**—Any person may harvest shrimp in the St. Johns River for his own use as food and may trawl for such shrimp under the following conditions:

(a) Each person who desires to trawl for shrimp for use as food shall obtain a noncommercial trawling permit from the local Marine Patrol office of the Department of Natural Resources upon filling out an application on a form prescribed by the department and upon paying a fee for the permit which shall cost \$50.

(b) Each trawl used for noncommercial trawling shall measure not more than 15 feet from the point where the webbing is hung on the corkline at one end of said net to the point where the webbing is hung on the corkline at the opposite end of said net and the nets shall be no less than 1 and one-half inches stretched mesh. Only one trawl shall be pulled at a time.

(c) All trawling shall be restricted to the confines of the St. Johns River proper in the area north of Buckman Bridge at Orange Park and at least 100 yards from the nearest shoreline.

(d) Trawling shall be allowed only during daylight hours on Saturdays and Sundays, and at no time shall any person or boat possess more than 50 pounds of shrimp while on the water.

(e) No shrimp caught by a person licensed under the provisions of this subsection shall be sold or offered for sale.

(6) **SAMPLING PROCEDURE.**—

(a) The executive director of the Department of Natural Resources shall have samples taken at established stations within patterns at frequent intervals.

(b) No area shall be closed to live bait shrimp production unless a series of samples has been taken and it has been determined that the shrimp are undersized or that continued shrimping in this area would have an adverse effect on conservation. Standards for size may be established by rule of the department.

(c) No area shall be opened to dead shrimp production unless a series of samples has been taken and it has been determined that the shrimp are of legal size. Legal-sized shrimp shall be defined as not more than 47 shrimp with heads on, or 70 shrimp with heads off, per pound.

(7) **LICENSE POSSESSION.**—The operator of a boat employing the use of any trawl for shrimp production must be in possession of a current shrimp production license issued to him pursuant to the provisions of this section.

(8) **USE OF TRAWL; LIMITATION.**—

(a) The use of a trawl by either a live bait shrimp producer or dead shrimp producer shall be limited to the daylight hours and the taking of dead shrimp shall not take place on Saturdays, Sundays or legal state holidays.

(b) The use of a trawl by either a live bait shrimp producer or dead shrimp producer within 100 yards of any shoreline is prohibited. The Department of Natural Resources, by rule or order, may define the area or areas where this subsection shall apply.

(c)1. It is unlawful to employ the use of any trawl designed for, or capable of, taking shrimp within 1/4 mile of any natural or manmade inlet in Duval and St. Johns Counties.

2. It is unlawful for anyone to trawl in the Trout River west of the bridge on U.S. 17 in Duval County.

(9) **PENALTY.**—

(a) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.

(b) The license of any shrimp producer convicted of violating any provision of this section shall be suspended for a period of 1 year.

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

**Amendment 2**—On page 1 in title, lines 1-30, strike the entire title and whereas clauses and insert:

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

WHEREAS, the Department of Natural Resources is required by enabling legislation to protect, manage, and utilize the marine resources of Florida on behalf of all of the citizens of this state, and

WHEREAS, the delicate environmental balance necessary to retain Florida's world renowned shrimping industry and yet leave enough shrimp free in our waters to breed each season can be altered disastrously by a few uncontrolled or ill-planned activities, and

WHEREAS, the area of the St. Johns River system represents an area to which newly spawned shrimp move as they grow through the early stages of development, and

WHEREAS, it has been said that the St. Johns River System is probably the most important single geographical feature affecting the shrimp population of the northeast coast of Florida, and

WHEREAS, shrimp fishing in the St. Johns River system needs to be strictly regulated in order to protect the environmental balance in northeast Florida, NOW, THEREFORE,

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

SB 843 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—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 refused to concur in Senate Amendments 1 and 2 to HB 464 and requests the Senate to recede.

*Allen Morris, Clerk*

By Representative Fontana—

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

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

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

On motion by Senator Scarborough, the rules were waived and HB 464 with the amendments was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 563

*The Honorable Lew Brantley*  
President of the Senate

*The Honorable Donald L. Tucker*  
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Committee Substitute for Senate Bill 563, same being:

A bill to be entitled An act relating to elections; amending and revising various provisions of chapters 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, Florida Statutes; prescribing regulations relating to the registration and qualifications of electors; prescribing the powers and duties of elections officials and duties of other officials with respect to elections, registration, and official records; prescribing regulations for the qualification of candidates and campaign and election of public officers; prescribing regulations for the holding and conduct of, and campaigns for, elections held to elect public officers or to approve or reject constitutional amendments, bond issues, or other measures; prescribing procedures and regulations with respect to voting, ballots, and voting equipment; prescribing regulations for ascertaining the results of elections and providing for recounts; prescribing regulations relating to presidential electors, political parties, and the selection of delegates to national conventions of political parties; prescribing violations and penalties; prescribing regulations and procedures with respect to campaigns for, and the election or retention of, judicial officers; prescribing regulations with respect to campaign financing, political committees, and committees of continuous existence; prescribing regulations of affairs held to raise funds to be used in a campaign for public office and affairs held in honor or on behalf of public officers; prescribing regulations governing the use and disposition of campaign funds; prescribing the powers and duties of various officials and agencies to enforce such regulations; providing for enforcement with respect to violations; providing for civil penalties; prescribing penalties for violations of such regulations; clarifying language and removing redundant and obsolete provisions; amending s. 112.3145(2)(c), (6), Florida Statutes, 1976 Supplement; providing for filing of disclosure of financial interests by candidates; amending ss. 130.03, 130.18, 180.04, 180.10, 236.36, and 342.04, Florida Statutes; conforming cross-references; repealing ss. 97.031, 97.062, 97.103, 98.082, 98.121, 98.131, 98.141, 98.151, 98.221, 98.291, 98.311, 98.312, 98.313, 98.331, and 98.381, Florida Statutes, which relate to certificates of election, registration records, and registration and voting by electors; repealing ss. 99.023, 99.111, 99.151, 99.153, 99.172, and 99.193, Florida Statutes, which prescribe regulations for the qualification, nomination, and election of candidates, the holding of testimonial affairs, and prohibit the buying of votes; repealing ss. 100.112, 100.121, 100.131, 100.171, and 100.251, Florida Statutes, which relate to the holding and conduct of, and qualification of candidates for, certain elections held to elect public officers or to approve or reject issues; repealing ss. 101.081, 101.091, 101.101, 101.25, 101.26, 101.262, 101.264, 101.291, 101.30, 101.44, 101.5616, 101.60, 101.63, 101.691, and 101.70, Florida Statutes, which prescribe procedures and regulations with respect to voting, ballots, methods of qualifying for office, voting equipment, duties of election officials, and adoption of provisions of election laws by certain agencies and political subdivisions; repealing ss. 102.041 and 102.051, Florida Statutes, which relate to powers of, and filling of vacancies on, election boards; repealing ss. 103.041, 103.102, and 103.111, Florida Statutes, which relate to presidential electors and prescribe regulations for political parties; repealing ss. 104.021, 104.12, 104.14, 104.181, 104.25, 104.272, and 104.28, Florida Statutes, which prescribe violations and penalties; repealing ss. 104.44, 104.45, and 104.46, Florida Statutes, which repeal conflicting laws, authorize municipalities to adopt election laws, and require a pamphlet and manual of such laws; repealing s. 105.021, Florida Statutes, which sets the dates of nonpartisan judicial elections; repealing ss. 106.10, 106.13, and 106.251, Florida Statutes, which relate to campaign financing and enforcement of certain campaign financing violations; repealing s. 1, chapter 75-246, Laws of Florida, which prescribes the dates for the second primary election; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from House Amendments 1 and 2.
2. That the House and Senate adopt the Conference Committee Amendments, attached hereto, and by reference made a part of this report.
3. That the Senate and House pass the Committee Substitute for Senate Bill 563 as amended by said Conference Committee Amendments.

*Mattox Hair, Chairman*  
*Don Chamberlin*  
*George Firestone*  
*Harry A. Johnston, II*  
*James A. "Jim" Scott*

*Joe Lang Kershaw,*  
*Co-Chairman*  
*Samuel P. Bell, III*  
*Bob Hattaway*  
*George F. Hieber, II*  
*Richard H. "Dick" Langley*

Managers on the part of the Senate

Managers on the part of the House of Representatives

Summary of Conference Committee action:

1. Removes chapter 107, Florida Statutes, from inclusion in the Election Code.
2. Eliminates from the definition of candidate the provision which defines a candidate to include any person who makes a public announcement that he is a candidate and the provision requiring such person to designate his campaign depository and appoint his campaign treasurer within 24 hours of making such announcement.
3. Prescribes the persons entitled to access to voter registration lists and the purposes for which such lists may be made available.
4. Provides that independent candidates obtain the signatures of 3% of the registered electors in order to qualify by petition to have their names printed on the ballot.
5. Reduces from a felony of the third degree to a misdemeanor of the first degree the penalty for any person who votes in a freehold election who is not a qualified elector and a freeholder.
6. Makes municipal recall provisions applicable to municipalities of less than 500 registered electors and prescribes a scale for the number of signatures required. Limits municipal recall to specified grounds.
7. Clarifies that appointment of poll watchers is permissive.
8. Provides that access to the lists of electors who have voted shall be available to poll watchers under regulation of the election inspector.
9. Requires county commissioners in exercising their discretion to adopt, purchase, or procure electronic or electromechanical voting equipment to consult with the supervisor of elections.
10. Requires canvassing of votes at any designated location to be open to the public.
11. Provides that the supervisor of elections may notify voters by mail of a change in the polling place.
12. Requires signs to be posted designating polling places and prescribes specifications therefor.
13. Requires the supervisor of elections when disqualified from serving on the canvassing board to act in an advisory capacity.
14. Authorizes circuit judge in any protest of an election to provide appropriate relief.
15. Requires forms filed which protest an election to be sworn to under penalties of perjury.
16. Leaves existing law with respect to the structure of political party state and county executive committees, however, requires organizational meetings of newly elected members within 30 days after the committee members take office.
17. Provides for candidates for judicial office to indicate on the candidates' oath their name as they wish it to appear on the ballot.

