



Journal of the Senate

Number 40

Friday, June 3, 1977

The Senate was called to order by the President at 9:00 a.m.
A quorum present—31:

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	Thomas, Jon	Winn
Glisson	Myers	Thomas, Pat	Zinkil
Gorman	Peterson	Tobiassen	

SB 1007	HB 2235	SB 695	SB 1259
SB 1012	HB 2287	CS for SB 1387	SB 469
HB 1241	CS for SB 239	HB 619	HB 804
HB 20	SB 1090	HB 620	HB 949
HB 1220	SB 1254	HCR 1180	CS for SB 1346
SB 516	HB 630	SB 1077	SB 558
HB 346	HB 1455	CS for HB 129	CS for SB 1330
SB 1345	HB 1311	SB 1149	
SB 1025	HB 18	HM 639	
HB 2234	HB 1089	SB 689	

Respectfully submitted,
Tom Gallen, Chairman

Excused: Senators Lewis, W. D. Childers, Peterson, Plante, Hair, Myers, Barron, Saylor, Gallen, Spicola, Poston, Ware, McClain, Pat Thomas, Scarborough, Johnston, Williamson, Don Childers, Scott, Trask, Henderson and Wilson, periodically, for the purpose of working on conference committee reports; Senator Gordon

Prayer by the Rev. H. Talmadge Smith, pastor, Cinco Baptist Church, Ft. Walton Beach:

Our Father, we thank thee for waking us this day. We thank thee for this new day fresh with promise to serve thee by serving our fellowman. We thank thee that thou hast given us freedom as a nation—that we are a people governed by leaders chosen by the people. We ask today that we might so conduct ourselves in the business of the Senate that you would be pleased with us.

Help us to realize that you are with us—in this very room—and that you are concerned about every item that shall receive our attention. Save us from the pride that often comes with privilege and let us remember that we are servants answerable to the people whom we serve and to thee. Deliver us from the love of power and from motives of personal gain; from considerations of men or money in place of demands of truth and justice; and never let us place love of party above love of people. Give to each member clear minds and an understanding heart. May we be sensitive to thy leadership and may we be obedient to thee.

This we ask in the name of our Lord. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Local Bill Calendar for Friday, June 3, 1977:

SB 1490	HB 1735	HB 1844	HB 2093
SB 1494	HB 1736	HB 1846	CS for
HB 540	HB 1737	HB 1848	HB 2094
HB 541	CS for	HB 1859	HB 2112
HB 951	HB 1742	HB 1860	HB 2113
HB 1307	HB 1758	HB 1877	HB 2114
HB 1343	HB 1793	HB 1878	HB 2126
HB 1480	HB 1794	HB 1879	HB 2220
CS for	HB 1796	HB 1882	HB 2299
HB 1482	HB 1801	HB 1883	HB 1739
HB 1486	HB 1803	HB 1884	HB 1738
HB 1487	HB 1838	HB 1885	
CS for	CS for	HB 1886	
HB 1610	HB 1843	HB 2009	

Respectfully submitted,
Tom Gallen, Chairman

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Friday, June 3, 1977:

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, by two-thirds vote HB 1802 was withdrawn from the Committee on Economic, Community and Consumer Affairs and placed on the local calendar.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1444 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining and placed on the local calendar.

On motions by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 1134 was withdrawn from the Committees on Finance, Taxation and Claims; and Rules and Calendar and placed on the local calendar.

On motion by Senator McClain, by two-thirds vote HB 447 was placed on the special order calendar.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 1745 was withdrawn from the Committee on Commerce.

On motion by Senator Myers, by two-thirds vote HB 1116 was withdrawn from the Committee on Transportation and placed on the local calendar.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 1128 was withdrawn from the Committee on Appropriations.

On motion by Senator Scarborough, by two-thirds vote HB 1880 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State CS for SB 25, CS for SB 200, CS for SB 396, Senate Bills 27, 41, 252, 686 and 714, which he had approved June 1, 1977; and Senate Bills 656 and 1493 which he had approved June 2, 1977.

BICENTENNIAL COMMISSION OF FLORIDA (RESOLUTION)

WHEREAS, the Bicentennial of the American Revolution and the Declaration of American Independence was an occasion worthy of commemoration by the people of the United States, and

WHEREAS, the Florida Legislature in 1970 created the Bicentennial Commission of Florida to coordinate a statewide observance of the American Revolution Bicentennial, and

WHEREAS, the Florida Legislature has provided generous support for the Commission and its programs throughout the course of seven years, and

WHEREAS, that support has contributed substantially to making Florida's observance of the Bicentennial one of the most comprehensive and successful programs of its kind in the nation,

NOW, THEREFORE, BE IT RESOLVED that the members of the Bicentennial Commission of Florida do hereby express appreciation to the members of the Florida Legislature for their continued assistance and encouragement, which has contributed immeasurably to creating a meaningful Bicentennial celebration for all Floridians,

IN TESTIMONY WHEREOF, the Governor, honorary chairman, and the Lieutenant Governor, Chairman of the Bicentennial Commission of Florida, have hereunto subscribed their names and have caused the official seal of the State of Florida to be hereunto affixed, in the City of Tallahassee, Florida, on this 3rd day of June, A.D. 1977.

Reubin O'D. Askew
Governor

J. H. Williams
Lieutenant Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 563 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative James and others—

HB 563—A bill to be entitled An act relating to retirement; providing for an increase in benefit payments for certain retired members of state-supported retirement systems, for certain members of such systems who will retire between June 30, 1977, and July 1, 1978, for the surviving spouse or beneficiary of any person who qualifies for such an increase, and for certain persons who retired as permanently and totally disabled members of any state-supported retirement system; providing a definition; providing an appropriation; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1679 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richmond and others—

HB 1679—A bill to be entitled An act relating to Pinellas County; amending Chapter 61-2735, Laws of Florida, being the Charter of the City of Safety Harbor, as amended by Chapter 70-916, Laws of Florida, by redefining the boundaries and limits of the City in Section 4 thereof; and providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1525 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Danson and others—

CS for HB 1525—A bill to be entitled An act to revise and consolidate the Sarasota-Manatee Airport Authority Act, chapter 31263, Special Laws of Florida, 1955, as amended; generally revising provisions relating to powers and duties of the authority; removing any interest rate limitation relating to bonds and notes of the authority; conferring additional powers on the authority with regard to the financing of industrial facilities; providing a tax exemption for certain property; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1541 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Richmond and Culbreath—

HB 1541—A bill to be entitled An act relating to Pasco County; amending chapter 74-573, Laws of Florida, as amended, relating to consumer protection in Pasco County; providing definitions; providing for full 2-year terms of Board of Consumer Affairs and Appeals members; providing for procedures and records; providing for powers and jurisdiction of the board; providing board hearings; establishing procedures governing hearings; providing for service of process; establishing the Division of Consumer Affairs; providing operating procedures of the division; providing powers and duties of the division; providing for enforcement of subpoenas; providing a means of enforcement of orders; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2371 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rish—

HB 2371—A bill to be entitled An act relating to Calhoun County; amending section 4(2) and (7) and section 5 of chapter 76-341, Laws of Florida, to authorize the Calhoun County Transportation Authority to exercise its power of eminent domain with respect to certain property in Jackson County and to enter upon lands and waters in Jackson County to make necessary surveys or investigations; providing that debentures of the Authority shall disclose that they are not a debt of Jackson County; increasing the amount which Calhoun County may lend to Authority for certain activities; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

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

By Senator Wilson—

SB 1357—A bill to be entitled An act relating to family services; amending s. 409.166(2)(a), Florida Statutes, 1976 Supplement; adding to definition of "special needs child"; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 22, strike the period after the word "age" and insert: , provided two or more members of a sibling group remain together for purposes of adoption.

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

SB 1357 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Votes after roll call:

Yeas—Graham, Spicola

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 with amendment—

By the Committee on Commerce and Senators W. D. Childers and Hair—

CS for SB 701—A bill to be entitled An act relating to the Sanitarians' Registration Act; amending s. 491.02(1), (6) and (7), Florida Statutes; providing definitions; amending s. 491.03(4), Florida Statutes; increasing the daily payment to members of the Sanitarians' registration board attending board meetings; amending s. 491.04(1)(3), Florida Statutes; authorizing the board to adopt rules; providing for reports; amending s. 491.05, Florida Statutes; providing for the location of the headquarters of the board; amending s. 491.06(1), (4), Florida Statutes; providing qualifications for registration; amending s. 491.08, Florida Statutes; providing for a maximum application fee; amending s. 491.09, Florida Statutes; providing for examinations of applicants; amending s. 491.10, Florida Statutes; providing for certificates of registration for governmental agencies; providing exceptions; amending s. 491.11, Florida Statutes; providing for renewal of certificate, restoration of expired certificate, and fees; requiring continued professional education; amending s. 491.12, Florida Statutes; providing grounds for refusal, revocation, or suspension of certificate of registration; amending s. 491.14, Florida Statutes; prohibiting false claim of registration; amending s. 491.16, Florida Statutes; providing for disposition of fees; amending s. 491.18, Florida Statutes; providing for policy of endorsement of out-of-state sanitarians; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 4, line 21, insert: (3) Have been graduated with a 4-year degree from a college or university, or with a 2-year degree from a community college plus 3 years' experience in environmental sanitation which is approved by the board, or have been graduated from a high school plus 5 years' experience in environmental sanitation which is approved by the board;

On motion by Senator W. D. Childers, the Senate refused to concur in the House amendment and the House was requested to recede. The action, with the bill and amendment, was certified to the House.

The Honorable Lew Brantley, President

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

By Senators Hair and Dunn—

SB 365—A bill to be entitled An act relating to service and other charges of clerks of court; amending ss. 45.031(1), 55-141(2), 197.261, 197.291(2), 712.06(3), 713.24(1), Florida Statutes; increasing the fee for services in making a judicial sale; prescribing recording and mailing charges for recording a satisfaction of judgment; prescribing the service charge for preparing and mailing the tax certificate holder's notice to the owner of application for tax deed; prescribing the service and mailing charges for mailing a notice of excess proceeds in a tax sale to the legal titleholder; providing that, when necessary, the clerk shall retain the total amount of excess proceeds of a tax sale to cover fees and mailing costs; prescribing service and mailing charges for a certificate of notice of a person claiming an interest in land; increasing fees for serving a notice of lien transfer and prescribing additional fees for the transfer of multiple liens; prescribing the service charge for recording the certificate and approving the bond; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 6, line 28, after the period insert the following: Section 7. Section 55.03, Florida Statutes, is amended to read:

55.03 Judgments; rate of interest, generally.—All judgments and decrees bear interest at the rate of 6 percent a year provided that judgments or decrees rendered in circuit court shall bear interest at the rate of 8 percent a year unless but when the judgment or decree is rendered on a written contract or obligation providing for interest at a lesser rate, in which case, the judgment or decree bears interest at the rate specified in such written contract or obligation.

Section 8. This act does not apply to any judgment or decree granting recovery with respect to an action filed prior to the effective date of this act.

(Renumber subsequent section)

Amendment 4—On page 1 in title, line 24, after the semicolon insert: amending s. 55.03, Florida Statutes, providing that, unless otherwise specified at a lesser rate, certain judgments and decrees shall bear interest at the rate of 8 percent a year; limiting applicability;

On motion by Senator Hair, the Senate concurred in the House Amendments.

SB 365 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll roll:

Yea—Spicola

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 HB 1828 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Steinberg—

HB 1828—A bill to be entitled An act relating to investments; creating the "Investor Protection Act"; providing definitions;

providing requirements with regard to offers to acquire any equity security under certain conditions; requiring certain information to be filed with the Division of Securities of the Department of Banking and Finance and the offeree company; providing a filing fee; providing civil liability of offerors; providing for injunctive relief; providing for rule-making by the Division; providing an effective date.

—was read the first time by title. On motions by Senator Firestone, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motions by Senator Firestone, by two-thirds vote HB 1828 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—30

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

Nays—None

Votes after roll call:

Yeas—Hair, Peterson, Spicola

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1864 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Young—

HB 1864—A bill to be entitled An act relating to per diem and travel expenses; adding subsection (15) to s. 112.061, Florida Statutes, 1976 Supplement, to exempt home rule charter counties from the provisions of said section; providing for severability; providing an effective date.

—was read the first time by title. On motions by Senator Scott, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motion by Senator Scott, by two-thirds vote HB 1864 was read the second time by title.

Senator Wilson moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, strike “charter”

On motion by Senator Scott, further consideration of HB 1864 was deferred.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1464 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazelton—

HB 1464—A bill to be entitled An act relating to automobile inspection and warranty associations; amending s. 634.052, Florida Statutes; providing that before a license is issued by the Department of Insurance to such an association, it must show proof of full coverage insurance, or must establish and maintain capital and surplus as set forth in ss. 624.407 and 624.408, Florida Statutes; prescribing a compliance period for present license holders; providing an effective date.

—was read the first time by title. On motions by Senator Trask, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order. On motions by Senator Trask, by two-thirds vote HB 1464 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nay—1

Gorman

SB 469, companion bill to HB 1464, was laid on the table.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 803 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Transportation—

CS for HB 803—A bill to be entitled An act relating to transportation; amending ss. 129.01(1) and 129.011(1), Florida Statutes, providing for a county transportation trust fund to be accounted for separate from the county general fund; amending s. 199.292(4), Florida Statutes, providing for deposit of certain moneys in the Revenue Sharing Trust Fund for municipalities; amending s. 206.60(2), Florida Statutes, deleting certain provisions relating to maintenance of secondary roads by the Department of Transportation and distribution of certain secondary federal funds; amending s. 206.605(1), Florida Statutes, providing for transfer of the additional eighth cent tax on motor fuel to the State Transportation Trust Fund; amending s. 215.22(1), Florida Statutes, providing for deposit of certain moneys in the County Revenue Sharing Trust Fund; amending s. 320.20, Florida Statutes, relating to disposition of motor vehicle licensing moneys; amending s. 210.20(2)(a), Florida Statutes, increasing the amount of cigarette tax funds credited to the Revenue Sharing Trust Fund for municipalities; adding subsections (18)-(29) to s. 334.03, Florida Statutes, defining certain terms for purposes of the Transportation Code; amending s. 335.01, Florida Statutes, providing for designation and systemization of public roads; adding subsection (3) to s. 335.02, Florida Statutes, authorizing the Department of Transportation to prepare maps delineating rights-of-way for certain roads of the state highway system; providing for hearings thereon and procedures relating thereto; amending s. 335.04, Florida Statutes, providing for a functional classification plan for roads; authorizing the matching of certain federal aid highway funds; providing certain responsibilities for the Department of Transportation; requiring transfer of responsibility for maintenance of certain public roads; providing for operation and maintenance of public roads; amending s. 336.41, Florida Statutes, restricting the use of existing county forces in the construction of public roads and providing exceptions; amending s. 336.44(1), Florida Statutes, requiring boards of county commissioners to let contracts for certain work on public roads; amending s. 339.08(2)(b) and (c), (3), and (4), Florida Statutes, and adding subsection (5) to said section; providing for the use of certain gas tax revenues; providing for advance of certain second gas tax revenues; creating s. 339.083, Florida Statutes, providing for a county transportation trust fund; providing for controls; creating s. 339.084, Florida Statutes, requiring the department to recommend program data to the Department of Banking and Finance; requiring the department to report to the Legislature annually; amending s. 337.29(2), Florida Statutes, and adding a subsection thereto, relating to transfer of title to certain roads; repealing s. 206.605(2)-(4), s. 334.03(1), (8), (12), and (13) and 335.041, Florida

Statutes, relating to distribution and use of proceeds of the additional eighth cent tax on motor fuel, defining the terms "arterial highway," "primary road system," "secondary road system," and "state highway system" for purposes of the Transportation Code and providing for expenditure of secondary road funds, respectively; providing an effective date.

—was read the first time by title.

On motions by Senator Myers, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motion by Senator Myers by two-thirds vote CS for HB 803 was read the second time by title.

Senator Myers moved the following amendment:

Amendment 1—On page 2, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 129.01, Florida Statutes, is amended to read:

129.01 Budget system established.—There is hereby established a budget system for the control of the finances of the boards of county commissioners of the several counties of the state, as follows:

(1) There shall be prepared, approved, adopted, and executed, as prescribed in this chapter, for the fiscal year ending September 30, 1952, and for each fiscal year thereafter, an annual budget for the following funds:

- (a) General fund
- (b) *County transportation trust fund* ~~Road and bridge fund~~
- (c) Fine and forfeiture fund
- (d) Capital outlay reserve fund
- (e) Bond interest and sinking fund, and
- (f) Special district operating fund

which shall control the levy of taxes and the expenditure of money for all county purposes during the ensuing fiscal year.

Section 2. Subsection (1) of section 129.011, Florida Statutes, is amended to read:

129.011 Consolidation of funds.—

(1) In order to simplify and otherwise improve the accounting system provided by law and to facilitate a better understanding of the fiscal operation of the county by the general public, the board of county commissioners may, by resolution duly adopted, consolidate any of its separate budgetary funds into a single general fund, except that the road and bridge tax shall be levied under s. 336.59, and all revenue and expenditures of the county transportation trust fund established pursuant to s. 339.083 (created by this act) shall be shown as a separate budgetary fund.

Section 3. Subsection (7) of section 206.47, Florida Statutes, is amended to read:

206.47 Distribution of second gas tax pursuant to s. 9, Art. XII, State Constitution.—

(7) The gas tax funds credited to each county will be first distributed to meet the debt service requirements, if any, of the s. 16, Art. IX debt assumed or refunded by the State Board of Administration payable from the second gas tax. The remaining gas tax funds credited to each county are surplus gas tax funds and shall be divided 80 percent to the Department of Transportation and 20 percent to the board of county commissioners of the county for the acquisition and construction of roads. As provided in s. 339.08(4), the department is authorized to maintain on deposit with the State Board of Administration all proceeds of the 80 percent surplus of the second gas tax.

Section 4. Paragraphs (b) and (c) of subsection (2) of section 206.60, Florida Statutes, are amended to read:

206.60 Additional tax upon motor fuel.—

(2) The proceeds of said tax are hereby appropriated for public transportation purposes in the manner following:

(b)1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use said funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or for the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred for road and bridge or other transportation purposes. In the event the powers and duties relating to transportation facilities, roads, and bridges usually exercised and performed by boards of county commissioners are exercised and performed by some other or separate county board, such board shall receive the proceeds, exercise the powers, and perform the duties designated in this section to be done by the boards of county commissioners.

2.1. On and after October 1, 1971, the board of county commissioners of each county, or any separate board or local agency exercising the powers and performing the duties relating to transportation facilities, roads, and bridges usually exercised and performed by the boards of county commissioners, shall be assigned the full responsibility for the maintenance of transportation facilities *in the county* and of roads *on the county road system in the state secondary road system within the county*.

2. The Department of Transportation shall, if requested by the board of county commissioners of any county, continue to maintain such secondary roads as are being maintained under contract as of October 1, 1971, under such terms and conditions as may be mutually agreed upon between said department and the board of county commissioners of the respective county.

3. In calculating the distribution of funds under paragraph (a), the Department of Revenue shall obtain from the auditor general the certification of the level of assessment in each district, as provided in s. 236.07(5), and shall pay only the amount of money which is derived by multiplying said ratio and the amount which would be due a district under paragraph (a). The funds which are raised under this section but are not distributed under this section shall be deposited in the additional gas tax pour-over fund. All funds placed in the additional gas tax pour-over funds shall be distributed in the same manner as provided in paragraphs (a) and (b) of this subsection.

4. Nothing in this paragraph as amended by Chapter 71-212, Laws of Florida, shall be construed to permit the expenditure of public funds in such manner or for such projects as would violate the state constitution or the trust indenture of any bond issue or which would cause the state to lose any federal aid funds for highway or transportation purposes; and the provisions of this paragraph shall be applied in a manner to avoid such result.

(e) Any secondary federal funds received in addition to said seventh cent tax proceeds, distributed to the several counties as above provided, shall be first allocated to the credit of each county in the ratio that the total taxes collected hereunder in each county during the previous state fiscal year bears to the total of said taxes collected in all counties, and then distributed to the Department of Transportation for expenditure in said county for the purposes and as above provided.

Section 5. Subsections (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), and (30) are added to section 334.03, Florida Statutes, to read:

334.03 Definitions of words and phrases.—The following words and phrases when used in this code shall, unless the context clearly indicates otherwise, have the following meanings:

(18) "Functional classification".—The assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial, collector, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

(19) "Arterial road".—A route providing service which is relatively: continuous, of high traffic volume, of long average trip length, of high operating speed, and of high mobility importance. In addition, all United States numbered highways shall be arterial roads.

(20) "Collector road".—A route providing service which is relatively: of moderate average traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

(21) "Local road".—A route providing service which is relatively: of low average traffic volume, or short average trip length, or minimal through-traffic movements, and of high land access for abutting property.

(22) "Urban area".—A geographical region comprising as a minimum the United States Census defined boundary of an urban place of 5,000 population, expanded to include adjacent areas as provided for by federal highway administration regulations.

(23) "Urban area".—An urban area having a central city or twin cities of more than 50,000 population.

(24) "Urban principal arterial roads".—Routes which generally serve the major centers of activity of an urban area, the highest traffic volume corridors, the longest trip purpose, and carry a high proportion of the total urban area travel on a minimum of mileage. The routes are integrated, both internally and between major rural connections.

(25) "Urban minor arterial roads".—Routes which generally interconnect with and augment urban principal arterial routes and provide service to trips of shorter length and a lower level of travel mobility. Minor arterial routes include all arterials not classified as principal and contain facilities that place more emphasis on land access than the higher system.

(26) The state highway system shall consist of the following: (a) the interstate system; (b) all rural arterial routes and their extensions into and through urban areas; (c) all urban principal arterial routes; (d) those urban minor arterial routes on the existing primary road system as of July 1, 1977; provided, however, that not less than 2 percent of the public road mileage of each urbanized area shall be included as minor arterials on the state highway system. Urbanized areas not meeting the above minimum requirement shall have transferred to the state highway system additional minor arterials of the highest significance, in which case the total minor arterials on the state highway system from any urbanized area shall not exceed 2.5 percent of said area's total public urban road mileage. Excluding the interstate system, the state highway system shall be limited to 11,300 miles.

(27) "County road system".—The county road system of each county shall consist of all collector roads in the unincorporated areas and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterials not on the state highway system.

(28) "City street system".—The city street system of each municipality shall consist of all local roads within that municipality, and all collector roads inside that municipality which are not on the county road system.

(29) "Routine maintenance".—Pavement patching, shoulder repair, cleaning and repair of drainage ditches and structures, mowing, bridge inspection and maintenance, pavement striping, litter cleanup, and such other similar activities of a minor scope as are necessary to maintain a safe and efficient transportation system.

(30) "Periodic maintenance".—Activities which are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition and shall include, but not be limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing or resurfacing of lengthy sections of roadway.

Section 6. Section 335.01, Florida Statutes, is amended to read:

335.01 Designation and systemization classification of public state roads.—

(1) All public roads open to travel by the public generally and dedicated to the public use, according to law or by prescription, and roads which are constructed out of public funds and dedicated for general public usage and all extensions thereof, and connections thereto are hereby designated and declared to be and are established as public state roads.

(2) Public State roads shall be divided into four systems classes:

- (a) The state highway system;
- (b) The state park road system;
- (c) The county road systems; and
- (d) The city street systems.

Section 7. Section 335.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 335.04, F.S., for present text.)

335.04 Functional classification plan for roads; responsibilities of department.—

(1) No later than October 1, 1977, the department shall adopt, pursuant to chapter 120, a plan based upon functional classification of roads and shall begin to implement an orderly phase-in of such plan by no later than January 1, 1978. All transfers of responsibility between the state and local governments required by said plan shall be completed no later than July 1, 1982 except as herein provided. Any road for which responsibility is being transferred from the department to counties and municipalities shall be brought to a physical condition commensurate with contemporary roads of like age and existing functional classification within the county or city; provided, however, if said road has not been resurfaced within 12 years prior to the date of the proposed transfer or if the condition of said road when analyzed in accordance with the standards of measurement of pavement conditions, utilized by the department as of January 1, 1977, indicates the need for resurfacing, and if the county requests a resurfacing, the road shall be resurfaced prior to transfer. If the county and department are unable to agree on the need for resurfacing, the county shall have the right to administrative and judicial review as provided in chapter 120. Notwithstanding the time limitations otherwise provided in this chapter for the transfer of roads, no road which has been finally determined to need resurfacing shall be transferred to the county until it has been resurfaced. In cases of transfers between the state and local governments, federal assistance shall be utilized, when feasible, for this purpose. This requirement relating to physical conditions of roads at the time of transfer may be waived upon mutual consent. In transfers between counties and municipalities if the required physical improvements are not made by July 1, 1982, the affected county and municipality shall agree to terms and conditions of improvements and transfer, which agreement shall require transfer by no later than July 1, 1987.

(2) The department is authorized to match all federal aid highway funds and shall have the administrative responsibility for planning, programming, and contracting for all such federal aid projects in cooperation with local officials in accordance with federal regulations and state law. Upon completion of the transfers of responsibility required by the plan to be adopted by October 1, 1977, pursuant to subsection (1), federal aid funds available for county road and city street systems shall only be matched by funds provided by the counties or cities, but the department shall continue to have administrative responsibility for all federal aid highway funds.

(3) The department shall have the responsibility for continuing data collection and functional evaluation of public roads as is deemed necessary for planning and reclassification purposes. Beginning July 1, 1982, the department shall conduct a program that will insure that the classification of every public road shall be considered and evaluated at least once every 5 years. Such evaluation shall utilize quantitative criteria which shall have been adopted pursuant to chapter 120. The department shall hold a full public hearing in the county affected as an integral part of its evaluation procedures in order to receive public input prior to making any determination of classification. When the department makes a determination that a public road has changed function, the department shall within 30 days notify in writing the governmental entities concerned. Each year the department shall publish a report summarizing all such classification changes in that year and shall deliver such report to the President of the Senate and Speaker of the House by February 1. Transfer of responsibility shall be accomplished on a schedule mutually agreed upon by said governmental entities, provided, that said transfer shall occur no later than 3 years after the date the governmental entities are notified. After

July 1, 1982, the department, if requested by cities or counties, shall, within a reasonable period not to exceed 1 year, perform functional evaluations of specific roads utilizing the quantitative criteria referred to in this subsection, and the transfers resulting from such evaluations shall be accomplished as provided in this subsection. All obligations of the department, a county, or a city, under any maintenance, utility, or railroad crossing agreement or other such agreements, relating to any specific road to be transferred, shall be transferred at the same time and in the same manner as jurisdictional responsibility.

(4) The department, counties, cities, and other political subdivisions shall have the responsibility for the operation and maintenance of the roads under their respective jurisdiction except as otherwise provided by law. The department, counties, cities, and other political subdivisions may enter into such agreements as are deemed necessary and convenient for the proper exercise of their responsibilities provided herein; provided, however, the department shall discontinue maintaining, through contractual agreements, those facilities off the state highway system by July 1, 1980.

(5) The counties and cities shall sign an agreement with the Department of Transportation which requires the counties and cities to maintain in accordance with federal standards any road or portion thereof under their jurisdiction which was constructed with federal assistance and is on a federal aid system.

Section 8. Subsection (4) is added to section 335.075, Florida Statutes, to read:

335.075 Uniform minimum standards for design, construction, etc.; advisory committees.—

(4) *Each county shall have a professional engineer registered in Florida certify that all design, construction, and maintenance for each project complies with the standards established pursuant to subsection (1) and that are then in effect.*

Section 9. Use by counties of the surplus from the second gas tax.—

(1) Any county which has agreed prior to July 1, 1977, by resolution, to use the surplus of the second gas tax to provide a connecting road to a planned interchange on the interstate system, shall provide such connecting road.

(2) Any surplus which is not otherwise used to provide connecting roads pursuant to subsection (1) shall be used for a connected system of county roads within the county, which connected system of county roads shall be designated by the board of county commissioners after a hearing during which municipalities, other governmental units, and interested citizens shall be given an opportunity to be heard. Such connected system of county roads shall consist of those roads within the county which provide for significant intercounty and intracounty traffic and serve to supplement and move traffic to and from the state highway system.

Section 10. Section 336.01, Florida Statutes, is amended to read:

336.01 Designation of county road system.—*The county road system shall be as defined in s. 334.03(27). The county road system shall consist of all public roads outside of municipalities not included in the state highway system or state park road system, and such municipal connecting links and extensions as may be agreed upon by the boards of county commissioners and municipal authorities.*

Section 11. Section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(1) The commissioners may employ labor and provide equipment as may be necessary *except as provided in subsection (3)* for constructing and opening of new roads or bridges and repair and maintenance of any existing roads and bridges.

(2) It shall be the duty of all persons to whom the commissioners deliver equipment and supplies for road and bridge purposes to make a strict accounting of the same to the commissioners.

(3) *All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utiliz-*

ing the proceeds of the 80 percent portion of the surplus of the second gas tax shall be let to contract to the lowest responsible bidder by competitive bid except as follows: construction and maintenance in emergency situations, and in addition to emergency work, the county may utilize its own forces for construction and reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80 percent portion of the second gas tax or, \$50,000 whichever is greater. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law. The commissioners may contract with the Department of Transportation to perform maintenance upon the secondary system roads in said county and said Department of Transportation shall monthly pay to the commissioners the agreed cost thereof.

Section 12. Subsection (1) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(1) The commissioners shall ~~may~~ let the work on roads out on contract, *in accordance with s. 336.41(3) when, in their judgment, such would be to the advantage of the county.*

Section 13. Paragraphs (b) and (c) of subsection (2), and subsections (3) and (4) of section 339.08, Florida Statutes, are amended and subsection (5) is added to said section to read:

339.08 Use of gas tax revenue by department.—

(2) Such regulations shall provide that the use of the first gas tax be restricted to the following purposes:

(b) To pay the cost of construction of the state highway system ~~primary road~~ and state park road system, including amounts necessary to match federal aid funds for such purposes. *However, the department is authorized to match federal aid highway funds allocated to the county road and city street systems, until completion of the transfers of responsibility required by the plan adopted by October 1, 1977, pursuant to s. 335.04(1);*

(c) To pay the cost of maintaining the state ~~primary~~ highway system and state park road system;

(3) *Beginning July 1, 1977, the department shall develop and implement a phased transfer of the administrative responsibility for construction programs financed by the 80 percent portion of the second gas tax to the respective counties. In counties of over 100,000 population, this transfer of responsibility shall be made at the rate of not less than 20 percent per year and shall be completed by July 1, 1980. In counties having less than 100,000 population, there shall be an orderly transfer of responsibility, but in no case shall the transfer extend beyond July 1, 1980. All projects let to construction contract on or before June 30, 1977, shall be completed by the department. If requested by a county, the department may undertake or complete all stages of a project if it can be completed through the construction stage by July 1, 1980. Adequate arrangements shall be agreed to between the counties and the department to ensure that the department has sufficient funds to complete its projects as previously indicated. The Department of Transportation shall until July 1, 1980, lend its assistance, advice, and counsel to the counties, when requested, in order to assist in the development of a program for the management of the county road program. This assistance may include such areas as consultant procurement, right-of-way acquisition, specifications and construction inspection. by regulation provide for the expenditure of the proceeds of the 80 percent of the seventh cent gas tax accruing to the division for use of the counties in accordance with its annual budget; such moneys to be used by the division in the construction and maintenance of roads, including the purchase of right-of-way, in the county to which such gas tax applies. Such roads shall be those selected by the commissioners and approved by the Division of Road Operations to be a part of the secondary system of roads, as herein defined.*

(4) The department is required to maintain on deposit with the State Board of Administration all proceeds of the 80 percent surplus of the second gas tax. The department shall

by regulation provide for the transfer of the proceeds of the 80 percent surplus of the second gas tax in each county's account necessary to meet the current expenditures of the several counties. No county shall submit a voucher for transfer of funds unless such funds are to reimburse a prior expenditure or to maintain sufficient funds to meet anticipated expenditures for the next 60 days. Such transfers shall be processed by the department within 3 working days of receipt of the county's voucher. Such regulations shall not provide for department approval or control over county expenditures, but are to provide for routine processing of transfer vouchers from the State Board of Administration to the counties and for the investment of said second gas tax funds so as to maximize investment earnings to the counties. The department shall not charge any fees or allocate department overhead to the counties for these services. Shall by regulation prescribe for the expenditure of the proceeds of the 80 percent surplus of the second gas tax remitted to the Division of Road Operations for use in the counties in accordance with its annual budget; provided, however, the division shall not expend any funds derived from the 80 percent surplus of the second gas tax for the construction or reconstruction of any road or bridge except where requested to do so by resolution from the county commissioners; such moneys shall then be used by the division for the construction or reconstruction of roads and bridges or for the lease or purchase of bridges on the state highway system within the county to which such surplus applies or to acquire right-of-way for such roads and bridges; provided, however, that nothing herein contained shall in any way impair the present county road and bridge district bonds, revenue certificates, or other valid obligations of the respective counties.