18. Requires money received with request to testimonials to be made only through the treasurer.

19. Excludes any requirement for tickets or advertising for testimonials for public officers to state the purpose for which the funds are to be used.

20. Provides that money raised at a testimonial for a public officer shall be either donated to charity, returned pro-rata to contributors or given to the appropriate governmental entity.

21. Provides that the valuation on in-kind contribution which is to be placed by the contributor shall be the fair market value.

22. Leaves in current law the provision which allows a candidate who has no activity in his campaign account to file a notice to that effect in lieu of a campaign report.

23. Prescribes a disclaimer which is to appear on advertisements by means of independent expenditures.

24. Requires the name of the payee to appear on checks drawn on a campaign account.

25. Provides that in order for a candidate or spouse to draw a salary from a campaign account or use campaign funds to defray normal living expenses such candidate must file a statement to that effect at the time the campaign treasurer is appointed and the campaign depository designated.

26. Requires surplus funds of a candidate in excess of \$6,000 for a candidate for statewide office, in excess of \$3,000 for a candidate for legislative or multi-county office, or in excess of \$1,500 for local offices to either be returned pro-rata to the contributors or given to the appropriate governmental entity. Also provides amounts that may be retained by judicial officers.

27. Excludes from the definition of political advertisement campaign messages designed to be worn on a person's clothing.

28. Requires a candidate before making any representation of an endorsement by an organization or person to have received written approval to make such representation.

29. Provides that a candidate may not be charged a rate for political advertising in excess of that charged another candidate.

30. Deletes the provision that provides for the name of the candidate to be removed from the ballot if his campaign treasurer is convicted of certain campaign financing violations.

31. Provides that any person who knowingly and willfully violates certain campaign financing provisions is subject to criminal and civil penalties.

32. Eliminates the provision that makes it a misdemeanor of the first degree to make any expenditure in any manner other than that provided by chapter 106, Florida Statutes.

33. Provides that the Florida Elections Commission shall be composed of 7 members appointed by the Governor, subject to Senate confirmation and approval of 3 members of the Cabinet and that of the members no more than 4 may be members of the same political party at any one time.

34. Provides for confidentiality of Division of Elections and Elections Commission investigations and proceedings.

35. Authorizes the Florida Elections Commission to impose civil penalties in the form of fines.

36. Reinstates Commission's subpoena powers.

37. Repeals s. 104.35, Florida Statutes, which prohibits the distribution of certain campaign literature on election day.

38. Makes the act take effect January 1, 1978.

39. Corrects technical errors and clarifies language.

**Conference Committee Amendment 1—Strike everything after the enacting clause and insert:**

On motion by Senator Lewis, the rules were waived, and Conference Committee Amendment 1, because of the volume, was not printed in the Journal.

**Conference Committee Amendment 2—On page 3 in title, line 22, after the semicolon insert: repealing s. 104.35, Florida**

Statutes, which prohibits the distribution of literature against a candidate on election day;

On motion by Senator Hair Rule 4.5 was waived and the report of the Conference Committee on CS for SB 563 was read a second time.

On motion by Senator Hair, the Conference Committee Report was adopted, and CS for SB 563 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Peterson, Sayler

On motion by Senator Hair, the rules were waived and the Conference Committee Report on CS for SB 563 was ordered immediately certified to the House.

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Myers, by two-thirds vote HB 694 was withdrawn from the Committee on Transportation.

#### SPECIAL ORDER—ADMINISTRATIVE PROCEDURES BILLS

Senator Gallen presiding

Consideration of SB 395 was deferred.

SB 492—A bill to be entitled An act relating to the dental practice act; adding s. 466.14(4), (5), Florida Statutes; providing for limitation on the number of times the practical, clinical and professional portions of the dental examination can be taken; requiring successful completion of the National Board of Dental Examiners' dental examination as a prerequisite to being examined by the Florida State Board of Dentistry; amending s. 466.37, Florida Statutes, providing that dental hygiene applicants successfully complete the National Board of Dental Hygiene examination; providing an effective date.

—was read the second time by title.

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

**Amendment 1—**On page 1, line 21-23, strike "(4) The practical, clinical and professional portions of the examination may be retaken, but no applicant may be re-examined more than three times." and insert: (4) The examination may be retaken; however, no applicant may take the practical, clinical and professional portions of the examination more than three times unless he has provided satisfactory proof that he has successfully completed courses, approved by the Board, designed to improve his clinical skills.

**Amendment 2—**Page 1, line 26 and page 2, line 16, insert after "examination": within five years

On motion by Senator Lewis, further consideration of SB 492 was deferred.

SB 505—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54(7), Florida Statutes, 1976 Supplement; requiring each rule to be accompanied by the names of everyone contributing to the substance or editing of any rule; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 18, strike “and persons”

Amendment 2—On page 1 in title, line 5, strike “everyone” and insert: all authors

On motion by Senator Lewis, by two-thirds vote SB 505 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Castor	Henderson	Poston	Trask
Chamberlin	Johnston	Renick	Vogt
Childers, Don	Lewis	Sayler	Ware
Childers, W. D.	MacKay	Spicola	Wilson
Firestone	McClain	Thomas, Jon	Winn
Gallen	Myers	Thomas, Pat	Zinkil
Gorman	Peterson	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Glisson, Graham, Hair, Williamson

SB 523 was taken up and on motion by Senator Pat Thomas—

HB 1129—A bill to be entitled An act relating to correctional officers; amending s. 944.585(2), Florida Statutes, and adding a subsection thereto; requiring correctional officers to obtain a certificate of compliance within 12 months of appointment; provides that no correctional officer shall become a permanent state employee until he has received the certificate of compliance; providing an extension of time in which to receive training for certain employees; providing an effective date.

—a companion measure was substituted for SB 523 and read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendments which were moved by Senator Pat Thomas and adopted:

Amendment 1—On page 1, strike lines 16-31, and on page 2, strike lines 1-9 and renumber section 2 as section 4. and insert: Section 1. Subsection (2) of section 944.585, Florida Statutes, is amended to read:

944.585 Correctional officer training program established.—

(2) The council shall issue a certificate of compliance to any person satisfactorily complying with the training program established in subsection (1) and the qualifications for employment in s. 944.584, and any person employed as a correctional officer shall obtain such certificate of compliance within 12 months after the date he began his employment or within 12 months after the effective date of this act, whichever is later; no person shall become a permanent state employee until he has received the certificate of compliance no person shall be employed as a correctional officer by any employing agency until he has obtained such certificate of compliance.

Section 2. Subsection (4) of section 944.585, Florida Statutes, is created to read:

(4) Correctional officers who began their employment between July 1, 1974, and June 30, 1976, shall be required to meet the provisions of ss. 944.585(2) or 944.585(3) as a condition of eligibility for promotion.

Section 3. Subsection (3) of section 944.592, Florida Statutes, is created to read:

(3) Correctional officers who began employment between July 1, 1974, and June 30, 1976, shall not be required to meet the provisions of s. 944.585 as a condition of continued employment.

Amendment 2—On page 1 in title, strike all of lines 4-12 and insert: requiring such officers to obtain a certificate of compliance within certain period and limiting permanent employee status; adding ss. 944.59(2) and (3), Florida Statutes, providing requirements for promotion and continued employment for certain employees; providing an effective date.

Amendment 3—On page 1 in title, line 3, strike “, and”

On motion by Senator Pat Thomas, by two-thirds vote HB 1129 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Castor	Gorman	Sayler	Ware
Chamberlin	Johnston	Spicola	Wilson
Childers, Don	Lewis	Thomas, Jon	Winn
Childers, W. D.	MacKay	Thomas, Pat	Zinkil
Firestone	Myers	Tobiassen	
Gallen	Poston	Trask	
Glisson	Renick	Vogt	

Nays—None

Votes after roll call:

Yeas—Graham, Hair, Peterson, Williamson

SB 523 was laid on the table.

On motion by Senator Pat Thomas, the rules were waived and HB 1129 was ordered immediately certified to the House.

SB 551—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 409.235(2), Florida Statutes; providing that the payment of assistance under the aid to families with dependent children program is discretionary; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Lewis and adopted:

Amendment 1—On page 1, line 14, strike “may” and insert: shall

Amendment 2—On page 1, line 16, strike after the words “age of 18,” all language through line 19 and insert: who meets requirements for financial eligibility under s. 409.185 and s. 409.235, Florida Statutes.

On motion by Senator Lewis, by two-thirds vote SB 551 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Johnston	Spicola	Wilson
Firestone	Lewis	Thomas, Jon	
Gallen	MacKay	Thomas, Pat	
Gorman	Myers	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Glisson, Peterson, Williamson, Winn, Zinkil

CS for SB 554, by the Committee on Natural Resources and Conservation and Senators Lewis, Hair and Ware, was taken up and SB 554 was laid on the table.