(5) The department is authorized to advance second gas tax trust funds to the Working Capital Trust Fund in an amount not to exceed \$22,500,000. However, nothing herein contained shall in any way impair the present county road and bridge district bonds, revenue certificates, or other valid obligations of the respective counties. The department shall replace the second gas tax funds in the Working Capital Trust Fund by July 1, 1983.

Section 14. Section 339.083, Florida Statutes, is created to read:

339.083 County transportation trust fund; controls and administrative remedies.—Each county shall establish and maintain a transportation trust fund for all transportation related revenues and expenditures. All funds received by a county for transportation shall be deposited into this fund. No expenditures other than transportation expenditures authorized by law shall be made from said fund. Each county shall use a uniform accounts classification system approved by the State Comptroller. The Auditor General shall conduct an audit of each such special trust fund at such intervals of time as practicable and in accordance with s. 11.45, to assure that the surplus of the second gas tax distributed to each county is being expended in accordance with law. If, as a result of an audit, the Auditor General determines that a county has violated the constitutional or statutory requirements for expenditure of transportation funds, he shall immediately notify the county. The county shall have an opportunity to respond to the auditor's report within 30 days after the date of written notification to the county. If the Auditor General refuses to modify or repeal his findings the county may have such findings reviewed pursuant to the provisions of the Administrative Procedure Act, chapter 120. If the findings of the Auditor General are upheld after exhaustion of all administrative and legal remedies of the county, no further surplus second gas tax funds in excess of funds for committed projects shall be distributed to the violating county until the county corrects the matters cited by the Auditor General and such corrections have been certified by the Auditor General as having been completed.

Section 15. The department shall recommend to the Department of Banking and Finance no later than April 1, 1978, uniform program data to be furnished by each local government as a part of its annual financial report submitted pursuant to s. 218.32. Such data shall include, but not be limited to, miles of new construction, miles resurfaced or reconstructed, miles maintained, work performed by county or municipal forces and by contract, contracts let and such other pertinent information as determined by the department. The department shall compile an annual comprehensive transportation report for presentation to the Legislature no later than March 15 of each year.

Section 16. Subsection (2) of section 337.29, Florida Statutes, is amended, and subsection (3) is added to said section to read:

337.29 Title to roads in State Highway, County Road, City Street and State Park Road Systems; recording deeds and maps.—

(2) Upon the vesting of title to any lands for highway purposes in the state, the commissioners or public municipal authorities, as the case may be, shall forthwith issue a deed or right-of-way map to the state covering said lands which shall be duly recorded. Recordation of deeds or right-of-way maps shall also be effected upon acquisition of any lands by the Division of Administration.

(3) Title to all roads transferred in accordance with the provisions of s. 335.04 shall be in the governmental entity to which said roads have been transferred upon the recording of a right-of-way map by the appropriate governmental entity in the public land records of the county or counties in which such rights-of-way are located. Liability for torts shall be in the governmental entity having title as provided herein.

Section 17. Sections 335.041 and 339.031, and subsections (1), (8), (12), and (13) of section 334.03, Florida Statutes, are hereby repealed.

Section 18. This act shall take effect July 1, 1977.

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

Amendment 1A—On page 11, line 26, insert:

(6) Any toll facility administered by the department shall remain under department administration pursuant to the terms of the trust indenture. Toll facilities administered by cities or counties shall be transferred to another jurisdiction only upon mutual agreement of the concerned parties.

(Renumber subsequent sections)

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 1, line 1, strike the title and insert:

A bill to be entitled An act relating to transportation; amending s. 129.01(1), Florida Statutes; renaming county road and bridge fund; amending s. 129.011(1), Florida Statutes; providing for a separate county transportation trust fund in the county budget; amending s. 206.47(7), Florida Statutes; authorizing the Department of Transportation to maintain all proceeds of the 80 percent surplus of the second gas tax on deposit with the State Board of Administration; amending s. 206.60(2)(b), (c), Florida Statutes; deleting certain provisions relating to maintenance of secondary roads by the Department of Transportation and distribution of certain secondary federal funds; adding s. 334.03(18)-(30), Florida Statutes; defining certain terms for purposes of the Transportation Code; amending s. 335.01, Florida Statutes, providing for designations and systemization of public roads; amending s. 335.04, Florida Statutes; providing for a functional classification plan for roads; requiring transfer of responsibility for maintenance of certain public roads; authorizing the matching of certain federal aid highway funds; providing certain responsibilities for the Department of Transportation relating to reevaluation of the functional classification of public roads; providing for operation and maintenance of public roads; adding s. 335.075(4), Florida Statutes; providing for the certification of the compliance with design, construction, and maintenance standards; prescribing uses of the surplus from the second gas tax distributed to the counties; amending s. 336.01, Florida Statutes; defining county road system; amending s. 336.41, Florida Statutes; limiting the use of existing county forces in the construction of public roads; amending s. 336.44(1), Florida Statutes; requiring boards of county commissioners to let contracts for certain work on public roads; amending s. 339.08(2)(b), (c), (3), (4), Florida Statutes, and adding subsection (5) to said section; providing for the use of certain gas tax revenues by the Department of Transportation; providing for transfer of administrative responsibility; providing for advance of certain gas tax revenues; creating s. 339.083, Florida Statutes;

providing for county transportation trust funds; providing for controls and administrative remedies; providing for annual reports by local governments to the department; requiring department to report to Legislature; amending s. 337.29(2), Florida Statutes, and adding a subsection (3) thereto, relating to transfer of title to certain roads; repealing s. 334.03(1), (8), (12), and (13), Florida Statutes, the definitions of the terms "arterial highways," "primary road system," "secondary road system," and "state highway system"; repealing s. 335.041, Florida Statutes, relating to designation of roads for the expenditure of secondary road funds; repealing s. 339.031, Florida Statutes, relating to highway secondary trust funds; providing an effective date.

On motion by Senator Myers, by two-thirds vote CS for HB 803 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nay—1

Zinkil

Vote after roll call:

Nay to Yea—Zinkil

The Honorable Lew Brantley, President

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

By the Committee on Commerce and Senator Peterson—

SB 1231—A bill to be entitled An act relating to unemployment compensation; amending s. 443.03(5)(a), (b), (d), (i), (l), (n), (o), (7), (11), (13)(b), Florida Statutes; redefining the terms "employment", "employer", "state", and "wages" for the purposes of the Unemployment Compensation Law; adding s. 443.03(17), Florida Statutes; defining "educational institution" for the purposes of such law; amending s. 443.04(5)(a), Florida Statutes; redefining "national and state 'on' and 'off' indicators" and "exhaustee" for the purposes of payment of extended benefits; amending s. 443.05(3), Florida Statutes; providing eligibility conditions for benefits based on services performed for educational institutions or institutions of higher education; adding s. 443.05(5), (6), (7), Florida Statutes; establishing benefit eligibility conditions for individuals participating in sports or athletic events or training therefor; providing that wages for insured work include wages paid for previously uncovered services; providing that certain benefits paid to individuals whose base period wages include wages for previously uncovered services not be charged to the employer or the employer's experience rating account; amending s. 443.06(1), (7), Florida Statutes; deleting pregnancy as an exception to good cause for separation from employment; providing for the denial of benefits based on alien status; amending s. 443.08(5), Florida Statutes; providing optional methods of financing benefits paid to employees of governmental entities; amending s. 443.09(2)(c), Florida Statutes; providing for termination of coverage by governmental entities; repealing s. 443.08(6), Florida Statutes, relating to financing of benefits paid to employers of political subdivisions of the state; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 36, line 19, insert after the word "act": , and that portion of section 3 of this act amending s. 443.05(3),

On motion by Senator MacKay, the Senate refused to concur in the House amendment, and the House was requested to

recede. The action, with the bill and amendment, was certified to the House.

The Honorable Lew Brantley, President

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

By the Committee on Judiciary-Criminal and Senator Dunn and others—

CS for SB 1431—A bill to be entitled An act relating to theft and stolen property; prescribing acts that constitute the offense of theft; providing for grades of theft; providing penalties; making it a crime for any dealer to possess property knowing that the identifying features have been altered; providing a penalty; making it a crime to traffic in property known to have been stolen; making it a higher degree crime to initiate, organize, plan, finance, direct, manage or supervise a theft and traffic in stolen property; providing penalties; providing for the treatment of evidence of dealing in stolen property; providing for precluded defenses; providing a supplemental 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 disposition of seized and forfeited property; providing that any aggrieved person may institute civil proceedings; amending s. 905.34, Florida Statutes, to extend the subject matter jurisdiction of the statewide grand jury to include violations of this act; amending s. 934.07, Florida Statutes, to permit authorization for the interception of wire or oral communications to provide evidence of any violation of the provisions of this act; repealing s. 812.011, Florida Statutes, relating to definitions; repealing s. 812.021, Florida Statutes, relating to larceny; repealing s. 812.031, Florida Statutes, relating to stolen property; repealing s. 812.071, Florida Statutes, relating to larceny of horses and cows; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, line 16, before "Section 1." insert: Section 1. Subsection (7) is added to section 812.031, Florida Statutes, 1976 Supplement, to read:

812.031 Receiving stolen property.—

(7) Stolen property shall retain its character as stolen property and it shall not be a defense to a prosecution under this section that the property has lost its stolen character until the property is intercepted by law enforcement officers or an agent of the owner and either returned to the owner or held for a period of 80 days from the date the property was intercepted.

(Renumber subsequent sections.)

House Amendment 2—On page 1 in title, on the last line following "act;" insert: adding subsection (7) to s. 812.031, Florida Statutes, 1976 Supplement, providing that stolen property retains its character as stolen property for purposes of the unlawful receipt of stolen property until certain conditions are met;

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

CS for SB 1431 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Saylor	Wilson
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Scott	Zinkil
Gallen	MacKay	Skinner	
Glisson	McClain	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Castor, Graham, Spicola

The bill was ordered engrossed and then enrolled.

On motions by Senator Tobiassen, by two-thirds vote House Bills 1839 and 1840 were withdrawn from the Committee on Personnel, Retirement and Collective Bargaining and placed on the local calendar.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted as amended HCR 2092 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HCR 2092—A concurrent resolution relating to the intent of the Legislature with respect to restoration of the Kissimmee River and certain tributaries to Lake Okeechobee.

—was read the first time by title. On motions by Senator Jon Thomas, the rules were waived and the resolution was placed on the calendar, and by unanimous consent taken up out of order.

On motion by Senator Thomas, by two-thirds vote HCR 2092 was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—26

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

Nays—None

The Honorable Lew Brantley, President

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

By Senators Sayler and Johnston—

SB 208—A bill to be entitled An act relating to public employee retirement and pension benefit plans; creating s. 112.0516, Florida Statutes; providing for forfeiture of certain benefits under such plans for specified crimes or upon impeachment; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, lines 12 through 20, strike all of said lines

House Amendment 2—On page 2, line 12, insert new (4) and renumber subsequent sections: (4) For the purposes of this section as required by the provisions of subsection (d) of section 8 of Article II of the State Constitution, the term "breach of the public trust" means any violation of s. 112.313, s. 112.3141, s. 112.3143 or s. 112.3145, Florida Statutes.

House Amendment 3—On page 1, line 22, insert after "employment": any felony involving a breach of the public trust

House Amendment 4—On page 1, line 31, insert after "employment": any felony involving a breach of the public trust

House Amendment 5—On page 1 in title, line 6, insert after the semicolon: defines breach of trust;

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

Senator Henderson presiding

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2181 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Veterans Affairs and Representative T. Moore and others—

HB 2181—A bill to be entitled An act relating to veterans; amending s. 295.07, Florida Statutes, relating to preference in employment for veterans; requiring reemployment or reinstatement of veterans under certain conditions; including recently discharged veterans, widowers of veterans, and certain spouses within the section; amending s. 295.08, Florida Statutes, providing for expiration of a veteran's 5-point preference; amending s. 295.09, Florida Statutes, providing for promotion of veterans in competitive positions; amending s. 295.10, Florida Statutes, relating to preference for veterans in noncompetitive positions; providing that noncompetitive positions are not considered to be under the career service system; requiring reports when a nonveteran is hired over a veteran; amending s. 295.11, Florida Statutes, providing powers of Division of Veterans' Affairs to seek relief for aggrieved veterans; amending s. 295.12, Florida Statutes, providing exemptions from provisions relating to hiring and promotional preference for veterans; creating s. 295.123, Florida Statutes, providing that the chapter shall not apply to deserters or persons who received less than an honorable discharge; creating ss. 295.14 and 295.15, Florida Statutes; providing penalties and legislative intent; providing an effective date.

—was read the first time by title.

On motions by Senator Scarborough, the rules were waived and HB 2181 was placed on the calendar and by unanimous consent taken up out of order.

On motions by Senator Skinner by two-thirds vote HB 2181 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—29

Castor	Gorman	Myers	Tobiassen
Chamberlin	Graham	Poston	Vogt
Childers, Don	Hair	Renick	Williamson
Childers, W.D.	Henderson	Sayler	Winn
Dunn	Holloway	Scarborough	Zinkil
Firestone	Johnston	Scott	
Gallen	MacKay	Skinner	
Glisson	McClain	Spicola	

Nays—None

The Honorable Lew Brantley, President

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

By Senator Lewis—

SB 572—A bill to be entitled An act relating to public funds; amending s. 125.31(1), Florida Statutes; providing that requirements of s. 125.31(1), Florida Statutes, are to be supplemental to other laws; transferring and amending s. 125.315, Florida Statutes; creating ss. 166.261 and 218.345, Florida Statutes; requiring county commissioners, tax collectors, county officers, and the governing bodies of municipalities and special districts, to invest surplus public funds in obligations of or obligations guaranteed by, the United States Government; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Part IV of chapter 218, Florida Statutes, consisting of sections 218.501, 218.502, 218.503, 218.511, 218.512, 218.513, and 218.521, Florida Statutes, is created to read:

**PART IV
INVESTMENT OF LOCAL GOVERNMENT
SURPLUS FUNDS**

218.501 Short title.—This part shall be known, and may be cited, as the "Investment of Local Government Surplus Funds Act."

218.502 Purpose.—It is the intent of this act to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local units of government, thereby reducing the need for imposing additional taxes.

218.503 Definitions.—The following words or terms, when used in this part, shall have the following meanings:

(1) "Chief financial officer" means the mayor, manager, administrator, clerk, comptroller, treasurer, director of finance, or other local government official, regardless of the title of his office, charged with administering the fiscal affairs of a unit of local government.

(2) "Governing body" means the body or board in which the legislative power of a unit of local government is vested.

(3) "Surplus funds" means any funds in any general or special account or fund of a unit of local government which in reasonable contemplation will not be immediately needed for the purposes intended.

(4) "Trust fund" means the pooled investment fund created hereunder and known as the Local Government Surplus Funds Trust Fund.

(5) "Unit of local government" means a county, municipality, school district, special district, or any other political subdivision of the state.

218.511 Local Government Surplus Funds Trust Fund; creation.—There is hereby created a Local Government Surplus Funds Trust Fund to be administered by the State Board of Administration and to be composed of local government surplus funds deposited therein by units of local government under the procedures established in this part.

218.512 Local government investment authority.—

(1) Upon determination by the governing body that it is in the interest of the unit of local government to deposit surplus funds in the trust fund, a resolution by the governing body shall be filed with the State Board of Administration authorizing investment of its surplus funds in the trust fund established by this part and other investments authorized by s. 215.47. The resolution shall name the local government official who may be the chief financial or administrative officer of the local government responsible for deposit and withdrawal of such funds and shall state the approximate cash flow requirements of the local government for the surplus funds to be invested.

(2) The provisions of this part shall not impair the power of a unit of local government to hold funds in deposit accounts with banking institutions or to invest funds as otherwise authorized by law.

218.513 Administration of the trust fund.—

(1) Upon receipt of the resolution from the local governing body, the State Board of Administration shall accept all wire transfers of funds into the trust fund. The State Board of Administration shall also wire transfer invested local government funds to the local government upon request of the local government official named in the resolution.

(2) The State Board of Administration shall administer the investment trust funds on behalf of the participants and shall have the power to invest such funds.

(3) The State Board of Administration shall invest moneys in the trust fund with that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their

own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The State Board of Administration may purchase such surety or other bonds as may be necessary for its officials in order to protect the fund.

(4) All investments may be purchased jointly for the participants in the trust fund. The board may also purchase investments for a pooled investment account in which all participants may share pro rata, as determined by rule of the board, in the capital gain, income, or losses, subject to any penalties for early withdrawal.

(5) The State Board of Administration shall keep a separate account, designated by name and number of each participating local government. Individual transactions and totals of all investments or their share belonging to each participant shall be recorded in the accounts.

(6) The State Board of Administration shall report semi-annually or upon request to every participant having a beneficial interest in the trust fund. The report shall show the changes in investments made during the preceding period. The report shall delineate, in a manner which is in accordance with generally accepted governmental accounting procedures, those funds on deposit, the manner in which the funds are invested, and the interest earnings thereon. The State Board of Administration shall furnish upon request the details of an investment transaction to any participant.

(7) Costs incurred in carrying out the provisions of this part shall be deducted from the interest earnings accruing to the trust fund. Such deductions shall be prorated among the participant local governments in the percentage that each participant's deposits bear to the total trust fund.

(8)(a) The principal, and any part thereof, of each and every account constituting the trust fund, shall be subject to payment at any time from the moneys in the fund or as otherwise provided by agreement between the State Board of Administration and the investing unit.

(b) An order or warrant may not be issued upon any account for a larger amount than the share of the particular account to which it applies, and if such order or warrant is issued, the responsible official shall be personally liable under his bond for the entire overdraft resulting from the payment if made.

218.521 Authorization for state technical and advisory assistance.—

(1) The State Board of Administration is authorized upon request, to assist local governments in investing funds that are temporarily in excess of operating needs by:

(a) Explaining investment opportunities to such local governments through publication and other appropriate means.

(b) Acquainting such local governments with the state's practice and experience in investing short-term funds.

(c) Providing, in cooperation with the Department of Community Affairs, technical assistance to local governments in investment of surplus funds.

(2) The State Board of Administration may establish fees to cover the cost of such services which shall be paid by the unit of local government requesting such service. Such fees shall be deposited to the credit of the appropriation or appropriations from which the costs of providing the services have been paid or are to be charged.

Section 2. Subsection (1) of section 125.31, Florida Statutes, is amended and subsection (6) of section 125.31, Florida Statutes, is created to read:

125.31 Investment of surplus public funds; regulations.—

(1) The boards of county commissioners ~~shall be hereby authorized and empowered~~, by resolution to be adopted from time to time, ~~in their discretion~~ to invest and reinvest any surplus public funds in their control or possession ~~in the Local Government Surplus Funds Trust Fund, as created by this act~~, or in negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States government at the then prevailing market price for such security.

(6) *The provisions of this section are supplemental to any and all other laws relating to the legal investment of counties.*

Section 3. Section 125.315, Florida Statutes, is amended and renumbered as section 219.075(1), Florida Statutes, and a new subsection (2) of section 219.075, Florida Statutes, is created to read:

219.075 125.315 Investment of surplus funds by county officers.—

(1) Except when another procedure is prescribed by law or by ordinance as to particular funds, a tax collector or any other county officer having, receiving, or collecting any money, either for his office or on behalf of and subject to subsequent distribution to another officer of state or local government, while such money is surplus to current needs of his office or is pending distribution, shall ~~may~~ invest such money, without limitation, in the *Local Government Surplus Funds Trust Fund*, as created by this act, or in bonds, notes, or other obligations of the United States, guaranteed by the United States, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends. These investments shall be planned so as not to slow the normal distribution of the subject funds. The investment earnings shall be reasonably apportioned and allocated and shall be credited to the account of and paid to the office or distributee together with the principal on which such earnings accrued.

(2) *The provisions of this section are supplemental to any and all other laws relating to the legal investment of counties.*

Section 4. Section 166.261, Florida Statutes, is created to read:

166.261 Municipalities; investments.—

(1) Except when another procedure is prescribed by law or by ordinance as to particular funds, the governing body of each municipality shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in the *Local Government Surplus Funds Trust Fund* as created by this act, or in negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such security.

(2)(a) All securities purchased by any such governing body under this section shall be properly earmarked and immediately placed for safekeeping in a safety-deposit box in a bank or institution carrying adequate safety-deposit box insurance within the county in which said municipality is situated, and no withdrawal of such securities in whole or in part shall be made from such safety-deposit box except upon authority evidenced by resolution of the governing body of the municipality.

(b) The governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government or the State of Florida or their designated agents.

(3) When the money invested in such securities is needed in whole or in part for the purposes originally intended, the governing body of the municipality is authorized to sell such security or securities at the then prevailing market price and to pay the proceeds of such sale into the proper account or fund of the municipality.

(4) For the purposes of this section, the term, "surplus funds" is defined as funds in any general or special account or fund of the municipality held or controlled by the governing body of the municipality which funds in reasonable contemplation will not be needed for the purposes intended within a reasonable time from the date of such investment.

(5) Any surplus public funds subject to any contract or agreement on the date of this enactment shall not be invested contrary to said contract or agreement.

(6) The provisions of this section are supplemental to any and all other laws relating to the legal investments of municipalities.

Section 5. Section 218.345, Florida Statutes, is created to read:

218.345 Special district; investments.—

(1) The governing body of each special district shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in the *Local Government Surplus Funds Trust Fund*, as created by this act, or in negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such security.

(2)(a) All security purchased by any such governing body under this section shall be properly earmarked and immediately placed for safekeeping in a safety-deposit box in a bank or institution carrying adequate safety-deposit box insurance within the district, and no withdrawal of such securities in whole or in part shall be made from such safety-deposit box except upon authority evidenced by resolution of the governing body of the district.

(b) The governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government or the State of Florida or their designated agents.

(3) When the money invested in such securities is needed in whole or in part for the purposes originally intended, the governing body of the special district is authorized to sell such security or securities at the then prevailing market price and to pay the proceeds of such sale into the proper account or fund of the district.

(4) For the purposes of this section, the term "surplus funds" is defined as funds in any general or special account or fund of the district held or controlled by the governing body of the district which funds in reasonable contemplation will not be needed for the purposes intended within a reasonable time from the date of such investment.

(5) Any surplus public funds subject to any contract or agreement on the date of this enactment shall not be invested contrary to said contract or agreement.

(6) The provisions of this section are supplemental to any and all other laws relating to the legal investments of special districts.

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

House Amendment 2—On page 1 in title, lines 1-14, strike all of said lines and insert: A bill to be entitled an act relating to public funds; creating part IV of chapter 218, Florida Statutes, creating the *Local Government Surplus Funds Trust Fund* to provide for investment of local government surplus funds by the state for those units of local government desiring to utilize such assistance; providing for administration of the fund by the State Board of Administration; providing authorization for state technical and advisory assistance to local governments; amending s. 125.31(1), Florida Statutes and creating s. 125.31(6), Florida Statutes, providing that requirements of s. 125.31, Florida Statutes, are to be supplemental to other laws; transferring and amending s. 125.315, Florida Statutes; creating s. 219.075(2), Florida Statutes, providing supplemental procedures; creating ss. 166.261 and 218.345, Florida Statutes; requiring county commissioners, tax collectors, county officers, and the governing bodies of municipalities and special districts, to invest surplus public funds in obligations of or obligations guaranteed by, the United States Government, or in the *Local Government Surplus Funds Trust Fund*; providing an effective date.

House Amendment 3 to House Amendment 1—On page 7, line 10, after the period "." insert: (2) *Except when another procedure is prescribed by law, ordinance, or by court order, as to particular funds, the tax collector shall, as soon as feasible after collection, deposit in a bank designated as a depository of public funds as provided in s. 659.24 all taxes, fees, and other collections received by him and held prior to distribution to the appropriate taxing authority. Immediately after such funds have cleared and have been properly credited to his account, the tax collector shall invest such funds, according to the provisions of this section. The earnings from such investments shall be apportioned at least quarterly on a pro-*

rata basis to the appropriate taxing authorities, provided that the tax collector may deduct therefrom such reasonable amounts as are necessary to provide for costs of administration of such investments and deposits.

(3) *The State Board of Administration may establish a schedule and guidelines to be followed by tax collectors making deposits and investments under the provisions of subsection (2).*

(Renumber subsequent subsections)

House Amendment 4 to House Amendment 2—On page 1, line 11, after the semi-colon “;” insert: requiring county officers to invest moneys collected by them pending distribution; requiring tax collectors to deposit funds collected by them held prior to distribution to the appropriate taxing authority and to invest such funds; providing for distribution of earnings to the taxing authorities; providing that the State Board of Administration may establish investment and deposit guidelines;

House Amendment 5 to House Amendment 1—On page 6, line 5, strike all of line 5 and insert: (1) Except when another procedure is prescribed by law or by ordinance as to particular funds, the board of county commissioners *shall are*

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

SB 572 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

The bill was ordered engrossed and then enrolled.

The President presiding

The Honorable Lew Brantley, President

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

By the Committee on Transportation—

SB 535—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, Florida Statutes, 1976 Supplement; deleting obsolete definitions; redefining “registration period”; defining “renewal period”; amending s. 320.0105(2)(b), Florida Statutes; identifying renewal periods; amending s. 320.011(1), (5), (6), Florida Statutes; providing authority for administration of financial responsibility laws; amending s. 320.02(1) Florida Statutes, and adding subsection (3) to said section; requiring notification of change of address; amending s. 320.6(1)-(5), (7), (8), Florida Statutes; deleting references to trailer or semitrailer and book or index; providing for phased-in issuance of alphanumeric license plates; providing for issuance of plates for indefinite period; providing for annual issuance of serially numbered stickers reflecting expiration; providing for transfer of plate and registration; conforming language to new definitions; providing for license plate replacement; providing for inspection of license plates; providing for expiration of registration period; authorizing operation of vehicle during renewal period; amending s. 320.071, Florida Statutes; providing for advance registration; amending ss. 320.0805(1)-(3), (5), (7), (8), 320.083(1), (2), (4), 320.089(1), (2), Florida Statutes; expanding issuance of special license plates, personalized, national guard, citizens band radio, amateur radio, armed forces radio, to include certain trucks and recreational vehicles; amending s. 320.0815, Florida Statutes; providing for proper display of mobile home and recreational vehicle license plates; amending s. 320.13(2), Florida Statutes, 1976 Supplement, providing for replacement of lost

dealer tags; amending ss. 320.27(3), (5), (10), 320.271, 320.28, Florida Statutes; providing for additional information in motor vehicle dealer applications, including criminal record check; requiring bond for new and used motor vehicle dealers; increasing bond for such dealers; amending s. 320.60(1), (3), (4), Florida Statutes; expanding “factory branch” and “factory representative” definitions; amending s. 320.71, Florida Statutes; providing for nonresident mobile home or recreational vehicle dealer’s license; amending s. 320.72, Florida Statutes, and repealing subsections (1)-(4) and (6)(d) of said section; providing for issuance of specially selected tag numbers; amending s. 320.77(3), (5), (11), Florida Statutes; requiring additional information on mobile home and recreational vehicle dealer license applications; providing for bond to be in favor of retail customer; increasing fee for supplemental and change of location applications; increasing bond for recreational vehicle dealer with supplemental licenses; amending s. 320.822, Florida Statutes, 1976 Supplement; redefining “code”, “setup”, and “supplier”; defining “licensee” and “institute” in mobile home manufacturer licensing provisions; amending s. 320.8225, Florida Statutes; expanding mobile home manufacturer’s license and application requirements; requiring submission of surety bond in favor of retail customer; providing additional grounds for denial of a mobile home manufacturer’s license; providing for reinstatement of revoked or suspended manufacturer’s license; authorizing departmental powers; amending ss. 320.823, 320.8231, Florida Statutes; establishing standards for single family or duplex mobile homes or recreational vehicles manufactured in or out of state; creating s. 320.8232, Florida Statutes; providing for a Used Mobile Home Code; providing for the department to establish standards; amending s. 320.824, Florida Statutes; expanding departmental rule-making power; amending s. 320.8245(1), (2), (4)(a), Florida Statutes; limiting modifications or alterations to recreational vehicles; amending s. 320.8255(1), Florida Statutes; authorizing recreational vehicle inspection; amending s. 320.827, Florida Statutes; requiring seal or label on new or used mobile home or recreational vehicle sold by a dealer; amending s. 320.831, Florida Statutes; providing penalties for violations of mobile home manufacturer’s licensing provisions; amending s. 320.835, Florida Statutes; providing warranties for recreational vehicles; extending manufacturer’s warranties on mobile homes; amending ss. 320.05, 320.061, Florida Statutes; amending s. 320.065(2), (3), 1976 Supplement; amending ss. 320.07(1), (3), 320.0806(2), 320.081(1), (2), 320.084(2), 320.0841(1), 320.10(2), 320.30, 320.39(1), (3), 320.58, 320.864, Florida Statutes; clarifying provisions or deleting obsolete or redundant material; adding s. 325.19(8), Florida Statutes; adding subsection (4) to s. 325.14, Florida Statutes, allowing dealers 15 days to obtain inspection stickers on vehicles held in inventory; providing for license plate inspection; repealing s. 320.085, Florida Statutes; relating to special tags for automata automobiles; repealing s. 320.14(5), Florida Statutes; relating to implementing staggered renewal terms; repealing s. 320.272, Florida Statutes; relating to Sunday and holiday closing for certain motor vehicle dealers; repealing s. 320.29, Florida Statutes; relating to delivery of motor vehicle titles by dealers; repealing s. 320.74, Florida Statutes; relating to surrender of “for hire” license plates; repealing s. 320.821, Florida Statutes; the short title; repealing s. 320.8235, Florida Statutes; relating to application of certain code to mobile homes; repealing s. 320.825, Florida Statutes; relating to notice and hearing on mobile home or recreational vehicle standards; repealing s. 320.826, Florida Statutes; requiring a manufacturer or dealer applying for a license to certify that he will comply with the code; repealing s. 320.828, Florida Statutes, relating to issuance of seals; repealing ss. 320.85-320.860, 320.863, Florida Statutes; relating to duplicate provisions regarding mobile home manufacturers’ licensing; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 12, line 24, insert the following:

(23) “Director” means the “Director” of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles.

House Amendment 2—On page 13, line 5, strike all of lines 5 and 6 and insert: Section 3. Subsections (1), (5) and (6) are amended and subsection (7) is added to s. 320.011, Florida Statutes to read: On page 13, line 25 insert: (7) *Wherever*

in chapter 320 the Department of Highway Safety and Motor Vehicles is authorized or directed to conduct hearings, the Director of the Division of Motor Vehicles in the department shall conduct said hearings and shall be the hearing officer.

(b) Issue subpoenas for the attendance of witnesses and for the production of documentary evidence;

(c) Take depositions of witnesses residing within or without the state, in the manner provided for in civil actions in Circuit Courts of this state; and

(d) Pay such witnesses such fees and mileage for their attendance as is provided for witnesses in civil actions in Circuit Courts of this state.

(2) Whenever such a hearing is held by the ~~department~~ Director of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles or a hearing examiner, the same shall be recorded; and when a hearing is held by a hearing examiner, he shall report his findings in writing to the ~~department~~ director, ~~which~~ who shall thereupon make ~~its~~ his rulings and orders. Any information obtained from a hearing may not be used against such licensee as the basis for a criminal prosecution under the laws of this state.

Renumber subsequent sections

House Amendment 6—On page 67, line 15-24, strike all of lines 15 through 24 and insert: vehicles; exemption.—

(4) *Nothing in this chapter shall be construed to require a valid current inspection certificate for any motor vehicle owned by a motor vehicle dealer licensed under s. 320.27 and displaying a dealer tag thereon as authorized by s. 320.13(1)(a).*

House Amendment 7—On page 67, line 31, strike “ ” and insert the following: ; except section 21 which shall take effect January 1, 1978.

House Amendment 8—On page 40, line 9, strike \$25,000 and insert the following: \$5,000

House Amendment 9—On page 1, In title, lines 8-10, strike all of lines 8 through 10 and insert: s. 320.011(1), (5), and (6), Florida Statutes, and adding subsection (7) to said section, providing authority for administration of financial responsibility laws; providing for the director of the Division of Motor Vehicles to conduct hearings; amending s.