Pending further consideration of CS for SB 554, on motion by Senator Lewis, by two-thirds vote CS for HB 1142 was withdrawn from the Committee on Rules and Calendar and placed on the calendar. On motion by Senator Lewis—

CS for HB 1142— A bill to be entitled An act relating to environmental control; creating s. 403.072, Florida Statutes; providing legislative intent; authorizing the Department of Environmental Regulation to establish a method for determining the landward extent of waters by use of soil or plant indicators; providing for approval of amendments to existing rules; providing for consistency with plant or soil indicators adopted by the Legislature; providing an effective date.

—a companion measure, was substituted for CS for SB 554 and by two-thirds vote read the second time by title.

On motion by Senator Vogt, further consideration of CS for HB 1142 was deferred.

Senator Ware presiding

By the Committee on Health and Rehabilitative Services and Senators Lewis (By Request), Hair and Ware—

CS for SB 585—A bill to be entitled An act relating to emergency medical technicians and drivers; adding s. 401.27 (3)(e), (f), and amending subsection (4) of said section; requiring specific examinations and training for applicants for certification as emergency medical technicians; requiring specific training for applicants for certification as emergency ambulance drivers; providing an effective date.

—was read the first time by title and SB 585 was laid on the table.

On motions by Senator Lewis, by two-thirds vote CS for SB 585 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—27

Castor	Graham	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Johnston	Sayler	Ware
Childers, W. D.	Lewis	Spicola	Wilson
Firestone	MacKay	Thomas, Jon	Winn
Glisson	McClain	Thomas, Pat	Zinkil
Gorman	Myers	Tobiassen	

Nays—1

Skinner

Votes after roll call:

Yeas—Peterson, Williamson

SB 617—A bill to be entitled An act relating to public health; amending s. 381.031(1)(g), Florida Statutes; providing for the control of communicable diseases by the quarantine or destruction by the Department of Health and Rehabilitative Services of domestic or wild animals infected with or exposed to contagious diseases transmissible to man; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 1, line 22, insert after the word "domestic": pets

Amendment 2—On page 1, lines 23 and 24, strike after the word "rabies": "or with any other contagious or infectious disease transmissible to humans"

Amendment 3—On page 1, lines 25 and 26, strike after the word "rabies": "or any other infectious or contagious disease transmissible to man"

Amendment 4—On page 2, line 23, insert after the word "segregation": destruction,

Amendment 5—On page 2, lines 23 and 24, strike after the word "all": "animals and" and insert: domesticated

Amendment 6—On page 1 in title, strike all of lines 7 and 8 and insert: pets or wild animals infected with rabies;

On motion by Senator Lewis, by two-thirds vote SB 617 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Castor	Henderson	Sayler	Trask
Childers, Don	Johnston	Scarborough	Vogt
Childers, W. D.	Lewis	Skinner	Ware
Firestone	MacKay	Spicola	Williamson
Glisson	McClain	Thomas, Jon	Wilson
Gorman	Poston	Thomas, Pat	Winn
Graham	Renick	Tobiassen	Zinkil

Nays—None

Votes after roll call:

Yeas—Chamberlin, Peterson

SB 621—A bill to be entitled An act relating to state agencies; amending s. 287.043, Florida Statutes; requiring all printing, duplicating, or reproduction equipment purchased by state agencies to be used for efficient and economical production of printed material directly related to state business; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Castor	Johnston	Skinner	Ware
Childers, Don	MacKay	Spicola	Williamson
Childers, W. D.	McClain	Thomas, Jon	Wilson
Firestone	Poston	Thomas, Pat	Winn
Gorman	Renick	Tobiassen	Zinkil
Graham	Sayler	Trask	
Henderson	Scarborough	Vogt	

Nays—None

Votes after roll call:

Yeas—Chamberlin, Glisson, Peterson

SB 634—A bill to be entitled An act relating to dispensing opticians; amending s. 484.08, Florida Statutes, relating to the renewal of licenses, fees therefor, expenditure of revenues, and annual reports; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 634 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Castor	Graham	Sayler	Ware
Chamberlin	Henderson	Spicola	Williamson
Childers, Don	Johnston	Thomas, Pat	Wilson
Childers, W. D.	MacKay	Tobiassen	Winn
Firestone	McClain	Trask	Zinkil
Gorman	Poston	Vogt	

Nays—None

Votes after roll call:

Yeas—Glisson, Peterson, Skinner

SB 715—A bill to be entitled An act relating to dispensing opticians; amending s. 484.03(1), Florida Statutes, relating to experience required for an applicant for licensure as a dispensing optician; providing for registration of apprentices and payment of an annual registration fee not to exceed \$20; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 715 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Castor	Graham	Sayler	Trask
Chamberlin	Henderson	Scarborough	Vogt
Childers, Don	Johnston	Skinner	Ware
Childers, W. D.	MacKay	Spicola	Williamson
Firestone	McClain	Thomas, Jon	Wilson
Glisson	Poston	Thomas, Pat	Winn
Gorman	Renick	Tobiassen	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

SB 727—A bill to be entitled An act relating to hospital licensing; amending s. 395.05, Florida Statutes; providing for the issuance of a provisional license to new hospitals or hospitals which are in substantial compliance with chapter 395, Florida Statutes, and with regulations of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 727 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Castor	Graham	Renick	Trask
Chamberlin	Henderson	Sayler	Vogt
Childers, Don	Johnston	Scarborough	Ware
Childers, W. D.	Lewis	Skinner	Williamson
Firestone	MacKay	Thomas, Jon	Wilson
Glisson	McClain	Thomas, Pat	Winn
Gorman	Poston	Tobiassen	Zinkil

Nays—None

Votes after roll call:

Yeas—Peterson, Spicola

SB 734—A bill to be entitled An act relating to the practice of massage; creating ss. 480.011, 480.012, 480.013, 480.014, 480.015, 480.016, 480.017, 480.018, 480.019, 480.0195, 480.021, 480.022, 480.023, 480.024, 480.025, 480.026, 480.027, 480.028, 480.029, 480.0295, Florida Statutes; providing definitions; creating the Florida Board of Massage; providing for organization, meetings, and compensation of the board; providing powers and duties of the board; requiring the board to keep records; requiring masseurs and masseuses to be certified; requiring massage establishments and schools to be registered; requiring certification or registration prior to issuance of an occupational license; providing certification and registration procedures; requiring display and recording of certificates and registrations; providing for disciplinary action; providing for payment of fees and the disposition thereof; providing for renewal of certificates and registrations; authorizing counties or municipalities to regulate the practice of massage; providing exemptions; providing for certification by endorsement; providing a penalty and a grandfather clause; providing severability; repealing ss. 480.01-480.23, Florida Statutes, the Massage Registration Law of 1943; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 734 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Castor	Gorman	Poston	Trask
Chamberlin	Graham	Renick	Ware
Childers, Don	Henderson	Sayler	Williamson
Childers, W. D.	Johnston	Spicola	Wilson
Dunn	Lewis	Thomas, Jon	Winn
Firestone	MacKay	Thomas, Pat	Zinkil
Glisson	McClain	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Peterson, Vogt

Senator Johnston moved that the Senate reconsider the vote by which SB 734 passed.

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

The Senate resumed consideration of—

SB 492—A bill to be entitled An act relating to the dental practice act; adding s. 466.14(4), (5), Florida Statutes; providing for limitation on the number of times the practical, clinical and professional portions of the dental examination can be taken; requiring successful completion of the National Board of Dental Examiners' dental examination as a prerequisite to being examined by the Florida State Board of Dentistry; amending s. 466.37, Florida Statutes, providing that dental hygiene applicants successfully complete the National Board of Dental Hygiene examination; providing an effective date.

On motion by Senator Lewis, by two-thirds vote SB 492 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Peterson

The President presiding

SB 797—A bill to be entitled An act relating to the acquisition of professional services for state agencies; renumbering s. 287.055(7)-(10), Florida Statutes, and adding a new subsection (7) to said sections; authorizing state agencies to delegate to the Department of General Services certain authority with respect to the negotiation for and the selection of suppliers of professional services; 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 Lewis and adopted:

Amendment 1—On page 1, strike all of lines 23 through 31, and insert: (7) Authority of Department of General Services. Notwithstanding any other provision of this Section, the Department of General Services, Division of Building Construction and Property Management, shall be the Agency of State government, which is solely and exclusively authorized and empowered to administer and perform the functions described in subsections (3), (4) and (5) of this Section respecting all projects for which the funds necessary to complete same are appropriated to the Department of General Services irrespective of whether such projects are intended for the use and

benefit of the Department of General Services or any other Agency of government; provided, however, that nothing herein shall be construed to be in derogation of any authority conferred on the Department of General Services by other express provisions of law. Additionally, any Agency of government may, with the approval of the Department of General Services, delegate to the Department of General Services authority to administer and perform the functions described in subsections (3), (4) and (5) of this Section. Under the terms of the delegation, the Agency may reserve its right to accept or reject a proposed contract.