House Amendment 10—On page 2, In title, lines 13 & 14, strike , including criminal record check

House Amendment 11—On page 4, In title, line 14, after “material;” insert the following: providing a penalty for refusal to surrender certain items;

House Amendment 12—On page 2, In title, line 16, insert the following: after dealers; amending s. 320.274, F.S., providing the Director of the Division of Motor Vehicles shall conduct dealer licensing hearings;

House Amendment 13—On page 2, In title, line 19, after definitions; insert: amending s. 320.665, F. S., providing that the director of the Division of Motor Vehicles shall conduct hearings;

House Amendment 14—On page 4, In title, lines 16-19, strike allowing dealers 15 days to obtain inspection stickers on vehicles held in inventory; providing for license plate inspection; and insert the following: providing an exemption from the requirement for inspection certificates;

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

SB 535 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Childers, W. D.	Graham	Johnston
Castor	Firestone	Hair	Lewis
Chamberlin	Gallen	Henderson	Myers
Childers, Don	Glisson	Holloway	Poston

House Amendment 3—On page 41, line 8, insert: Section 23. Section 320.274, Florida Statutes, is amended to read:

320.274 Hearing procedure, dealers' licenses.—

(1) In the event that the department shall conduct any hearing pursuant to the provisions of ss. 320.27-320.274, the hearing or hearings shall be conducted pursuant to chapter 120, the Administrative Procedure Act, and the ~~department~~ director of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles shall have the power to conduct such hearings ~~pursuant to that act~~, notwithstanding the provisions of s. 120.57(1)(a), and the director shall thereupon make his rulings and orders which shall constitute final agency action. The ~~department~~ Director of the Division of Motor Vehicles shall have further power in hearings arising under this law to:

(a) Determine the place in the state where the hearings shall be held;

(b) Issue subpoenas for the attendance of witnesses and the production of documentary evidence;

(c) Take depositions of witnesses residing within or without the state in the manner provided for in civil actions in circuit courts of this state; and

(d) Pay such witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in circuit courts in this state.

(2) Whenever a hearing is held by the ~~department~~ director or by a hearing examiner, the same shall be recorded. When a hearing is held by a hearing examiner, he shall report his findings in writing to the ~~department~~ director ~~which~~ who shall thereupon make ~~its~~ his rulings and orders. Any information obtained from a hearing may not be used against a licensee as a basis for criminal prosecution under the laws of this state.

RENUMBER SUBSEQUENT SECTIONS

House Amendment 4—On page 43, line 23, strike all of Section 26 and insert: Section 26. Section 320.58, Florida Statutes, is amended to read: (Substantial rewording of section. See s. 320.58, F. S., for present text.)

320.58 License inspectors; powers, appointment.—The department shall appoint as many license inspectors and supervisors as it deems necessary to enforce the provisions of chapters 319, 320, 322, 324, and 330. In order to enforce the provisions of the aforesaid laws of the state, the inspectors are empowered to issue uniform traffic citations to persons found in violation thereof. The department is further empowered to delegate such authority to persons acting as its agents for the purpose of enforcing the registration provisions of chapter 320. The failure or refusal of any person to surrender his driver's license, registration certificate, and license plate upon lawful demand of an inspector or investigator shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The aforesaid persons appointed by the department shall not be considered for membership in the state's high risk retirement program.

House Amendment 5—On page 45, line 16, insert: Section 28. Section 320.665, F.S., is amended to read:

320.665 Hearing procedures relating to licensing of manufacturers, distributors, etc.—(1) In the event the department shall conduct any hearing pursuant to the provisions of ss. 320.60-320.70, the hearing shall be conducted pursuant to chapter 120, the Administrative Procedure Act, and the ~~department~~ Director of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles shall have the power to conduct such hearings ~~pursuant to that act~~, notwithstanding the provisions of s. 120.57 (1) (a), and the director shall thereupon make his rulings and orders which shall constitute final agency action. The ~~department~~ director shall have the further power in hearings arising under ss. 320.60-320.70 to:

(a) Determine the place in the state where they shall be held;

Renick	Spicola	Williamson	Zinkil
Scarborough	Tobiassen	Wilson	
Skinner	Trask	Winn	

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 passed CS for HB 1299 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Morgan—

CS for HB 1299—A bill to be entitled An act relating to fish and wildlife; creating the "Florida Endangered and Threatened Species Act of 1977"; providing a declaration of policy; providing definitions; establishing an advisory council; providing for appointment, terms, duties, and expenses of members of said council; providing for cooperation with the Office of Environmental Education; providing for an annual report from the Game and Fresh Water Fish Commission; providing an effective date.

—was read the first time by title. On motions by Senator Spicola, the rules were waived and the bill was placed on the calendar and by unanimous consent was taken up out of order.

On motions by Senator Spicola, by two-thirds vote CS for HB 1299 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Saylor	Vogt
Castor	Henderson	Scarborough	Williamson
Chamberlin	Holloway	Skinner	Wilson
Childers, W. D.	Lewis	Spicola	Winn
Firestone	Peterson	Thomas, Jon	Zinkil
Gallen	Poston	Tobiassen	
Glisson	Renick	Trask	

Nays—None

Votes after roll call:

Yeas—Graham, Hair, Myers

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2236 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 2236—A bill to be entitled An act relating to health planning; amending ss. 381.493 and 381.494, Florida Statutes, which require a certificate of need for certain expansion or conversion projects by hospitals, nursing homes, and ambulatory surgical centers; providing definitions; broadening the scope of said sections to include home health agencies, intermediate care facilities, health maintenance organizations, and facilities providing certain specialized services; specifying conditions under which a certificate of need is required, including acquisition and operation of certain specialized equipment; requiring certain information to be submitted by applicants for a certificate; providing procedures and time limitations with regard to review and approval of the application by a health systems agency and the Department of Health and Rehabilitative Services; amending ss. 381.495 and 381.497, Florida Statutes; providing for expiration of exemption for certain projects; providing a penalty for placing certain units or equipment in operation without a certificate of need; repealing s. 381.496,

Florida Statutes, relating to exemption for emergency repairs and replacement; creating s. 381.498, Florida Statutes, providing for automatic grant of certificates of need due to special circumstances; amending s. 400.471(3), Florida Statutes, relating to licensing of home health agencies, to conform to this act; providing an effective date.

—was read the first time by title. On motions by Senator Jon Thomas, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motions by Senator Jon Thomas, by two-thirds vote HB 2236 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—28

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

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 1122.

Allen Morris, Clerk

On motion by Senator Myers, SB 1122 was returned to the House as requested.

The Honorable Lew Brantley, President

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

By Senator Gorman—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 4, line 14, insert: a new Section 3 and renumber existing Sections

Section 3. Paragraph (i) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Grounds for revocation or suspension.—

(1) The registration of a registrant may be suspended for a period not exceeding 2 years, or until compliance with a lawful order imposed in the final order of suspension, or both, upon a finding of facts showing that the registrant has:

(i) Failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check or draft, entrusted to him by any person dealing with him as a broker, in escrow with a title company or banking institution or savings and loan association located and doing business in Florida, or, deposit said funds in a

non-interest bearing trust or escrow bank account maintained by him with some bank or savings and loan association located and doing business in Florida, wherein said funds shall be kept until disbursement thereof is properly authorized, or, if a salesman, failed to immediately place with his registered employer any money, fund, deposit, check or draft, entrusted to him by any person dealing with him as agent of his registered employer. The commission shall establish rules and regulations to provide for records to be maintained by the broker and the manner in which such deposits shall be made.

House Amendment 2—On page 1, in title, line 4, after 475.22, insert: 475.25(1),

House Amendment 3—On page 1 in title, line 15, after the semicolon (;) insert: authorizing deposit of escrow funds in a non-interest bearing account with a savings and loan association located and doing business in Florida;

House Amendment 4—On page 6, line 19, strike Section 5. This act shall take effect October 1, 1977, and insert: (a new Section 5) Section 5. Section 475.49, Florida Statutes, is created to read:

475.49 Exemption from Real Estate License Required.

(1) Persons renting mobile home lots or recreational vehicle lots in mobile home parks or travel parks are not required to hold a real estate license required by this chapter.

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

House Amendment 5—On page 1, in title, line 23, insert: after "property;" providing for exemptions from real estate license required;

On motions by Senator Gorman, the Senate concurred in Amendments 4 and 5; refused to concur in Amendments 1, 2 and 3, and requested the House to recede.

SB 404 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Glisson	Myers	Spicola
Castor	Gorman	Peterson	Thomas, Jon
Childers, Don	Graham	Poston	Tobiasen
Childers, W. D.	Hair	Renick	Vogt
Firestone	Henderson	Saylor	Williamson
Gallen	Johnston	Scarborough	Winn

Nays—1

Zinkil

The Honorable Lew Brantley, President

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

By Senator Gordon and others—

SB 1165—A bill to be entitled An act relating to the Florida Human Relations Act; amending ss. 13.201(1), (2), 13.211, 13.221, 13.231, 13.241 and 13.251, Florida Statutes; creating s. 13.261, Florida Statutes; renaming the act the Florida Human Rights Act; adding age, handicap, and marital status as factors upon which discrimination is not to be based; providing additional definitions; renaming the Commission on Human Relations and restructuring it; providing compensation for members; clarifying powers and functions of the commission; giving the commission subpoena power enforceable in civil court; defining unlawful employment practices; providing administrative and judicial remedies; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 21, strike everything after the enacting clause and insert: Section 1. Subsections (1) and (2) of section 13.201, Florida Statutes, are amended to read:

13.201 Purposes; construction; title.—

(1) Part II of this chapter shall be cited as the **Florida Human Rights Relations Act of 1977**.

(2) The general purposes of part II are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, or national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

Section 2. Subsection (3) of section 13.211, Florida Statutes, is amended, and subsections (6), (7), and (8) are added to said section to read:

13.211 Definitions.—For the purposes of this part:

(3) "Discriminatory practice" means any practice made unlawful by this part ~~unfair treatment based on race, color, religion, sex, or national origin.~~

(6) "Employer" means any person employing fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

(7) "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(8) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

Section 3. Section 13.221, Florida Statutes, is amended to read:

13.221 Commission on Human Relations; staff.—

(1) There is hereby created the Florida Commission on Human Relations, comprised of twelve members appointed by the Governor, subject to confirmation by the Senate. The commission shall select one of its members to serve as chairperson for terms of two years. ~~the membership of which shall be as follows:~~

~~(a) Six members from the state at large to be appointed by the Governor;~~

~~(b) Six members from the state at large to be appointed by the President of the Senate;~~

~~(c) Six members from the state at large to be appointed by the Speaker of the House of Representatives;~~

~~(d) The Secretary of the Department of Community Affairs shall serve as chairman.~~

(2) The appointed members of the commission shall be broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state.

(3) Commissioners shall serve for terms of 4 years; provided, that of those members first appointed, three shall be appointed for terms to expire September 30, 1981, three shall be appointed for terms to expire September 30, 1980, three shall be appointed for terms to expire September 30, 1979, and three shall be appointed for terms to expire September 30, 1978. ~~by the Governor, two shall be appointed for a term of 4 years, two for a term of 3 years, and two for a term of 2 years; and provided further, that those members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with the terms of their respective appointing officers, not to exceed 4 years.~~ A member chosen to fill a vacancy otherwise than by expiration of term shall be appointed for the unexpired term of the member whom such appointee he is to succeed. A member of the commission shall be eligible for reappointment. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission.

(4) *The Governor may suspend a member of the commission only for cause, subject to removal or reinstatement by the Senate.*

(5) *Seven members shall constitute a quorum for the conduct of business; however, the commission may establish panels of not less than three of its member to exercise its powers under s. 13.251(5), subject to such procedures and limitations as the commission may provide by rule.*

(6)(4) *Each commissioner Commissioners shall not be compensated for their service upon the commission, but shall be entitled to receive per diem and travel expenses as provided by s. 112.061. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission. The commission may by rule establish panels of not less than a quorum to exercise its powers.*

(7) *The commission shall appoint and may remove an executive director, who may employ, with the consent of the commission, a deputy, attorneys, investigators, clerks, and such other personnel as may be necessary to adequately perform the functions of the commission, within budgetary limitations.*

Section 4. Section 13.241, Florida Statutes, is amended to read:

13.241 Functions of the commission.—The commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, ~~creed, ancestry or~~ national origin, age, handicap, or marital status and mutual understanding and respect among all members, all economic, social, racial, religious, and ethnic groups and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members.

Section 5. Section 13.251, Florida Statutes, is amended to read:

13.251 Powers of the commission.—Within the limitations provided by law, the commission shall have the following powers:

(1) *To maintain an office in the City of Tallahassee and such other offices within the state as it may deem necessary.*

(2) *To meet and exercise its powers at any place within the state.*

~~(3) To appoint an executive director and to employ and fix the compensation of hearing examiners, clerks, and such other personnel as may be necessary to adequately perform its functions.~~

(3)(4) *To promote the creation of, and to provide continuing technical assistance to, local commissions on human relations and to cooperate with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states.*

(4)(5) *To accept gifts, bequests, grants, or other payments, public or private, to help finance its activities.*

(5)(6) *To receive, initiate, investigate, seek to conciliate, hold hearings on, and act upon complaints alleging any discriminatory practice, as defined by this part discrimination on the grounds of race, color, religion, sex, or national origin and to make recommendations to the parties to eliminate any discrimination.*

(6)(7) *To hold public or private hearings to determine the facts about instances of discrimination or intergroup tensions.*

(7) *To administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing convened pursuant to subsection (5). The authority granted by this subsection may be delegated by the commission, for investigations or hearings, to a commissioner, to a panel of commissioners established under s. 13.221(5), or to the executive director. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony concerning the matter in question. Failure to obey the order may be punished by the court as contempt.*

(8) *To recommend methods for elimination of discrimination and intergroup tensions and to use its best efforts to secure compliance with its recommendations.*

(9) *To furnish technical assistance requested by persons to facilitate progress in human relations.*

(10) *To make or arrange for studies appropriate to effectuate the purposes and policies of this part and to make the results thereof available to the public.*

(11) *To become a deferral agency for the Federal Government and to comply with the necessary federal regulations to effect this part.*

(12) *To render, at least annually, a comprehensive written report to the Governor and to the Legislature. The report may contain recommendations of the commission for legislation or other action to effectuate the purposes and policies of this part.*

(13) *To adopt, promulgate, amend, and rescind rules and regulations to effectuate the purposes and policies of this part and govern the proceedings of the commission, in accordance with chapter 120.*

Section 6. Section 13.261, Florida Statutes, is created to read:

13.261 *Unlawful employment practices; remedies; construction.—*

(1) *It is an unlawful employment practice for an employer:*

(a) *To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.*

(b) *To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.*

(2) *It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, age, handicap, or marital status, or to classify or refer for employment any individual on the basis of race, color, religion, sex, national origin, age, handicap, or marital status.*

(3) *It is an unlawful employment practice for a labor organization:*

(a) *To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, age, handicap, or marital status.*

(b) *To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities or adversely affect any individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.*

(c) *To cause or attempt to cause an employer to discriminate against an individual in violation of this section.*

(4) *It is an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, sex, national origin, age, handicap, or marital status in admission to, or employment in, any program established to provide apprenticeship or other training.*

(5) *Whenever, in order to engage in a profession, occupation, or trade, it is required that a person receive a license, certification, or other credential, or become a member or an associate of any club, association, or other organization, or pass any examination, it is an unlawful employment practice*

for any person to discriminate against any other person seeking such license, certification, or other credential, or seeking to become a member or associate of such club, association, or other organization, or seeking to take or pass such examination, because of such other person's race, color, religion, sex, national origin, age, handicap, or marital status.

(6) It is an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee to print, or cause to be printed or published, any notice or advertisement relating to employment, membership, classification, referral for employment, or apprenticeship or other training, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age, absence of handicap, or marital status.

(7) It is an unlawful employment practice for an employer, an employment agency, a joint labor-management committee, or a labor organization to discriminate against any person because that person has opposed any practice which is an unlawful employment practice under this section, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

(8) Notwithstanding any other provision of this section, it is not an unlawful employment practice under this part for an employer, employment agency, labor organization, or joint labor-management committee to:

(a) Take or fail to take any action on the basis of religion, sex, national origin, age, handicap, or marital status in those certain instances where religion, sex, national origin, age, or absence of a particular handicap, or marital status is a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action or inaction is related.

(b) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, or a system which measures earnings by quantity or quality of production, which is not designed, intended, or used to evade the purposes of this part. However, no such employee benefit plan shall excuse the failure to hire, or the involuntary retirement of, any individual on the basis of any factor not related to the ability of such individual to perform the particular employment for which such individual has applied or in which such individual is engaged.

(c) Take or fail to take any action on the basis of age, pursuant to law or regulation governing any employment or training program designed to benefit persons of a particular age group.

(9) Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice provided by the commission setting forth such information as the commission deems appropriate to effectuate the purposes of this part.

(10) Any person aggrieved by a violation of this section may file a complaint with the commission within 180 days of the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee, or in the case of an alleged violation of subsection (5) the person responsible for the violation and describing the violation. The commission, a commissioner, or the Attorney General may in like manner file such a complaint.

(11) In the event that any other agency of the state, or of any other unit of government of the state, has jurisdiction of the subject matter of any complaint filed with the commission, and has legal authority to investigate or act upon the complaint, the commission may refer such complaint to such agency. Referral of such a complaint by the commission shall not constitute agency action within the meaning of s. 120.52 (2). In the event of any referral under this subsection, the commission shall accord substantial weight to final findings and orders of any such agency. Provided that if any such agency has legal authority to investigate such a complaint and to provide relief substantially identical to that available under this section, the commission may provide by rule, in accordance with criteria established by rule, that all such complaints shall be deferred to such agency. In the event that such agency, within 20 days of deferral of such a complaint, gives notice to the commission that the agency accepts juris-

diction of the complaint, the commission shall cease to have jurisdiction of the complaint.

(12) In the event that the commission fails to conciliate or take final action on any complaint under this section within 180 days of filing, an aggrieved person may bring civil action against the named employer, employment agency, labor organization, or joint labor-management committee in any court of competent jurisdiction. The commencement of such action shall divest the commission of jurisdiction of such complaint, except that the commission may intervene as a matter of right.

(13) In the event that the commission, in the case of a complaint under subsection (10), or the court, in the case of a civil action under subsection (12), finds that an unlawful employment practice has occurred, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including reasonable attorney's fees. Upon such notice as the commission or the court, as appropriate, may require, such order, or any subsequent order upon the same complaint or action, may provide relief for all individuals aggrieved by any such unlawful employment practice. No liability for back pay shall accrue from a date more than 2 years prior to the filing of a complaint with the commission.

(14) All complaints filed with the commission under this part, and all records and documents in the custody of the commission, which relate to and identify a particular complainant, employer, employment agency, labor organization, or joint labor-management committee shall be confidential, and shall not be disclosed by the commission except to the parties or in the course of a hearing or proceeding under this part. The restriction of this subsection shall not apply to any record or document which is a part of the record of any hearing or court proceeding.

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

Section 8. This act shall take effect July 1, 1977, except that section 6 shall take effect July 1, 1978.

Amendment 11—On page 1, in title, line 3, after "13.211" insert: (3) and adding subsections thereto and on page 1, line 4, strike "13.231," and on page 1, lines 10 and 11, strike all of said lines and insert: restructuring the Commission on Human Relations; providing compensation for

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

SB 1165 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Votes after roll call:

Yeas—MacKay, Wilson

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 HB 2361 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 2361—A bill to be entitled An act relating to nursing homes; providing legislative intent; providing definitions; amending s. 400.141(3), Florida Statutes, providing guidelines for participation by nursing facilities in the operation of geriatric outpatient nurse clinics; providing funds received by nursing homes in connection with geriatric outpatient nurse clinics not be considered in revenues for Medicaid cost reports; providing for an evaluation; providing for a report to the Legislature; amending ss. 400.301, 400.304(2), (3), and (4), 400.307, 400.311, 400.314, 400.317, and 400.321(1), Florida Statutes, changing the designation of nursing home ombudsman committees from regional to district; increasing the membership of the State Nursing Home Ombudsman Committee by adding one licensed pharmacist and one dietitian; increasing the membership of the district nursing home ombudsman committee by adding three nursing home residents, one licensed pharmacist, and one dietitian; providing alternating membership for the new members of the state and district nursing home ombudsman committees; authorizing reimbursement for travel within the nursing home ombudsman committee member's county of residence; amending s. 400.23(3) and (4), Florida Statutes, 1976 Supplement, extending the date on which the system for rating nursing homes is to be implemented and the date on which medical assistance program reimbursements are to be related to ratings; amending s. 409.268, Florida Statutes, 1976 Supplement; providing for annual rather than semiannual cost reports for nursing homes; providing that for fiscal year 1977-78 nursing homes with fewer than 120 beds are to be reimbursed based on the prospective average of the previous year's cost report; providing an effective date.

—was read the first time by title. On motion by Senator Glisson, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motions by Senator Glisson, by two-thirds vote HB 2361 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

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

Nays—None

On motion by Senator Gallen, the Senate reconsidered the vote by which HB 2236 passed this day. Further consideration of HB 2236 was deferred.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 827 was withdrawn from the Committee on Commerce.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 563 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining and placed on the calendar.

LOCAL CALENDAR

SB 1490—A bill to be entitled An act relating to Lafayette County, district school board; authorizing the issuance of certificates of indebtedness payable from racetrack funds accruing annually to Lafayette County; providing for use of the proceeds; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote SB 1490 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

SB 1494—A bill to be entitled An act relating to Pinellas County; authorizing the School Board to establish and fund a program of meritorious service awards to employees whose proposed procedures and ideas are adopted and will result in reducing the School Board's expenditures or improving the School Board's operations; providing limitations therein; providing an effective date.

—was read the second time by title. On motion by Senator Chamberlin, by two-thirds vote SB 1494 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 540—A bill to be entitled An act relating to Charlotte County; amending section 4 (b) (1) of chapter 69-931, Laws of Florida, as amended, relating to Harbour Heights Fire Control District and reintroducing HB 3281 (Chapter 76-345); changing the rate of assessments on residential dwellings or homes; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 540 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 541—A bill to be entitled An act relating to the Port Charlotte-Charlotte Harbor Fire Control District, Charlotte County; amending section 4 of chapter 65-1355, Laws of Florida, as amended, changing the method and rate of taxation of the Port Charlotte-Charlotte Harbor Fire Control District; establishing a maximum millage upon the assessed value of real estate within the district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 541 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Thomas, Pat	Vogt	Wilson	Zinkil
Tobiassen	Ware	Winn	
Trask	Williamson		

Nays—None

HB 951—A bill to be entitled An act relating to the Tampa Port Authority; amending section 10 of chapter 23338, Laws of Florida, 1945, as amended, removing the requirement that for a 5-year period ending January 1, 1981, the Board of County Commissioners shall, upon request of the Tampa Port Authority, levy a tax not to exceed one-fourth of 1 mill per annum for the use of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote HB 951 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1307—A bill to be entitled An act relating to the City of Bayview, Bay County; repealing chapter 28900, Laws of Florida, 1953, relating to the creation and charter of the City of Bayview; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1307 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1343—A bill to be entitled An Act relating to the City of Lakeland, Florida, amending the 1963 Pension Plan for employees of the City of Lakeland; to increase the contribution required of employees and of the City from 6% to 7% of earnings; to permit contribution beyond age 65; to provide for increased benefits; and to provide for survivor benefits for certain employees with vested rights; and providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1343 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1480—A bill to be entitled An act creating the Codes Enforcement Board of Palm Beach County; providing short title; providing legislative intent; providing applicability; providing definitions; providing organization; providing enforcement procedures; providing hearing; providing powers; providing fines; providing for appeal; providing for additional remedies; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote HB 1480 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for HB 1482—A bill to be entitled An act relating to the Town of Ocean Ridge, Palm Beach County, and to the South Lake Worth Inlet District created by Chapter 7080, Laws of Florida, 1915; amending the territorial limits of the City of Ocean Ridge to exclude the existing property of the South Lake Worth Inlet District from the territorial limits of said city; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote CS for HB 1482 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	Peterson	Trask
Chamberlin	Graham	Poston	Vogt
Childers, Don	Hair	Renick	Ware
Childers, W. D.	Henderson	Scarborough	Williamson
Dunn	Holloway	Skinner	Wilson
Firestone	Johnston	Spicola	Winn
Gallen	McClain	Thomas, Pat	Zinkil

Nays—1

Scott

HB 1486—A bill to be entitled An act relating to child care in Palm Beach County; amending chapter 59-1698, Laws of Florida; providing for deletion of nursery schools and kindergartens; providing for the Board of County Commissioners to issue permits; providing for minimum standards; providing for the creation of a County Child Care Advisory Council; providing for civil enforcement; providing for criminal penalty; providing for severability; providing an effective date.

—was read the second time by title.

Senator Johnston moved the following amendment which was adopted:

Amendment 1—On page 8, strike all of lines 4 through and including line 8 and insert: comply with the provisions of this act is guilty of a misdemeanor of the second degree punishable as provided by general law.

On motion by Senator Johnston, by two-thirds vote HB 1486 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

HB 1487—A bill to be entitled An act relating to Palm Beach County; amending Section 17, West Palm Beach Firemen Pension Fund, subsection (3)(b) Percentage of Salaries, subsection (5)(b) New Participants and subsection (7)(c)1 Death After Retirement - Widow's Benefits, of chapter 24981, Laws of Florida, 1947 as amended by chapter 26308, Laws of Florida, 1949; as amended to chapter 27978, Laws of Florida, 1951; said section being renumbered as section 17; as amended by chapter 31368, Laws of Florida, 1955; as amended by chapter 59-1981, Laws of Florida, as amended by chapter 61-2993, Laws of Florida, as amended by chapter 65-2382, Laws of Florida, as amended by chapter 67-2173, Laws of Florida, as amended by chapter 69-1430, Laws of Florida, as amended by chapter 73-656, Laws of Florida, repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1487 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for HB 1610—A bill to be entitled An act relating to Alachua County; amending section 4 of chapter 75-325, Laws of Florida, granting the manager of the Alachua County Adult Detention Center and his designees certain powers relating to prisoners, escapees, and arrests; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote CS for HB 1610 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1735—A bill to be entitled An act relating to the Town of St. Marks, Wakulla County; amending section 15 of chapter 63-1872, Laws of Florida, to provide that three members of the town commission shall constitute a quorum; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1735 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Chamberlin	Childers, W. D.	Firestone
Castor	Childers, Don	Dunn	Gallen

Glisson	McClain	Skinner	Williamson
Gorman	Myers	Spicola	Wilson
Graham	Peterson	Thomas, Pat	Winn
Hair	Poston	Tobiassen	Zinkil
Henderson	Renick	Trask	
Holloway	Scarborough	Vogt	
Johnston	Scott	Ware	

Nays—None

HB 1736—A bill to be entitled An act relating to Bay County; repealing chapter 63-1113, Laws of Florida, eliminating the misdemeanor penalty for hiring or offering for hire any powered vessel of over 100 horsepower for the purpose of fishing until such vessel has been certified by the sheriff of the county as safe; eliminating the power of the board of county commissioners to make regulations with respect to such certificates and to set fees therefor; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1736 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1737—A bill to be entitled An act relating to Bay County; amending section 2 of chapter 73-404, Laws of Florida, authorizing the use of one try net for the taking of shrimp or prawns in certain waters in Bay County; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1737 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for HB 1742—A bill to be entitled An act relating to Palm Beach County; amending section 2 of Chapter 75-473, Laws of Florida, providing declaration of legislative intent; amending section 3 of Chapter 75-473, Laws of Florida, providing for creation of countywide Solid Waste Authority; amending section 4 of Chapter 75-473, Laws of Florida, providing for appropriations; amending section 6 of Chapter 75-473, Laws of Florida, providing definitions; amending section 7 of Chapter 75-473, Laws of Florida, providing purposes and powers; amending section 10 of Chapter 75-473, Laws of Florida, providing enforcement; providing for a referendum and an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote CS for HB 1742 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

HB 1758—A bill to be entitled An act relating to the City of Sarasota, Sarasota County; amending chapter 73-618, Laws of Florida, by including a portion of North Lido Key within the municipal boundaries of the City of Sarasota; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1758 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1793—A bill to be entitled An act relating to Winter Park, Orange County; amending subsection (4) of section 11 of chapter 59-1992, Laws of Florida, as amended, to provide for the payment of interest on accumulated contributions upon termination of employment of members; amending subsection (5) of section 11 of chapter 59-1992, Laws of Florida, to reduce the time of vesting of interests from 25 years of creditable service to 10 years of creditable service; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1793 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1794—A bill to be entitled An act relating to Orange County; amending section 3 of chapter 26066, Laws of Florida, 1949, authorizing the Board of Trustees of the West Orange Memorial Hospital Tax District to own and operate an ambulance service; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1794 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1796—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; amending section 4 of chapter 71-803, Laws of Florida, to provide that certain enumerated powers of the Orange County Civic Facilities Authority may only be exercised when the cost thereof exceeds the sum of \$25,000 with the prior written consent of the Board of County Commissioners of Orange County, Florida; providing that the Orange County Civil Facilities Authority is required to annually adopt a budget and submit the same to the Board of County Commissioners of Orange County for its approval; providing for an annual report and audit of the functions of the Orange County Civic Facilities Authority; providing for exceptions; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1796 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1801—A bill to be entitled An act relating to the City of Orlando, Orange County; amending provisions relating to the pension fund for the Police Department and Fire Department of said city; amending section 1 of chapter 31086, Laws of Florida, 1955, as amended, providing for continuity of benefits in said fund by making regular contributions into the fund while absent from duty for specified reasons; providing for the reinstatement of pension benefits where members of the Police Department and Fire Department pension fund have severed their employment with said department and have subsequently been rehired; providing for the repayment in lump sum of prior withdrawn pension fund contributions together with interest thereon as a prerequisite for reinstatement in the pension program; amending section 3 of chapter 23444, Laws of Florida, 1945, as amended, providing for qualifications for employment and retirement under said act; repealing section 19 of chapter 23444, Laws of Florida, 1945, relating to a Fire Department age limitation; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1801 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1803—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending ss. 349.03, 349.04(2)(c), (f) and (h), and 349.041(2), Florida Statutes, providing for the removal of members of the authority; extending financial disclosure and conflict of interest provisions to said members; providing that any lease of real property by the authority shall be a public record; restricting the ability of the authority to sell land; providing that charges for services and facilities of the Jacksonville Expressway System may be increased or imposed only with approval of the council of the City of Jacksonville; providing certain bidding procedures; providing that the authority shall use the legal services of the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1803 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1838—A bill to be entitled An act relating to the Fireman's Relief and Pension Fund of the City of Pensacola, Escambia County; amending sections 5 and 20 of chapter 21483, Laws of Florida, 1941, as amended, relating to persons eligible for pensions; providing a schedule of pensions; providing that certain diseases shall be presumed to be service connected; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1838 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for HB 1843—A bill to be entitled An act relating to Escambia County; providing for the abolishment of the Board of Hospital Trustees of Escambia County; creating the Department of Medical Services under the Board of County Commissioners of Escambia County; transferring all powers, duties, functions, records, property, personnel, unexpended balances of appropriations, allocations, or other funds of the Board of Hospital Trustees to the Board of County Commissioners; providing qualifications for the director of the Department of Medical Services; providing for appointment of a director of the Department of Medical Services; providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. In Escambia and Santa Rosa Counties, within Santa Rosa Sound between Navarre Beach Bridge and Pensacola Beach Bridge, the maximum daily catch, or bag limit, of salt water speckled trout is 15 per person.

Section 2. Any person violating the provisions of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.083, Florida Statutes.