Senator Lewis moved the following amendment which was adopted:

**Amendment 2**—On page 1 in title, strike lines 6 and 7 and insert: said sections; providing that the Department of General Services is authorized to perform certain functions respecting all projects for which the funds necessary to complete same are appropriated to the Department; providing that nothing herein is in derogation of any authority conferred on the Department by other express provisions of law; authorizing agencies to delegate to the Department

On motion by Senator Lewis, by two-thirds vote SB 797 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—22**

Mr. President	Gorman	Renick	Trask
Castor	Graham	Scarborough	Vogt
Childers, W. D.	Henderson	Scott	Winn
Dunn	Lewis	Spicola	Zinkil
Firestone	Myers	Thomas, Jon	
Glisson	Poston	Tobiassen	

**Nays—7**

Childers, Don	McClain	Thomas, Pat	Wilson
Johnston	Skinner	Williamson	

Vote after roll call:

Yea—Peterson

**SB 799**—A bill to be entitled An act relating to facilities providing elective surgical care; amending s. 381.493(3)(j), Florida Statutes; requiring any rule implementing the definition of "ambulatory surgical center" under the Health Facilities Planning Act to state that only a center whose primary purpose is to offer elective surgery may be designated as such a center; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 799 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—32**

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

**Nays—None**

Vote after roll call:

Yea—Peterson

**SB 800**—A bill to be entitled An act relating to the practice of psychology; amending s. 490.19(1)(e), Florida Statutes; providing that the experience requirement for an applicant for examination as a psychologist may be met by work per-

formed on or off the premises of the supervising psychologist; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 800 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—30**

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

**Nays—None**

Vote after roll call:

Yea—Peterson

**SB 804**—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; adding s. 381.031(1)(h), Florida Statutes; prohibiting the adoption of rules by the department which imposes any requirements for permits, licenses, or approvals not specifically imposed by law; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 804 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—32**

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

**Nays—None**

Vote after roll call:

Yea—Peterson

**SB 810**—A bill to be entitled An act relating to The Florida Clinical Laboratory Law; amending s. 483.031(2), Florida Statutes; to provide that the exemption from chapter 483, Florida Statutes, for clinical laboratories operated by physicians applies to a clinical laboratory operated by one or more physicians; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 810 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—32**

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

**Nays—None**

Vote after roll call:

Yea—Peterson

**SB 844**—A bill to be entitled An act relating to pest control; adding s. 482.051(4), Florida Statutes; requiring the Department of Health and Rehabilitative Services to promulgate

regulations relating to vehicles and trailers used in pest control and contracts for pest control services; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 19, strike “pest control services” and insert: control of termite and other wood-destroying organisms

On motion by Senator Lewis, by two-thirds vote SB 844 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	Vogt
Castor	Henderson	Scarborough	Ware
Chamberlin	Holloway	Scott	Williamson
Childers, Don	Johnston	Skinner	Wilson
Childers, W. D.	Lewis	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	McClain	Thomas, Pat	
Glisson	Myers	Tobiassen	
Gorman	Poston	Trask	

Nays—None

Vote after roll call:

Yea—Peterson

The Senate resumed consideration of—

**CS for HB 1142**—A bill to be entitled An act relating to environmental control; creating s. 403.072, Florida Statutes; providing legislative intent; authorizing the Department of Environmental Regulation to establish a method for determining the landward extent of waters by use of soil or plant indicators; providing for approval of amendments to existing rules; providing for consistency with plant or soil indicators adopted by the Legislature; providing an effective date.

On motion by Senator Lewis, by two-thirds vote CS for HB 1142 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—2

Ware Zinkil

Vote after roll call:

Yea—Gorman, Peterson

CS for SB 554 was laid on the table.

On motion by Senator Skinner, the rules were waived and CS for SB 989 was ordered immediately certified to the House.

**CLAIM BILLS**

SB 36 was taken up and on motion by Senator Zinkil—

**HB 368**—A bill to be entitled An act for the relief of Harry John Kasmin, a National Guardsman; providing an appropriation to compensate him for losses sustained by injury while

on duty during the Hurricane Donna on September 16, 1960; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 368 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Henderson	Renick	Vogt
Castor	Holloway	Scarborough	Ware
Chamberlin	Johnston	Scott	Williamson
Childers, Don	Lewis	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Pat	Zinkil
Graham	Plante	Trask	

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Gorman, Peterson, Tobiassen

SB 36 was laid on the table.

**SB 180**—A bill to be entitled An act for the relief of Beatrice Manus; providing an appropriation to compensate her for the death of her husband, Lloyd A. Manus, as a result of injuries sustained in a motor vehicle accident with a Dade County school bus; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendment which was moved by Senator Graham and adopted:

**Amendment 1**—On page 2, strike all of lines 23-31 and insert: Section 2. The District School Board of Dade County Florida is directed to appropriate and pay the sum of \$78,000 from funds of the Dade County School District to Beatrice Manus to compensate her for her damages arising out of the death of her husband, Lloyd A. Manus.

Renumber succeeding section

On motion by Senator Graham, by two-thirds vote SB 180 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

Castor	Henderson	Scarborough	Ware
Chamberlin	Johnston	Scott	Williamson
Childers, Don	Lewis	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Pat	Zinkil
Glisson	Renick	Trask	
Graham	Saylor	Vogt	

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Gorman, Peterson, Tobiassen

**SB 216**—A bill to be entitled An act for relief of George Matthew Gregan; providing an appropriation to compensate him for injuries; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendment which was moved by Senator Henderson and adopted:

**Amendment 1**—On page 2, line 16 and 22, strike, “\$500,000” and insert: \$37,500

On motion by Senator Henderson, by two-thirds vote SB 216 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—27

Castor	Holloway	Scarborough	Vogt
Chamberlin	Johnston	Scott	Ware
Childers, Don	Lewis	Skinner	Williamson
Gallen	MacKay	Spicola	Wilson
Glisson	McClain	Thomas, Jon	Winn
Graham	Renick	Thomas, Pat	Zinkil
Henderson	Sayler	Trask	

## Nays—None

## Votes after roll call:

Yeas—W. D. Childers, Gorman, Peterson, Tobiassen

**SB 353**—A bill to be entitled An act providing for the relief of William Menoher; providing an appropriation to compensate him for the disability retirement benefits he would have received under the Florida Retirement System if he had been advised to retire thereunder and he had done so rather than obtaining a refund of contributions; 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 Wilson and adopted:

**Amendment 1**—On page 2, line 25, strike "General Revenue Fund" and insert: appropriate retirement trust fund

**Amendment 2**—On page 3, line 9, after word "estate." insert: Provided further that if the Division of Retirement, before all the payments required hereunder are made, brings suit to challenge the constitutionality of this act, then all funds required to be paid hereby shall be paid from the General Revenue Fund.

On motion by Senator Wilson, by two-thirds vote SB 353 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—25

Mr. President	Henderson	Scott	Williamson
Castor	Johnston	Skinner	Wilson
Chamberlin	Lewis	Spicola	Winn
Childers, Don	MacKay	Thomas, Jon	Zinkil
Dunn	McClain	Thomas, Pat	
Glisson	Renick	Trask	
Graham	Scarborough	Vogt	

## Nays—None

## Votes after roll call:

Yeas—W. D. Childers, Gorman, Peterson, Tobiassen

SB 557 was taken up and on motion by Senator Graham—

**HB 6**—A bill to be entitled An act for the relief of Benjamin Smith; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Transportation; limiting attorney fees; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Graham, by two-thirds vote HB 6 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—27

Mr. President	Henderson	Renick	Trask
Castor	Holloway	Scarborough	Vogt
Chamberlin	Johnston	Scott	Williamson
Childers, Don	Lewis	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Jon	Zinkil
Graham	Plante	Thomas, Pat	

## Nays—None

## Votes after roll call:

Yeas—W. D. Childers, Glisson, Gorman, Peterson, Tobiassen

SB 557 was laid on the table.

SB 611 was taken up and on motion by Senator Jon Thomas, by two-thirds vote HB 1898 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar. On motion by Senator Jon Thomas—

**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.

—a companion measure, was substituted for SB 611 and read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote HB 1898 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—26

Mr. President	Graham	Renick	Vogt
Castor	Holloway	Scarborough	Williamson
Chamberlin	Lewis	Scott	Wilson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Plante	Thomas, Jon	
Gorman	Poston	Thomas, Pat	

## Nays—4

Childers, Don Henderson Johnston Trask

## Votes after roll call:

Yeas—W. D. Childers, Glisson, Peterson, Tobiassen

Yea to Nay—Lewis

SB 611 was laid on the table.

SB 720 was taken up and on motion by Senator Graham, by two-thirds vote HB 450 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar. On motion by Senator Graham—

**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.

—a companion measure, was substituted for SB 720 and read the second time by title. On motion by Senator Graham, by two-thirds vote HB 450 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—28

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

## Nays—None

## Votes after roll call:

Yeas—W. D. Childers, Glisson, Peterson, Tobiassen

SB 720 was laid on the table.

**SB 1041**—A bill to be entitled An act relating the Brevard County; authorizing and directing the Board of County Commissioners of Brevard County to appropriate funds to compensate James Reed for the death of his son, Clarence Russell Reed, as a result of the negligence of the appropriate officials of Brevard County; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendment which was moved by Senator Plante and adopted:

**Amendment 1**—On page 2, line 3, strike "100,000" and insert: \$19,000

On motion by Senator Plante, by two-thirds vote SB 1041 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	McClain	Spicola
Castor	Gorman	Myers	Thomas, Jon
Chamberlin	Graham	Plante	Thomas, Pat
Childers, Don	Henderson	Poston	Williamson
Dunn	Johnston	Renick	Winn
Firestone	Lewis	Scarborough	Zinkil
Gallen	MacKay	Skinner	

Nays—3

Trask            Vogt            Wilson

Votes after roll call:

Yeas—W. D. Childers, Peterson, Tobiassen

**SB 1359**—A bill to be entitled An act relating to the Monticello Square Partnership, providing an appropriation to compensate said partnership for damages resulting from a lease cancellation by the Parole and Probation Commission; providing an effective date.