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

Amendment 2—On page 1, strike all of lines 2 through and including line 15 and insert: An act relating to Escambia and Santa Rosa Counties; providing daily catch limit on salt water speckled trout; providing penalty; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote CS for HB 1843 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1844—A bill to be entitled An act relating to Escambia County; authorizing the board of county commissioners to contract to provide subsidized medical insurance for medically indigent citizens; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1844 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1846—A bill to be entitled An act relating to Escambia County; authorizing the Escambia County University Hospital Board of Trustees to contract with health agencies to transfer, operate, or provide supplemental medical services for indigent patients; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1846 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1848—A bill to be entitled An act relating to Escambia County; providing for the relief of R. S. Hawkins for improvements made on county right-of-way; providing for payment by the board of county commissioners; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1848 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1859—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Broward Industrial Board (formerly and sometimes known variously as Broward County Industrial Development Board and Broward County Industrial Board) to the Board of County Commissioners for Broward County, Florida; repealing the Broward County Industrial Development Board Act; reserving title to property held by the Broward Industrial Board; maintaining in effect and transferring to Broward County all obligations of the abolished Broward Industrial Board; validating existing rules, regulations, orders and ordinances of or for the Broward Industrial Board; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1859 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1860—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Court Trustee of Broward County to the Clerk of the Circuit Court for Broward County and subsequently to the Broward County Administrator; repealing the Broward County Court Trustee Act; reserving title to property held by the Court Trustee; maintaining in effect and transferring to the County Administrator for Broward County all obligations of the abolished Court Trustee; validating existing rules, regulations, orders and ordinances of or for the Court Trustee; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 1860 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1877—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Broward County Erosion Prevention District to the Broward County Environmental Quality Control Board; repealing the Broward County Erosion Prevention District Act; reserving title to property held by the Broward County Erosion Prevention District; maintaining in effect and transferring to Broward County all obligations of the abolished district; validating existing rules, regulations, orders, ordinances and assessments of or for the Erosion Prevention District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1877 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1878—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Broward County Transportation Authority to the Board of County Commissioners for Broward County, Florida; repealing the Broward County Transportation Authority Law; reserving title to property held by the Broward County Transportation Authority; maintaining in effect and transferring to Broward County all obligations of the abolished Broward County Transportation Authority; validating existing rules, regulations, orders and ordinances of or for the Broward County Transportation Authority; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 1878 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1879—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Broward County Pollution Control Board to the Broward County Environmental Quality Control Board; repealing the Broward County Air and Water Pollution Control Act; reserving title to property held by the Broward County Pollution Control Board; maintaining in effect and transferring to Broward County all obligations of the abolished Broward County Pollution Control Board district; validating existing rules, regulations, orders and ordinances of or for the Broward County Pollution Control Board; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1879 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1882—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the functions, responsibilities, duties and obligations of the Broward County Division of Youth Services to the Board of County Commissioners for Broward County, Florida; repealing the Broward County Division of Youth Serv-

ices Act; reserving title to property held by the Broward County Division of Youth Services; maintaining in effect and transferring to Broward County all obligations of the abolished Broward County Division of Youth Services; validating existing rules, regulations, orders and ordinances of or for the Broward County Division of Youth Services; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1882 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1883—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the function, responsibilities, duties and obligations of the Broward County Water Resources Advisory Board to the Broward County Environmental Quality Control Board; repealing the Broward County Water Resources Development Enabling Act; reserving title to property held by the Broward County Water Resources Advisory Board; maintaining in effect and transferring to Broward County all obligations of the abolished Broward County Water Resources Advisory Board; validating existing rules, regulations, orders and ordinances of or for the Broward County Water Resources Advisory Board; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1883 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1884—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the function, responsibilities, duties and obligations of the Broward County Planning Board to the Broward County Planning Council; repealing the Broward County Area Planning Board Act; reserving title to property held by the Broward County Area Planning Board; maintaining in effect and transferring to Broward County Planning Council all obligations of the abolished Broward County Area Planning Board; validating existing rules, regulations, orders and ordinances of or for the Broward County Area Planning Board; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1884 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Myers	Scott	Trask	Winn
Peterson	Skinner	Vogt	Zinkil
Poston	Spicola	Ware	
Renick	Thomas, Pat	Williamson	
Scarborough	Tobiassen	Wilson	

Nays—None

HB 1885—A bill to be entitled An act relating to Broward County, Florida, ratifying a provision of the Broward County Charter transferring the function, responsibilities, duties and obligations of the Broward County Central Examining Boards to the Board of County Commissioners for Broward County, Florida; repealing the Broward County Central Examining Board Enabling Act; reserving title to property held by the Broward County Central Examining Boards; maintaining in effect and transferring to Broward County all obligations of the abolished Broward County Central Examining Boards; validating existing rules, regulations, orders and ordinances of or for the Broward County Central Examining Boards; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1885 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1886—A bill to be entitled An act relating to the operation and administration of the county hospital system in Escambia County; separating Century Memorial Hospital, Century, from University Hospital, Pensacola, by providing a separate Board of Trustees for Century Memorial Hospital; providing for membership of Century Memorial Hospital Board and for the appointment by the Governor of certain persons as members of the Board of Trustees of Century Memorial Hospital; providing terms of office therefor, and method of filling vacancies; providing for certain amount of revenue to be given to said hospital by Escambia County; providing financial responsibility for care of indigents; superseding provisions of chapter 155, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1886 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of HB 2009 was deferred.

HB 2093—A bill to be entitled An act relating to Manatee County, Samoset Fire Control District; amending section 4 of chapter 57-1544, Laws of Florida, as amended, relating to the rate of special assessments to be levied against said lands in said district, to increase the maximum amount which may be levied upon specified categories of property; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2093 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for HB 2094—A bill to be entitled An act relating to Manatee County; amending section 4 of chapter 67-914, Laws of Florida, providing a new schedule of special assessments levied on property located within the Whitfield Fire Control District in order to improve fire protection of property located within said fire control district; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote CS for HB 2094 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 2112—A bill to be entitled An act relating to Monroe County; amending s. 9(3) of chapter 76-441, Laws of Florida, to authorize the Florida Keys Aqueduct Authority to make purchases without competitive bid under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 2112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 2113—A bill to be entitled An act relating to Monroe County; amending section 1 of chapter 76-441, Laws of Florida, to authorize the Florida Keys Aqueduct Authority to serve customers along its pipeline in Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 2113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Chamberlin	Childers, W. D.	Firestone
Castor	Childers, Don	Dunn	Gallen

Glisson	McClain	Skinner	Williamson
Gorman	Myers	Spicola	Wilson
Graham	Peterson	Thomas, Pat	Winn
Hair	Poston	Tobiassen	Zinkil
Henderson	Renick	Trask	
Holloway	Scarborough	Vogt	
Johnston	Scott	Ware	

Nays—None

HB 2114—A bill to be entitled An act relating to the City of Tamarac, Broward County, Florida; extending and enlarging the corporate limits of the City of Tamarac by including previously unincorporated lands with said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 2114 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	Peterson	Trask
Chamberlin	Graham	Poston	Vogt
Childers, Don	Hair	Renick	Ware
Childers, W. D.	Henderson	Scarborough	Williamson
Dunn	Holloway	Skinner	Wilson
Firestone	Johnston	Spicola	Winn
Gallen	McClain	Thomas, Pat	Zinkil

Nays—1

Scott

HB 2126—A bill to be entitled An act relating to Taylor and Dixie Counties; permitting certain fishing methods with respect to taking sponges of legal size in Taylor or Dixie Counties; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 2126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 2220—A bill to be entitled An act relating to Liberty County; authorizing the acquisition, construction, remodeling, improving, furnishing and equipping of capital projects of the district school board of Liberty County; authorizing the issuance of certificates of indebtedness by said school board to finance the cost of such projects; authorizing the pledging to the payment of the principal of and interest on such certificates of indebtedness of the racetrack funds and jai alai fronton funds allocated to the school board out of such funds accruing annually to Liberty County pursuant to chapters 550 and 551, Florida Statutes, and other moneys of the school board derived from sources legally available for such purposes; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 2220 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

HB 2299—A bill to be entitled An act relating to Monroe County; authorizing the district school board to provide group insurance plans for its employees and officers and their dependents; providing for payment of premiums therefor; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 2299 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1739—A bill to be entitled An act relating to the City of Jacksonville; amending Articles 5, 6, and 14 of chapter 67-1320, Laws of Florida, as amended; defining councilmen and the mayor of the City of Jacksonville and the superintendent of schools as elected constitutional officers for purposes of section 8 of Article II of the State Constitution; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1739 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1738—A bill to be entitled An act relating to Duval County; amending section 3 of chapter 65-1462, Laws of Florida, as it applies to chapter 23259, Laws of Florida, 1945, which provided for Pensions for Employees of the County of Duval so as to authorize members of said fund prior to April 1, 1965, to receive broken service pension credit in said fund for periods of employment with Duval County of the City of Jacksonville subsequent to April 1, 1965, under certain conditions; ratifying and confirming all periods of broken service granted or authorized since April 1, 1965; permitting former employees of Duval County to obtain certain early retirement benefits; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1738 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

HB 1802—A bill to be entitled An act relating to the Town of Bithlo in Orange County, Florida; abolishing the Town of Bithlo and transferring all property and assets to Orange County; providing that all debts and obligations be satisfied in accordance with general law; repealing chapter 11407, Laws of Florida, 1925, which validated the incorporation of the town; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1802 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1444—A bill to be entitled An act relating to the Consolidated City of Jacksonville, Duval County; granting continuous service credit to Richard Russell Cox from the date of his enrollment into the 1945 County Employees Pension Fund as established by chapter 23259, Laws of Florida, 1945, for the purpose of establishing a continuous enrollment in said pension fund from his initial date of enrollment; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1444 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1134—A bill to be entitled An act relating to Franklin County; providing for the acquisition, construction, erection, building, enlarging, and improving of school buildings, and the furnishing and equipping of school buildings of the District School Board of Franklin County; authorizing the issuance of certificates of indebtedness payable from the portion of race-track funds and jai alai fronton funds accruing annually to Franklin County, and allocated to such board, to pay the cost of such projects; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 1134 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Henderson	Poston	Thomas, Pat	Wilson
Holloway	Renick	Tobiassen	Winn
Johnston	Scarborough	Trask	Zinkil
McClain	Scott	Vogt	
Myers	Skinner	Ware	
Peterson	Spicola	Williamson	

Nays—None

HB 1116—A bill to be entitled An act relating to historic preservation designating portions of South Bayshore Drive and South Miami Avenue, in the City of Miami, as a historic highway; providing definitions; prohibiting use of state funds for certain physical changes on or near the road; requiring approval of the Division of Archives, History and Records Management for other specified changes; limiting the erection of signs; authorizing the Division to erect markers and to obtain historic easement in property along the road; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 1116 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1839—A bill to be entitled An act relating to the Civil Service System of the City of Pensacola, Escambia County; amending section 22 of chapter 63-1775, Laws of Florida, as amended, relating to promotional certification list, promotion in classified service, promotional eligible list; repealing certain special and general laws in conflict; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1839 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1840—A bill to be entitled An act relating to the Firemen's Relief and Pension Fund of the City of Pensacola, Escambia County; amending section 4 of chapter 21483, Laws of Florida, 1941, as amended by chapter 24809, Laws of Florida, 1947, chapter 31157, Laws of Florida, 1955, chapters 57-17713, 59-1723 and 61-2653, Laws of Florida, relating to the creation and maintenance of the Firemen's Relief and Pension Fund; providing for increased contributions from firemen and/or the City of Pensacola into said fund; repealing certain special and general laws relating to the Firemen's Relief and Pension Fund; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1840 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1880—A bill to be entitled An act relating to the City of Jacksonville; adding article 29 to chapter 67-1320, Laws of Florida, as amended; creating the "Independent Agency Sunset Law of 1977"; providing for the termination of independent agencies of the City of Jacksonville on listed dates; providing a deadline for reaching a recommendation as to continuance, consolidation, or termination; providing that any independent agency which is terminated shall have 1 year in which to conclude its affairs after which time the specified agency and its personnel positions would be abolished and all unexpended funds would revert to the City of Jacksonville General Revenue Fund; providing for a 4-year limit on the life of any continued agency after which time review and evaluation procedures shall be repeated; providing for public hearings; providing for review and evaluation criteria; providing for a committee to assist in the implementation of the provisions of this act and for a report from said committee; providing for voting as to the continuance of any agency by simple majority vote of the city council; providing for the council auditor to assist in the review and evaluation processes; providing for repeal of special acts upon such termination; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 1880 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Pat Thomas, by two-thirds vote—

HB 2371—A bill to be entitled An act relating to Calhoun County; amending section 4(2) and (7) and section 5 of chapter 76-341, Laws of Florida, to authorize the Calhoun County Transportation Authority to exercise its power of eminent domain with respect to certain property in Jackson County and to enter upon lands and waters in Jackson County to make necessary surveys or investigations; providing that debentures of the Authority shall disclose that they are not a debt of Jackson County; increasing the amount which Calhoun County may lend to Authority for certain activities; providing an effective date.

—was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

On motions by Senator Pat Thomas, by two-thirds vote HB 2371 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—33

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

Thomas, Pat	Vogt	Wilson	Zinkil
Tobiassen	Ware	Winn	
Trask	Williamson		

Nays—None

On motions by Senator Peterson, by two-thirds vote—

HB 1541—A bill to be entitled An act relating to Pasco County; amending chapter 74-573, Laws of Florida, as amended, relating to consumer protection in Pasco County; providing definitions; providing for full 2-year terms of Board of Consumer Affairs and Appeals members; providing for procedures and records; providing for powers and jurisdiction of the board; providing board hearings; establishing procedures governing hearings; providing for service of process; establishing the Division of Consumer Affairs; providing operating procedures of the division; providing powers and duties of the division; providing for enforcement of subpoenas; providing a means of enforcement of orders; providing an effective date.

—was withdrawn from the Committees on Judiciary-Civil and Rules and Calendar and placed on the local calendar.

On motions by Senator Peterson, by two-thirds vote **HB 1541** 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—33

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

Nays—None

On motion by Senator Saylor, by two-thirds vote—

HB 1679—A bill to be entitled An act relating to Pinellas County; amending Chapter 61-2735, Laws of Florida, being the Charter of the City of Safety Harbor, as amended by Chapter 70-916, Laws of Florida, by redefining the boundaries and limits of the City in Section 4 thereof; and providing an effective date.

—was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

On motions by Senator Saylor, by two-thirds vote **HB 1679** was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Henderson	Renick	Trask
Castor	Holloway	Saylor	Ware
Chamberlin	Johnston	Scarborough	Wilson
Childers, Don	Lewis	Scott	Winn
Firestone	McClain	Skinner	Zinkil
Graham	Plante	Spicola	
Hair	Poston	Thomas, Jon	

Nays—None

On motion by Senator Henderson, by two-thirds vote—

CS for HB 1525—A bill to be entitled An act to revise and consolidate the Sarasota-Manatee Airport Authority Act, chapter 31263, Special Laws of Florida, 1955, as amended; generally revising provisions relating to powers and duties of the authority; removing any interest rate limitation relating to bonds and notes of the authority; conferring additional powers on the authority with regard to the financing of industrial facilities; providing a tax exemption for certain property; providing an effective date.

—was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

On motions by Senator Henderson, by two-thirds vote **CS** for **HB 1525** was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Hair	Poston	Thomas, Jon
Castor	Henderson	Renick	Trask
Chamberlin	Holloway	Saylor	Ware
Childers, Don	Johnston	Scarborough	Wilson
Dunn	Lewis	Scott	Winn
Firestone	McClain	Skinner	Zinkil
Graham	Plante	Spicola	

Nays—None

Senator Gallen presiding

SPECIAL ORDER

Consideration of **SB 1007** was deferred.

SB 1012—A bill to be entitled An act relating to the Public Service Commission; repealing ss. 347.08, 347.09, 347.10, 347.11, 347.12, 347.13, 347.14, 347.15, 347.16, 347.17, and 347.18, Florida Statutes, relating to regulation of certain bridges, causeways, tunnels, toll highways, and ferries; amending s. 350.11, Florida Statutes, redefining common carrier as related to vessels; creating s. 350.125, Florida Statutes, requiring a certificate of public convenience and necessity to operate as a common carrier any vessel of 10 tons net or over; specifying contents of applications for certificates and filing fees therefor; specifying notice, hearing and disposition requirements for applications for certificates; providing that the Public Service Commission may consider and act upon an application without a hearing in the absence of any protest against said application; providing that such certificates be subject to the provisions of ss. 323.041, 323.06, 323.07 and 323.08, Florida Statutes; providing an exemption; providing that the provisions of s. 350.125, Florida Statutes, shall also apply to applications for the operation of ferry facilities; providing for the transfer to chapter 338 of bridge franchises under the Public Service Commission for regulation by the Florida Department of Transportation; providing an effective date.

—was taken up with pending Amendment 1 to House Amendment 1 by Senator Spicola.

On motion by Senator Scarborough consideration of **SB 1012** was deferred.

HB 1241—A bill to be entitled An act relating to spearfishing; amending s. 370.172(1), Florida Statutes, providing that the possession of certain spearfishing equipment by a person swimming in a prohibited area shall be prima facie evidence of a violation of the law; providing an effective date.

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

Yeas—18

Childers, W. D.	Holloway	Scarborough	Wilson
Gallen	MacKay	Scott	Winn
Gorman	Peterson	Skinner	Zinkil
Graham	Poston	Thomas, Jon	
Henderson	Renick	Trask	

Nays—10

Castor	Glisson	Saylor	Williamson
Chamberlin	Johnston	Tobiassen	
Childers, Don	Lewis	Ware	

Vote after roll call:

Yea—Hair

Pursuant to Rule 4.16, Senator Zinkil gave notice of intention to take up out of order House Bills 2234, 2235 and 2287 at 11:00 a.m.

HB 20—A bill to be entitled An act relating to the Department of Education; creating s. 229.841, Florida Statutes, requiring the department to develop a plan and procedure for adoption of the metric system in public school education by 1980; authorizing local school boards to implement the plan in their discretion; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 20 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Childers, Don	Henderson	Poston	Vogt
Firestone	Holloway	Renick	Williamson
Gallen	Johnston	Sayler	Winn
Glisson	Lewis	Scarborough	Zinkil
Gorman	MacKay	Thomas, Jon	
Hair	Peterson	Trask	

Nays—9

Castor	McClain	Skinner	Ware
Chamberlin	Plante	Tobiassen	
Childers, W. D.	Scott		

Vote after roll call:

Yea—Graham

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

—was read the second time by title.