—was read the second time by title.

Senator Pat Thomas moved the following amendment which was adopted:

**Amendment 1**—On page 1, lines 17 and 19, strike "1974" and insert: 1976

On motion by Senator Pat Thomas, by two-thirds vote SB 1359 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Gorman	Myers	Thomas, Pat
Chamberlin	Graham	Plante	Trask
Childers, Don	Henderson	Poston	Vogt
Dunn	Johnston	Scarborough	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Peterson, Tobiassen, Williamson

**HB 24**—A bill to be entitled An act for the relief of Mack Harrell; providing an appropriation to compensate him for his retirement; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote HB 24 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Peterson, Tobiassen, Williamson

**HB 40**—A bill to be entitled An act for the relief of Mr. Auburn D. Hood; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 40 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Peterson, Tobiassen, Williamson

**HB 383**—A bill to be entitled An act for the relief of Marvin J. Bryan; providing an appropriation to compensate him for losses incurred due to the erection of a dam by the Game and Fresh Water Fish Commission; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 383 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Glisson	McClain	Thomas, Jon
Castor	Gorman	Myers	Thomas, Pat
Chamberlin	Graham	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Dunn	Johnston	Scarborough	Wilson
Firestone	Lewis	Scott	Winn
Gallen	MacKay	Skinner	Zinkil

Nays—None

Votes after roll call:

Yeas—W. D. Childers, Spicola, Peterson, Tobiassen, Williamson

**HB 457**—A bill to be entitled An act for the relief of Albert Franklin Christison, Jr.; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 457 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Glisson	Myers	Thomas, Jon
Castor	Gorman	Poston	Thomas, Pat
Chamberlin	Graham	Renick	Trask
Childers, Don	Johnston	Scarborough	Vogt
Dunn	Lewis	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil

Nays—1

Henderson

Votes after roll call:

Yeas—W. D. Childers, Peterson, Tobiassen, Williamson

On motion by Senator Pat Thomas, by two-thirds vote HB 728 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

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 second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 728 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yeas—Peterson, Williamson

On motions by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 735 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

HB 735—A bill to be entitled An act relating to the Southwest Florida Water Management District; providing for the relief of Anna Mae Martin; authorizing and directing the Southwest Florida Water Management District to compensate her for the death of her husband, Carroll L. Martin due to the negligence of the district; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 735 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yeas—Peterson, Williamson

On motion by Senator Tobiassen, by two-thirds vote HB 1716 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

HB 1716—A bill to be entitled An act relating to Escambia County; providing for the relief of Lillie Adams Miller for the death of her husband, Len Burton Adams, while acting in the performance of his duties as a deputy sheriff of Escambia County; authorizing and empowering the Board of County Commissioners of Escambia County to pay to Lillie Adams Miller the sum of \$20,000 out of the general fund of said county; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1716 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Holloway	McClain	Skinner	Trask
Johnston	Myers	Thomas, Jon	Vogt
Lewis	Renick	Thomas, Pat	Wilson
MacKay	Scarborough	Tobiassen	Winn

Nays—None

Votes after roll call:

Yeas—Peterson, Spicola, Williamson

On motion by Senator Pat Thomas, by two-thirds vote HB 1789 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

HB 1789—A bill to be entitled An act relating to Wakulla County; authorizing and directing the county to compensate Jessie Porter for injuries sustained as a result of purchasing property from the state at a tax sale; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1789 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yeas—Peterson, Williamson

On motion by Senator Pat Thomas, by two-thirds vote HB 646 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

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 second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 646 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gallen	McClain	Thomas, Jon
Castor	Glisson	Myers	Thomas, Pat
Chamberlin	Gorman	Poston	Tobiassen
Childers, Don	Graham	Renick	Trask
Childers, W. D.	Henderson	Scarborough	Vogt
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil

Nays—2

Johnston          Wilson

Votes after roll call:

Yeas—Peterson, Williamson

#### SPECIAL ORDER

HB 2127—A bill to be entitled An act relating to organized crime; making it unlawful to use or invest any money or thing of value derived from a pattern of racketeering activity in the acquisition of any title to, right, interest, or equity in real property or enterprise in this state; making it unlawful to acquire or maintain an interest in real property or an enterprise through a pattern of racketeering activity or the collection of an unlawful debt; making it unlawful to conduct or participate

in any enterprise through a pattern of racketeering activity or through the collection of an unlawful debt; making it unlawful to conspire or attempt to commit such prohibited activities; providing penalties; providing for the forfeiture of any interest in, security issued by, claim against, or property or contractual right affording influence or control over any such enterprise or real property; providing for injunction, seizure, and state disposal of seized and forfeited property; providing for the rights of innocent parties; providing civil remedies of divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within this state; providing for civil cause of action for any person injured as a result of another's violation of the prohibited conduct; providing for civil investigative demand for any agency having jurisdiction to investigate as a crime or as a violation of state regulatory laws or rules; providing procedures for using civil investigative demand and identifying who may use same; providing for the confidentiality of documentary material produced under a civil investigative demand and for the return or disposal of such material after the conclusion of such investigation; providing severability; amending section 905.34, Florida Statutes, to extend the subject matter jurisdiction of the statewide grand jury to include violations of this act; providing an effective date.

—was read the second time by title.

On motions by Senator Dunn, the rules were waived and the amendments recommended by the Committee on Judiciary-Criminal were withdrawn.

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

**Amendment 1**—On page 3, strike everything after the enacting clause and insert: 1. Section 210.18, Florida Statutes, relating to evasion of payment of cigarette taxes.

2. Section 409.325, Florida Statutes, relating to public assistance fraud.

3. Chapter 517, Florida Statutes, relating to sale of securities.

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

Section 1. Short title.—Sections 1 through 7 of this act shall be known as the Florida RICO (Racketeer Influenced and Corrupt Organization) Act.

Section 2. Definitions.—As used in this act:

4. Sections 550.24, 550.35, 550.36, Florida Statutes, relating to dog racing and horse racing.

5. Section 551.09, Florida Statutes, relating to jai alai frontons.

6. Chapter 552, Florida Statutes, relating to manufacture, distribution, and use of explosives.

7. Chapter 562, Florida Statutes, relating to beverage law enforcement.

8. Chapter 687, Florida Statutes, relating to interest and usurious practices.

9. Chapter 782, Florida Statutes, relating to homicide.

10. Chapter 784, Florida Statutes, relating to assault and battery.

11. Chapter 787, Florida Statutes, relating to kidnapping.

12. Chapter 790, Florida Statutes, relating to weapons and firearms.

13. Sections 796.01, 796.03, 796.04, 796.05, 796.07, Florida Statutes, relating to prostitution.

14. Chapter 806, Florida Statutes, relating to arson.

15. Chapter 812, Florida Statutes, relating to larceny, robbery, and related crimes.

16. Chapter 817, Florida Statutes, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

17. Chapter 831, Florida Statutes, relating to forgery and counterfeiting.

18. Chapter 832, Florida Statutes, relating to issuance of worthless checks and drafts.

19. Chapter 837, Florida Statutes, relating to perjury.

20. Chapter 838, Florida Statutes, relating to bribery and misuse of public office.

21. Chapter 843, Florida Statutes, relating to obstruction of justice.

22. Sections 847.011, 847.012, 847.013, 847.06, 847.07, Florida Statutes, relating to obscene literature and profanity.

23. Sections 849.09, 849.14, 849.15, 849.23, 849.24, 849.25, Florida Statutes, relating to gambling.

24. Chapter 893, Florida Statutes, relating to drug abuse prevention and control.

25. Sections 918.12-918.14, Florida Statutes, relating to tampering with jurors, evidence, and witnesses.

(b) Any conduct defined as "racketeering activity" under Title 18, United States Code, Section 1961 (1) (B), (C), and (D).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the State of Florida in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Sections 550.24, 550.35, 550.36, Florida Statutes, relating to dog racing and horse racing.

2. Section 551.09, Florida Statutes, relating to jai alai frontons.

3. Chapter 687, Florida Statutes, relating to interest and usury.

4. Sections 849.09, 849.14, 849.15, 849.23, 849.24, 849.25, Florida Statutes, relating to gambling.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

(4) "Pattern of racketeering conduct" means engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years after a prior incident of racketeering conduct.

(5) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer print-out, any other data compilation from which information can be obtained or from which information can be translated into useable form, or any other tangible item.

**Section 3. Prohibited activities and defense.—**

(1) (a) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds; or the proceeds derived from the investment or use thereof, in the acquisition of

any title to, or any right, interest, or equity in real property, or the establishment or operation of any enterprise.

(b) It is an affirmative defense if the proceeds were used to purchase securities of such enterprise on the open market without a purpose to control or participate in the control of such enterprise, or to assist another person to do so, if the securities of the purchaser, the members of his immediate family, and his or their accomplices in any pattern of racketeering conduct after such purchase do not confer, either in law or in fact, the power to elect one or more directors of such enterprise. The person asserting such defense bears the burden of proof.

(2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(4) It is unlawful for any person to conspire or endeavor to violate any of the provisions of subsections (1), (2), or (3).

#### Section 4. Criminal penalties and alternative fine.—

(1) Any person convicted of engaging in activity in violation of the provisions of section 3 is guilty of a felony of the first degree, and shall be punished as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(2) In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of section 3 through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(3) The court shall hold a hearing to determine the amount of the fine authorized by subsection (2).

(4) For the purposes of subsection (2), "pecuniary value" means:

(a) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or

(b) Any other property or service that has a value in excess of \$100.

#### Section 5. Civil remedies.—

(1) Any circuit court may, after making due provisions for the rights of innocent persons, enjoin violations of the provisions of section 3 by issuing appropriate orders and judgments including, but not limited to:

(a) Ordering any defendant to divest himself of any interest in any enterprise, including real property;

(b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of section 3;

(c) Ordering the dissolution or reorganization of any enterprise;

(d) Ordering the suspension or revocation of license, permit, or prior approval granted to any enterprise by any agency of the state;

(e) Ordering the forfeiture of the charter of a corporation organized under the laws of the State of Florida or the revocation of a certificate authorizing a foreign corporation to conduct business within the State of Florida upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of section 3 and that for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(2) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of a provision of this act is subject to civil forfeiture to the State of Florida. The State of Florida shall dispose of all forfeited property as soon as commercially feasible. If property is not exercisable or transferable for value by the State of Florida, it shall expire. All forfeitures or dispositions under this section shall be made with due provision for the rights of innocent persons. The proceeds realized from such forfeiture and disposition shall be promptly deposited in the treasury of the State of Florida and immediately credited to the general revenue fund of the state.

(3) Property subject to forfeiture under this section may be seized by a law enforcement officer upon court process. Seizure without process may be made if:

(a) The seizure is incident to a lawful arrest or search or an inspection under an administrative inspection warrant; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the State of Florida in a forfeiture proceeding based upon this section.

(4) In the event of a seizure under subsection (3), a forfeiture proceeding shall be instituted promptly. Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement officer making the seizure subject only to the order of the court. When property is seized under this section pending forfeiture and final disposition, the law enforcement officer may:

(a) Place the property under seal;

(b) Remove the property to a place designated by court; or

(c) Require another agency authorized by law to take custody of the property and remove it to an appropriate location.

(5) The State Attorney General, any State Attorney or any state agency having jurisdiction over conduct in violation of a provision of this act may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

(6) Any aggrieved person may institute a proceeding under subsection (1). In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, provided that no showing of special or irreparable damage to the person shall have to be made. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.

(7) Any person who is injured by reason of any violation of the provisions of section 3 shall have a cause of action for three-fold the actual damages sustained and, where appropriate, punitive damages. Such person shall also recover attorneys' fees in the trial and appellate courts, and costs of investigation and litigation, reasonably incurred.

(a) The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this section.

(b) Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior to any right or claim the state has in the same property or proceeds.

(8) A final judgment or decree rendered in favor of the State of Florida in any criminal proceeding under this act shall estop the defendant in any subsequent civil action or proceeding as to all matters which such judgment or decree would be an estoppel as between the parties.

(9) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under subsections (6) or (7) if he certifies that in his opinion the action or proceeding is of general public importance. In such action or proceeding, the State of Florida shall be entitled to the same relief as if the Attorney General had instituted

this action or proceeding.

(10) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this act may be commenced up until 5 years after the conduct in violation of a provision of this act terminates or the cause of action accrues. If a criminal prosecution, civil action or other proceeding is brought, or intervened in, to punish, prevent, or restrain any violation of the provisions of this act, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsections (6) or (7) which is based in whole or in part upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two years following its termination.

(11) The application of one civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental and not mutually exclusive.

Section 6. Section 905.34, Florida Statutes, is amended to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, and crimes involving narcotic or other dangerous drugs, or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more counties as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more counties. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 7. If any provision of this act or the application of it to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 8. This act shall take effect October 1, 1977.

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

Amendment 1A—On page 3, line 15, after "1961(1)" insert: (A)

Amendment 1 as amended was adopted.

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

Amendment 2—On pages 1-2, strike all of pages 1 and 2 and insert: A bill to be entitled An act relating to organized crime; making it unlawful to use or invest proceeds from a pattern of racketeering conduct or from the collection of an unlawful debt to acquire or maintain an interest in, or to establish or conduct an enterprise, including real property; providing an affirmative defense; making it unlawful to acquire or maintain an interest in, or to conduct an enterprise or acquire real property, through a pattern of racketeering conduct or through the collection of an unlawful debt; making it unlawful to conspire or endeavor to engage in such conduct; providing criminal penalties; providing an alternative fine; providing for the rights of innocent persons; providing civil remedies of divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within this state; providing for seizure and state disposal of seized and forfeited property; providing that any

aggrieved person may institute civil proceedings to seek treble damages, attorney's fees, and punitive damages; providing for right to jury trial; providing for priority of claim; amending s. 905.34, Florida Statutes; extending the subject matter jurisdiction of the state wide grand jury to include violations of this act; providing severability; providing an effective date.

On motion by Senator Dunn, by two-thirds vote HB 2127 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Henderson, Peterson, Sayler, Ware, Williamson

SB 521—A bill to be entitled An act relating to firearms; amending s. 790.15, Florida Statutes; prohibiting the discharge of a firearm in any public place or on the right-of-way of any paved public road, highway, or street, or knowingly discharging any firearm over any such right-of-way or over any occupied premise; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 17 and 19, strike "paved"

On motion by Senator Trask, by two-thirds vote SB 521 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Castor	Gorman	Plante	Vogt
Chamberlin	Graham	Poston	Williamson
Childers, Don	Holloway	Sayler	Wilson
Childers, W. D.	Johnston	Scarborough	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Thomas, Jon	
Gallen	McClain	Tobiassen	
Glisson	Myers	Trask	

Nays—5

Henderson	Spicola	Thomas, Pat	Ware
Scott			

Vote after roll call:

Yea—Peterson

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Firestone, by two-thirds vote CS for HB 1250 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the Special Order Calendar.

**SPECIAL ORDER, continued**

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 interna-

tional 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 second time by title. On motion by Senator Firestone, by two-thirds vote CS for HB 1250 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—35

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

## Nays—None

Vote after roll call:

Yea—Peterson

The Senate recessed at 12:00 noon 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—38:

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

## SPECIAL ORDER

SB 522 was taken up and on motions by Senator Trask, by two-thirds vote HB 1317 was withdrawn from the Committees on Natural Resources and Conservation and Judiciary-Criminal and placed on the calendar. On motion by Senator Trask—

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.

—a companion measure, was substituted for SB 522 and read the second time by title.

Senator Trask moved the following amendment which was adopted:

Amendment 1—On page 1 in title, strike all of lines 5 through and including line 8 and insert: owner or his employee from the provision relating to prima facie evidence

of intent to violate s. 372.99(1), Florida Statutes; providing proof of employment; providing for a limited permit; providing an effective date.

On motion by Senator Trask, by two-thirds vote HB 1317 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

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

## Nays—None

Vote after roll call:

Yea—Chamberlin

SB 522 was laid on the table.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hair, by two-thirds vote HB 1140 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 641 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote CS for HB 325, HB 647, and SB 1408 were withdrawn from the Committee on Commerce.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 696 was withdrawn from the Committee on Appropriations.

On motions by Senator Lewis, the rules were waived and by two-thirds vote HB 1220 and SB 1162 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 1768 was withdrawn from the Committee on Judiciary-Criminal.

## SPECIAL ORDER, continued

By the Committee on Commerce and Senator Winn—

CS for SB 1406—A bill to be entitled An act relating to interest parity among licensed lenders or creditors; creating s. 687.12, Florida Statutes; allowing every licensed institution permitted to make a certain class or type of loan to charge the same interest rate for such loan; requiring certain disclosures; providing an effective date.

—was read the first time by title and SB 1406 was laid on the table.

On motion by Senator Plante, by two-thirds vote CS for SB 1406 was read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, insert after "business," or any lender or creditor lending through a licensee under Chapter 494,

Amendment 2—On page 1 in title, line 5, insert after "institution": or any lender or creditor lending through a licensee under Chapter 494

On motion by Senator Plante, by two-thirds vote CS for SB 1406 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19

Barron	Hair	Myers	Thomas, Pat
Chamberlin	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Renick	Ware
Gallen	Johnston	Scott	Winn
Gorman	McClain	Thomas, Jon	

Nays—11

Mr. President	Firestone	Scarborough	Wilson
Castor	Glisson	Spicola	Zinkil
Childers, Don	Graham	Vogt	

Votes afer roll call:

Yeas—Peterson, Sayler

Yea to Nay—Hair

SB 1138—A bill to be entitled An act relating to management of water resources; amending s. 373.507, Florida Statutes, 1976 Supplement; providing for performance audits of each water management district, basin, and taxing authority subject to chapter 373, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1138 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

By the Committee on Transportation and Senator Graham—

CS for SB 288—A bill to be entitled An act relating to motor vehicle safety equipment inspections; amending s. 325.14 (3), Florida Statutes, 1976 Supplement; deleting the requirement of submitting proof of registration; amending s. 325.16, Florida Statutes; providing that a motor vehicle which fails the safety equipment inspection may be reinspected one time within 30 days at any county operated safety equipment inspection station without additional charge; amending s. 325.19, Florida Statutes; eliminating the inspection of emission control devices and exhaust system noise level; eliminating the requirement of proof of vehicle insurance; requiring the adjustment of headlights at inspection stations under certain conditions; providing an effective date.

—was read the first time by title and SB 288 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 288 was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 5, strike all of line 25 and insert: Section 4. Subsection (3) is added to section 325.20, Florida Statutes, to read:

325.20 Safety equipment inspection stations; appointment by department; days of operation.—

(3) Every safety equipment inspection station licensed by the department shall be open for the inspection of motor vehicles at least 5 days per week, exclusive of holidays. Unless

the station is open at least one evening per week until 8:30 P.M., one of the required days of operation shall be Saturday, and preferably, in addition to Sunday, the inspection station shall normally be closed on Monday.

Section 5. Section 325.27, Florida Statutes, is amended to read:

325.27 Operation of inspection stations by counties; days of operation.—

(1) Whenever any county of this state shall make application through its duly elected county officials for a license to operate inspection stations as provided for in this part, the department shall cause an investigation of said application to determine that the requirements of s. 325.20(1) except paragraph (a) will be met and provided for by said county and that adequate and proper facilities to accommodate the public will be provided. Upon satisfactory proof of same, the department shall issue said county the exclusive rights of inspection stations within its boundaries until same shall be revoked for cause as provided for in this part; provided, however, that such jurisdiction within the confines of any county shall not apply to any approved self-inspector meeting the requirements of this part. Any county desiring rights under this part shall make proper application for said license prior to January 1, 1968, or forfeit any rights under this part. Any county or municipality to which has been issued the rights of inspection stations within its boundaries is hereby authorized to pledge its share of inspection fees for the purpose of issuing revenue certificates for the purchase and construction of adequate and proper facilities for the purpose of this part. The revenue certificates authorized herein may be issued under the provisions of chapter 159, or other appropriate special or general legislation. The department shall notify each county of the state of its rights under this section at least 60 days prior to January 1, 1968.

(2) At least one station located therein shall be open for the inspection of motor vehicles in compliance with the provisions of s. 325.20(3). In those counties having only one inspection station, that station shall be open for the inspection of motor vehicles on Saturday, unless such station is open at least one evening per week until 8:30 P.M. The several boards of county commissioners may select a weekday on which the stations open on Saturday shall normally be closed. The provisions of this subsection shall not apply to any county having a population of 25,000 or less persons and does not apply to privately-run inspection stations.

Section 6. This act shall take effect July 1, 1977.

Senators Graham, Firestone, Plante, Sayler, McClain, Winn and Spicola offered the following amendment which was moved by Senator Graham:

Amendment 2—Strike all after the enacting clause and insert: Section 1. Part II of chapter 325, Florida Statutes, consisting of sections, 325.11, 325.12, 325.13, 325.14, 325.15, 325.16, 325.17, 325.18, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27, 325.28, 325.29, 325.30, 325.31, and 325.33, Florida Statutes, is hereby repealed.

Section 2. The Department of Highway Safety and Motor Vehicles shall review the financial commitments of counties and private parties in the establishment of automobile inspection stations. Such review shall include the capital investment in such stations, the revenue generated in the operation of such stations, and the alternative uses of such stations. The department shall submit its report to the Department of Administration prior to October 1, 1977. If such report contains a recommendation for compensation of counties or private parties, the department shall include such recommendation in the legislative budget for the 1978-1979 Fiscal Year. Section 3. This act shall take effect July 1, 1977.

Senator Holloway moved the following substitute amendment which failed:

Amendment 3—On page 1, between lines 21 and 22, insert: Section 1. Section 325.12, Florida Statutes, is amended to read:

325.12 Safety equipment inspection required.—Every motor vehicle registered or required to be registered within the state which is 2 years old or has been operated for a total of 20,000 miles when operated upon any street or highway within the state shall at all times display a current approved certificate which shall be placed on the vehicle as may be designated

by the department, indicating that it has been inspected in accordance with the provisions of this part and has been found to comply with the standards and requirements of this part for safety equipment.

[Renumber subsequent sections.]

Amendment 2 failed by the following vote:

Yeas—11

Castor	Graham	Spicola	Wilson
Childers, W. D.	McClain	Tobiassen	Winn
Firestone	Saylor	Ware	

Nays—21

Mr. President	Gorman	Poston	Vogt
Chamberlin	Henderson	Renick	Williamson
Childers, Don	Holloway	Scarborough	Zinkil
Dunn	Johnston	Skinner	
Gallen	MacKay	Thomas, Jon	
Glisson	Myers	Thomas, Pat	

Vote after roll call:

Nay—Trask

Senator Graham moved the following amendment which was adopted:

**Amendment 4**—On page 5, strike all of line 25 and insert: Section 4. Section 325.27, Florida Statutes, is amended to read:

325.27 Operation of inspection stations by counties.—Whenever any county of this state shall make application through its duly elected county officials for a license to operate inspection stations as provided for in this part, the department shall cause an investigation of said application to determine that the requirements of s. 325.20(1) except paragraph (a) will be met and provided for by said county and that adequate and proper facilities to accommodate the public will be provided. Upon satisfactory proof of same, the department shall issue said county the exclusive rights of inspection stations within its boundaries until the same shall be revoked for cause as provided for in this part; provided, however, that such jurisdiction within the confines of any county shall not apply to any approved self-inspector meeting the requirements of this part. Any county desiring rights under this part shall make proper application for said license prior to January 1, 1968, or ~~forfeit any rights under this part.~~ Any county which on January 1, 1977, was licensed to operate a motor vehicle inspection program may, upon a determination that its existing inspection facilities are inadequate to accommodate the number of registered vehicles in the county, petition the Department of Highway Safety and Motor Vehicles to also license private inspection stations in the county. Upon concurrence of the department of the need for additional facilities, applications may be approved by the department for any person, firm or agency to operate inspection stations as provided in s. 325.20. Any county or municipality to which has been issued the rights of inspection stations within its boundaries is hereby authorized to pledge its share of inspection fees for the purpose of issuing revenue certificates for the purchase and construction of adequate and proper facilities for the purpose of this part. The revenue certificates authorized herein may be issued under the provisions of chapter 159, or other appropriate special or general legislation. The department shall notify each county of the state of its rights under this section at least 60 days prior to January 1, 1968.

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

Senator Holloway moved the following amendment which failed:

**Amendment 5**—On page 4, line 19, insert: (f.) any break not properly repaired by methods other than provided in (c)

Senator Graham moved the following amendment which was adopted:

**Amendment 6**—On page 1 in title, line 17, after the semi-colon insert: amending s. 325.27 Florida Statutes, authorizing

the licensing of private inspection stations under certain conditions;

Senator Myers moved the following amendment which was adopted:

**Amendment 7**—On page 1 in title, strike all of line 18 and insert: adding subsection (3) to s. 325.20, Florida Statutes, requiring licensed safety equipment inspection stations to be open on Saturday unless it is open during the evening; amending s. 325.27, Florida Statutes, requiring inspection stations operated by counties to be open on Saturday unless it is open during the evening; providing an effective date.

On motion by Senator Myers, by two-thirds vote CS for SB 288 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Glisson, Trask

Senator Holloway moved that the Senate reconsider the vote by which CS for SB 288 passed.

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

**SB 1317**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; creating s. 20.325, Florida Statutes; establishing the commission as an administrative unit within the Governmental Reorganization Act; establishes divisions within the commission for certain areas of responsibility; repealing s. 20.25(4), Florida Statutes, relating to the transfer of commission functions to the Department of Natural Resources; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gallen	McClain	Thomas, Pat
Castor	Glisson	Myers	Tobiassen
Chamberlain	Gorman	Poston	Vogt
Childers, Don	Graham	Renick	Ware
Childers, W. D.	Holloway	Scott	Wilson
Dunn	Johnston	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil

Nays—None

Votes after roll call:

Yeas—Skinner, Trask, Williamson

**SB 875**—A bill to be entitled An act relating to the Health Facilities Authorities Law; amending s. 154.205(9), Florida Statutes; redefining, for purposes of such law, "local agency" to include municipalities as well as counties, thereby authorizing each municipality to create a health facilities authority under that law; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 875 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Trask

SB 1117—A bill to be entitled An act relating to the Division of Purchasing of the Department of General Services; authorizing the division to purchase or construct a warehouse to be used for the purchase, storage, and distribution of commodities for state agencies; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote SB 1117 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Gallen	McClain	Thomas, Jon
Castor	Glisson	Myers	Tobiassen
Chamberlin	Gorman	Poston	Ware
Childers, Don	Graham	Renick	Winn
Childers, W. D.	Henderson	Scarborough	
Dunn	Holloway	Scott	
Firestone	Johnston	Spicola	

Nays—4

Saylor	Vogt	Wilson	Zinkil
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Votes after roll call:

Yeas—Skinner, Trask, Williamson

On motion by Senator Scarborough, the rules were waived and SB 1117 was ordered immediately certified to the House.

SB 1348—A bill to be entitled An act relating to the Real Estate License Law; amending s. 475.17(4), Florida Statutes; providing maximum hours for courses required to become initially registered as a real estate broker or salesman; providing the basis for determining satisfactory completion of such courses; adding s. 475.451(7), Florida Statutes; authorizing real estate schools to set location and frequency of classes, subject to certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 1348 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—3

Dunn	Saylor	Wilson
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Vote after roll call:

Yea—Trask

On motion by Senator Skinner, the rules were waived and SB 1348 was ordered immediately certified to the House.

Senator Skinner moved that the Senate reconsider the vote by which CS for HB 273 passed on May 25.

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

SB 1159 was taken up and on motion by Senator Scarborough, by two-thirds vote HB 2217 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Scarborough—

HB 2217—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(2), Florida Statutes, to exempt feminine hygiene products from the sales tax; amending s. 212.08(4) and (8), Florida Statutes, providing clarifying language in regard to the taxable status of certain vessels engaged in interstate or foreign commerce; providing legislative intent; providing an effective date.

—a companion measure, was substituted for SB 1159 and by two-thirds vote read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 2217 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Votes after roll call:

Yeas—Trask, Wilson

SB 1159 was laid on the table.

By the Committees on Judiciary-Criminal and Health and Rehabilitative Services—

CS for SB 1453—A bill to be entitled An act relating to mental health; amending s. 918.11, Florida Statutes, relating to the appointment of expert witnesses by the courts; creating s. 918.15, Florida Statutes, providing for a competency hearing; creating s. 918.16, Florida Statutes, providing a procedure for evaluating incompetent defendants; amending s. 945.025(2), Florida Statutes, 1976 Supplement; providing for a hearing to be held prior to the Department of Offender Rehabilitation transferring prisoners to the Department of Health and Rehabilitative Services; amending s. 945.12, Florida Statutes; providing a procedure for committing and releasing prisoners from institutions of the Department of Health and Rehabilitative Services; repealing s. 394.467(3)(b), Florida Statutes, relating to hospitalization or release under the Florida Rules of Criminal Procedure; adding s. 349.467(6), Florida Statutes; providing for a system of community follow-up upon release of criminally charged or convicted patients; providing repeal of conflicting rules of criminal procedures; providing severability; providing an effective date.

—was read the first time by title and SB 1453 was laid on the table.

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 1453 was read the second time by title.

Senators Dunn, Ware and Wilson offered the following amendment which was moved by Senator Ware and adopted:

Amendment 1—On page 2, strike “shall” on line 6 and insert: may

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 1453 as amended was read the third time by title, passed

by the required two-thirds constitutional vote, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yeas—Castor, Spicola, Vogt

On motion by Senator Jon Thomas, the rules were waived and CS for SB 1453 after engrossing was ordered immediately certified to the House.

Senator Holloway moved that the Senate immediately reconsider the vote by which CS for SB 288 passed. The motion failed.

SB 1449—A bill to be entitled An act relating to collective bargaining for public employees; amending ss. 447.14, 447.205, 447.207, 447.301, 447.303, 447.305(1), (3), 447.307, 447.309, 447.403, 447.405, 447.407, 447.503(1)-(4), Florida Statutes; amending s. 447.203, Florida Statutes, 1976 Supplement; adding ss. 447.09(16), 447.17(3), Florida Statutes; transferring subsections (5), (6), (7), (8), and (9), of s. 447.503, Florida Statutes, to s. 447.504, Florida Statutes; repealing s. 447.603, Florida Statutes; limiting the site of picketing; separating penalties and civil remedies from part II; defining public employer, strike, strike funds, chief executive officer and good faith bargaining; eliminating budget submission date; creating a full-time Public Employee Relations Commission and providing operational authority; excluding retirement from collective bargaining; providing for student participation in the Board of Regents negotiations; providing for time of dues deductions; providing for an annual financial report and fee from employee organizations; providing for certification of employee organizations and intervention by 10 percent showing of employees in a proposed unit; providing for the cost of elections; providing for ratification of agreements; eliminating automatic impasse procedures and providing for special master's report; providing for compensation and expenses of mediator and special master; changing appeal procedures for unfair labor practices; providing for awarding cost of litigation and reasonable attorney fees in unfair labor practice charges; repealing local option; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining offered the following amendment which was moved by Senator Scarborough and adopted:

**Amendment 1**—On page 9, line 29, after "meet" insert: at reasonable times and places

Senators Glisson and Gallen offered the following amendment which was moved by Senator Glisson and adopted:

**Amendment 2**—On page 4, line 5, after the word "employees" insert: over which said board controls the terms and conditions of their employment

Senator Williamson moved the following amendment which failed:

**Amendment 3**—On page 5, strike all of lines 20 and 21.

Senator Chamberlin moved the following amendment which failed:

**Amendment 4**—On page 6, lines 8-15, strike everything after the word "stoppage" on line 8.

Senator McClain moved the following amendment which was adopted:

**Amendment 5**—On page 6, lines 17 and 18, reinstate stricken language.

Senator McClain moved the following amendment which failed:

**Amendment 6**—On pages 9 and 10, strike all of subsection (17) and renumber subsequent subsections.

Senator Dunn moved the following amendment which was adopted:

**Amendment 7**—On page 10, line 26, strike "Governor with" on line 26 and all of line 27 and insert: Governor, subject to confirmation by the Senate, from persons known for

Senator Poston moved the following amendment which was adopted:

**Amendment 8**—On page 20, line 31, insert: (1)(b) Whenever a public employer recognizes an employee organization on the basis of majority status and on the basis of appropriateness in accordance with subsection (4)(f)5, of this section, the commission shall, in the absence of inclusion of a prohibited category of employees or violation of s. 447.501, certify the proposed unit.

Senator MacKay moved the following amendment which was adopted:

**Amendment 9**—On page 21, line 2, strike everything after the comma on line 2, through the comma on line 4.

Senator Chamberlin moved the following amendment which was adopted:

**Amendment 10**—On page 22, line 11, strike the period and add: , except as the Commission may provide by rule.

Senator Poston moved the following amendment which was adopted:

**Amendment 11**—On page 23, line 8, strike "." and insert: , and the interest of the employees and the employer in the continuation of a traditional, workable and accepted negotiation relationship.

Senator Zinkil moved the following amendment which failed:

**Amendment 12**—On page 28, insert between lines 7 and 8: New section (d) In hearings which involve approved units of fire fighters as defined in section 633.30(1) the findings of the special master shall be final and binding on both parties. The special master in reaching the decision shall have the authority to select the most reasonable position of the parties on an issue by issue basis of the last best offer on behalf of each party. The special master shall not have authority to add to or subtract from or in any manner amend the position of either party. This impasse resolution section shall not apply to impasses on wages but shall be applicable only to impasses on hours and conditions of employment.

(Re-letter subsequent section.)

On motion by Senator Sayler, the Senate reconsidered the vote by which Amendment 3 failed.

By permission Senator Williamson withdrew Amendment 3.

Senator Williamson moved the following amendment which was adopted:

**Amendment 13**—On page 5, strike all of lines 20 and 21 and insert: ~~Firefighters as defined under s. 633.30(1) are excluded from this definition.~~

Senator Chamberlin moved the following amendment which failed:

**Amendment 14**—On page 29, line 29, strike "employee,"

Senators Scarborough, Johnston, Sayler and Williamson offered the following amendment which was moved by Senator Scarborough:

**Amendment 15**—On page 35, lines 11 through 26, strike all of Section 17 and insert: Section 17. Section 447.603, Florida Statutes, is amended to read:

447.603 Local option.—Any district school board or political subdivision, other than the state or a state public authority, may elect to adopt, by ordinance, resolution, or charter amendment, its own provisions and procedures in lieu of the requirement of this part, provided such provisions and procedures effectively secure to public employees substantially equivalent rights and procedures as set forth in this part. Prior to [such provisions and procedures] becoming law, the public employer shall apply to the commission for review and approval as to whether local provisions or procedures, or both, are substantially equivalent to the provisions and procedures set forth in this part. All public employee agreements now in existence shall remain in effect until their expiration. *Provided however, that on and after July 1, 1977, no district school board or political subdivision shall be permitted to adopt the local option provided in this section.*

Senator McClain moved the following substitute amendment which failed:

**Amendment 16**—On page 33, lines 16-19 and 24-31; on page 34, lines 1-13 and 17-30; and on page 35, lines 1-2, reinstate all stricken language.

Amendment 15 was adopted.

On motion by Senator Gallen, the rules were waived and time of adjournment was extended until final consideration of SB 1449 and motions.

Senator McClain moved the following amendment which failed:

**Amendment 17**—On page 25, line 28, strike "employee organization" and insert: bargaining agent

On motion by Senator Scarborough, by two-thirds vote SB 1449 as amended was read the third time by title and passed. The vote on passage was:

Yeas—31

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

Nays—3

Gorman	Henderson	Ware
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Senator McClain moved that the Senate reconsider the vote by which SB 1449 passed.

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

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Pat Thomas, by two-thirds vote SB 1133 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 332 and 1425 were withdrawn from the Committee on Appropriations.

Senator Lewis announced that the Conference Committee on SB 1455 would meet Sunday, May 29, at 4:00 p.m. in Room A, Senate Office Building.

**ENROLLING REPORTS**

SB 714	CS for SB 200	SB 232
CS for SB 25	SB 252	SB 686
SB 41	CS for SB 396	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 26, 1977.

*Joe Brown, Secretary*

SCR 1480 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 26, 1977.

*Joe Brown, Secretary*

**CO-INTRODUCERS**

Senator Renick—SB 261; Senator Skinner—SB 1301; Senator Myers—SB 1384; Senator Dunn—SB 1125

The Journal of May 25 was corrected and approved.

The Journal of May 19 was further corrected and approved as follows: Page 452, column 2, strike lines 21 through 51

Page 453, column 1, line 3, between "of" and "or" insert: 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 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.

(2) 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

Pursuant to the motion by Senator Gallen, the Senate adjourned at 5:05 p.m. to convene at 9:00 a.m., May 27, 1977.