Senator McClain moved the following amendments which failed:

Amendment 1—On page 2, line 7, strike the period and insert the following: “, and which are actuarially sound and designed to make the Joint Underwriting Plan self-sustaining.”

The President presiding

Amendment 2—On page 3, insert: new sub-section (f) as follows: The plan shall not begin operation until the commissioner, after notice and hearing, shall determine that a crisis exists in this state with regard to liability insurance for political subdivisions and that coverage for the same is not sufficiently available through ordinary insurance markets.

Senator Myers presiding

Senator Scott moved that debate be limited to one minute per side. The motion failed.

On motion by Senator Scott, by two-thirds vote HB 1220 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Chamberlin	Hair	Renick	Trask
Childers, Don	Henderson	Sayler	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	McClain	Spicola	Wilson
Glisson	Peterson	Thomas, Jon	Winn
Gorman	Poston	Tobiassen	Zinkil

Nays—None

Votes after roll call:

Yea—Castor, Graham

By direction of the Presiding Officer the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 1449

The Honorable Lew Brantley
President of the Senate

The Honorable Donald E. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two Houses on SB 1449, same being:

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.

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

1. That the House of Representatives recede from Amendments 1 and 2.
2. That the House and Senate adopt Conference Committee Amendments 1 and 2 attached hereto, and by reference made a part of this report.

<i>Dan Scarborough, Chairman</i>	<i>George R. Grosse, Co-Chairman</i>
<i>Harry A. Johnston</i>	<i>Fred Burrall</i>
<i>Henry Sayler</i>	<i>A. M. Fontana</i>
<i>George A. Williamson</i>	<i>Thomas L. Hazouri</i>

Managers on the part of the Senate	Managers on the part of the House of Representatives
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SUMMARY OF CONFERENCE COMMITTEE ACTION ON SB 1449

I. Changes From Senate Bill:

1. Added a provision to designate police chiefs, fire chiefs or directors of public safety departments as managerial employees and provided the commission with the authority to determine the managerial status for all other firefighters and police officers.
2. Added one alternate commissioner to the full-time commission.
3. Added a provision allowing for declaratory statements by the commission.
4. Adopted a provision that would eliminate the requirement that labor organizations be required to process grievances for employees who are not members of the organizations.
5. Adopted a provision requiring all parties to an impasse, upon request, to have all information provided the special master.

6. Amended the local option provision to allow grandfathering of all applications filed prior to June 1, 1977.
7. Adopted a provision allowing full-time employees of the public employer or employee organizations to represent the employer or bargaining unit in hearings before the commission.

II. Changes from House Bill:

1. Added a provision prohibiting the establishment of strike funds.
2. Added a definition of Good Faith Bargaining.
3. Eliminated the deliberation of the Commission from Chapter 286, and preliminary drafts of orders from the public records law until issuance of the final order.
4. Added a provision allowing automatic certification of a unit whenever the public employer recognizes the unit on the basis of majority status.
5. Deleted a provision allowing all terms and conditions of employment provided for in an existing contract remain in effect until resolution of a negotiated impasse.
6. Local Option limited to currently approved and applied for certifications.

Conference Committee Amendment 1—Strike everything after the enacting clause and insert: Section 1. Paragraph (a) of subsection (2) of section 447.04, Florida Statutes, is amended to read:

447.04 Business agents; licenses, permits, etc.—

(2)(a) Every person desiring to act as a business agent in this state shall, before doing so, obtain a license or permit by filing an application under oath therefor with the Division of General Regulation of the Department of Business Regulation, accompanied by a fee of \$25 \$1 and a full set of fingerprints of the applicant taken by a law enforcement agency qualified to take fingerprints. There shall accompany the application a statement signed by the president and the secretary of the labor organization for which he proposes to act as agent, showing his authority to do so. The division shall hold such application on file for a period of 30 days, during which time any person may file objections to the issuing of such license or permit.

Section 2. Subsections (11) and (12) of section 447.09, Florida Statutes, are amended to read:

447.09 Right of franchise preserved; penalties.—It shall be unlawful for any person:

(11) To coerce or intimidate any employee in the enjoyment of his legal rights, including those guaranteed in s. 447.03, or to coerce or intimidate any elected or appointed public official, or to intimidate the his family, picket the his domicile or injure the person or property of such employee or public official, or his family.

(12) To picket beyond the area of the industry or employment within which a labor dispute arises.

Section 3. Section 447.14, Florida Statutes, is amended to read:

447.14 Penalties.—Any person or labor organization who shall violate any of the provisions of this part chapter shall be guilty of a misdemeanor of the second degree punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 4. Subsection (3) is added to section 447.17, Florida Statutes, to read:

447.17 Civil remedy; injunctive relief.—

(1) Any person who may be denied employment or discriminated against in his employment on account of membership or nonmembership in any labor union or labor organization shall be entitled to recover from [the discriminating] employer, other person, firm, corporation, labor union, labor organization, or association, acting separately or in concert, in the courts of this state, such damages as he may have sustained and the costs of suit, including reasonable attorney's fees. If such employer, other person, firm, corporation, labor union, labor organization,

or association acted willfully and with malice or reckless indifference to the rights of others, punitive damages may be assessed against such employer, other person, firm, corporation, labor union, labor organization, or association.

(2) Any person sustaining injury as a result of any violation or threatened violation of the provisions of this section shall be entitled to injunctive relief against any and all violators or persons threatening violation.

(3) The remedy and relief provided for by this section shall not be available to public employees as defined in part II of this chapter.

Section 5. Section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—It is declared that the public policy of the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution with respect to public employees, to promote harmonious and cooperative relationships between government and its employees, both collectively and individually, and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. It is the intent of the legislature that nothing herein shall be construed either to encourage or discourage organization of public employees. These policies are best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 6. Section 447.203, Florida Statutes, 1976 Supplement, is amended to read:

447.203 Definitions.—As used in this part:

(1) "Commission" means the Public Employees Relations Commission created by s. 447.205.

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a state-wide bargaining unit composed of State Career Service System employees, the Governor shall be deemed to be the public employer. and However, the Board of Regents shall be deemed to be the public employer with respect to faculty and administrative and professional employees and for all other public employees within the state university system not otherwise determined by the commission as properly belonging to a state-wide bargaining unit composed of State Career Service System employees. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.

(3) "Public employee" means any person employed by a public employer except:

(a) Those persons appointed by the governor or elected by the people, agency heads, and members of boards and commissions.

(b) Those persons holding positions by appointment or employment in the organized militia.

(c) Those individuals acting as negotiating representatives for employer authorities.

(d) Those persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein upon application of the public employer, or of an organization filing a petition for certification pursuant to s. 447.307 to the Public Employees Relations Commission.

(e) Those persons holding positions of employment with the Florida Legislature.

(f) Those persons who have been convicted of a crime and are inmates confined to institutions within the state.

(4) "Managerial employees" are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs, and one or more of the following:

~~(a)~~ 1. Formulate or assist in formulating policies which are applicable to bargaining unit employees;

2. May reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations;

3. Have a role in the administration of agreements resulting from collective bargaining negotiations;

4. Have a significant roll in personnel administration;

5. Have a significant role in employee relations;

6. Are included in the definition of administrative personnel contained in s. 228.041(10), except that collective bargaining contracts entered into prior to the effective date of this law shall remain in effect for the period of such contracts, and, upon the expiration of these existing contracts, the provisions of this subparagraph shall apply; ~~or~~

7. Have a significant role in the preparation and administration of budgets for any public agency or institution or subdivision thereof; ~~and~~

~~(b) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment.~~

(b) Serve as police chiefs, fire chief, or directors of public safety of any police, fire, or public safety department. Other police officers, as defined in s. 943.10(1), and firefighters, as defined in s. 633.30(1), may be determined by the commission to be managerial employees of such departments. In making such determinations, the commission shall consider, in addition to the criteria established in (a), the paramilitary organizational structure of the department involved.

Provided, however, that in determining whether an individual is a managerial employee pursuant to either (a) or (b), above, the commission may consider historic relationships of the employee to the public employer and to coemployees. ~~[Firefighters] as defined under s. 633.30(1) are excluded from this definition.~~

(5) "Confidential employees" are persons who act in a confidential capacity to assist or aid managerial employees as defined in subsection (4).

(6) "Strike" means the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term "strike" shall also mean any overt preparation including but not limited to the establishment of strike funds with regard to the above-listed activities.

(7) "Strike funds" are any appropriations by an employee organization which are established to directly or indirectly

aid any employee or employee organization to participate in a strike in the State of Florida.

~~(8)(7)~~ "Bargaining unit" means either that unit determined by the commission, that unit determined through local regulations promulgated pursuant to s. 447.603, or that unit determined by the public employer and the public employee organization and approved by the commission to be appropriate for the purposes of collective bargaining. However, no bargaining unit shall be defined as appropriate which includes employees of two employers that are not departments or divisions of the state, a county, a municipality, or other political entity.

~~(9)(8)~~ "Chief executive officer" for the state shall mean the governor and for other public employers shall mean the person, whether elected or appointed, who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer.

~~(10)(9)~~ "Legislative body" means the State Legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403 the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

~~(11)(10)~~ "Employee organization" or "organization" means any labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.

~~(12)(11)~~ "Bargaining agent" means the employee organization which has been certified by the commission as representing the employees in the bargaining unit, as provided in s. 447.307, or its representative.

~~(12)~~ "Budget submission date" means the date by which, under law or practice, a public employer's budget, or a budget containing proposed expenditures applicable to such public employer, is submitted to or is considered by the legislative body or other similar body of government for final action or, in the absence of any annual budget, the date upon which an annual appropriation ordinance, resolution, or law for the ensuing fiscal year is required to be introduced before such legislative body for final action.

(13) "Professional employee" means:

(a) Any employee engaged in work in any two or more of the following categories:

1. Work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

2. Work involving the consistent exercise of discretion and judgment in its performance;

3. Work of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

4. Work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes; or

(b) Any employee who:

1. Has completed the course of specialized intellectual instruction and study described in subparagraph 4. of paragraph (a); and

2. Is performing related work under supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(14) "Collective bargaining" means the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times,

to negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment, except that neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this part.

(15) "Membership dues deduction" means the practice of a public employer of deducting dues and uniform assessments from the salary or wages of a public employee upon the presentation to the public employer of cards authorizing the deduction of dues, signed by such individual public employee. Such term also means the practice of a public employer of transmitting the sums so deducted to such employee organization.

(16) "Civil service" means any career, civil, or merit system used by any public employer.

(17) "Good faith bargaining" shall mean, but not be limited to, the willingness of both parties to meet at reasonable times and places, as mutually agreed upon, in order to discuss issues which are proper subjects of bargaining, with the intent of reaching a common accord. It shall include an obligation for both parties to actively participate in the negotiations with an open mind and a sincere desire, as well as making a sincere effort to resolve differences and come to an agreement. In determining whether a party failed to bargain in good faith, the commission shall consider the total conduct of the parties during negotiations as well as the specific incidents of alleged bad faith. Incidents indicative of bad faith shall include, but not be limited to, the following occurrences:

(a) Failure to meet at reasonable times and places with representatives of the other party for purpose of negotiations.

(b) Placing unreasonable restrictions on the other party as a prerequisite to meeting.

(c) Failure to discuss bargainable issues.

(d) Refusing, upon reasonable written request, to provide public information, excluding work products as defined in s. 447.605.

(e) Refusing to negotiate because of an unwanted person on the opposing negotiating team.

(f) Negotiating directly with employees rather than with their certified bargaining agent.

(g) Refusing to reduce a total agreement to writing.

(18) "Student representative" means the representative selected by each community college student government association and the council of student body presidents. Each representative may be present at all negotiating sessions which take place between the appropriate public employer and an exclusive bargaining agent. Said representative shall be enrolled as a student with at least 8 credit hours in the respective community college or in the state university system during his term as student representative.

Section 7. Section 447.205, Florida Statutes, is amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of Commerce the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of three full-time members, and one part-time alternate member, to be appointed by the Governor subject to confirmation by the Senate, from persons representative of the public, known for their objective and independent judgment, who shall not be employed by or hold any commission with any governmental unit in the state or any employee organization, as defined in this part, while in said office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is or has been classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is or has been classified as a representative of employees or employee organizations. The full-time commissioners shall devote their entire time to commission duties and shall not engage in any other business, vocation, or employment while in said office. The term of office shall be 4 years, except that beginning July 1, 1977, one member shall be appointed for a term of 1 year, one member for 2 years,

one member for 3 years, and the alternate member for 4 years. The commissioners shall serve at the pleasure of the Governor. The Governor shall designate one member as chairman who shall be responsible for the administrative functions of the commission and who shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. The chairman shall also have the authority to call the alternate commissioner to serve during such times as the alternate commissioner's presence is necessary to complete a quorum for the conduct of commission business. The presence of three members shall constitute a quorum for the conduct of commission business.

(2) The chairman shall be paid an annual salary of \$38,000, and the other full-time commissioners shall be paid salaries of \$36,000. Such salaries shall be paid in equal monthly installments. The alternate commissioner shall receive no salary, but shall receive an honorarium of \$200 for each day engaged in the work of the Commission. All commissioners shall be reimbursed for expenses, as provided in s. 112.061.

(3) The commission, in the performance of its powers and duties under Part II of chapter 447, shall not be subject to control, supervision, or direction by the Department of Commerce.

(4) The property, personnel and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of Commerce.

(5) The commission shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere; for law books, books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding, as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities. All such expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

(6) The commission may charge, in its discretion, for publications, subscriptions and copies of records and documents. Such funds shall be deposited in a trust fund to be established by the commission and shall be used to help defray the cost of providing such publications, subscriptions and copies of records and documents.

(7) The commission shall maintain and keep open during reasonable business hours an office, which shall be provided in the capitol center for the transaction of its business, at which office its official records and papers shall be kept. The commission may hold sessions and conduct hearings at any place within the state.

(8) The commission shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida—Public Employees Relations Commission—Seal", and it shall be judicially noticed.

(9) The commission is expressly authorized to provide by rule for, and to destroy, obsolete records of the commission.

(10) The deliberations of the commission in any proceeding before it shall be exempt from the provisions of chapter 286. Provided, however, that any hearing or oral argument held by the commission pursuant to chapter 120 or chapter 447, shall be open to the public. All draft orders developed in preparation for or preliminary to the issuance of a final written order shall be exempt from the provisions of chapter 119.

(1) There is hereby created and established within the Department of Commerce the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of five members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public, known for their objective and independent judgment, and who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization as defined in this part. The Governor shall designate one member as chairman. Members shall serve for terms of 4 years, except that beginning July 1, 1974, two members shall be appointed for terms of 1 year, one member for 2 years, one member for 3 years, and one member for 4 years. A vacancy for the unexpired term of a member shall be filled in the same manner as herein provided for an

original appointment. The presence of three members shall constitute a quorum of any called meeting of the commission. The commission, in the performance of its duties and powers under this part, shall not be subject to control, supervision, or direction by the Department of Commerce.

(2) The chairman shall devote his entire time to his commission duties. He shall receive a salary as established pursuant to the provisions of s. 216.251 and shall not engage in any other business, vocation, or employment. The remaining members shall be paid an honorarium of \$100 for each day they are engaged in the work of the commission. The chairman and other members shall also be reimbursed for expenses, as provided in s. 112.061. The chairman shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part.

Section 8. Section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(1) After public hearing, The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part, in accordance with chapter 120.

(2) To accomplish the objectives and carry out the duties prescribed by this part, the commission may preserve and enforce order during any proceeding; issue subpoenas for, administer oaths or affirmations to, and compel the attendance and testimony of witnesses, or subpoena witnesses, issue subpoenas to require the production of books, papers, records, and documents, and other evidence which may be needed as evidence of any matter under inquiry, and administer oaths and affirmations.

(3) If any person misbehaves during a proceeding or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, record, or document, or refuses or fails to appear after having been subpoenaed, or upon appearing refuses to take oath or affirmation as a witness, or after having taken the oath refuses to be examined according to law, the commission shall certify the facts to the circuit court having jurisdiction in the county where the proceeding is taking place which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process or order of or in the presence of the court.

(3) In cases of neglect or refusal to obey a subpoena issued to any person, the circuit court of the county in which the investigations or the public hearings are taking place, upon application by the commission, may issue an order requiring such person to appear before the commission and produce evidence about the matter under investigation. A failure to obey such order may be punished by the court as a contempt.

(4) Any subpoena, notice of hearing, or other process or notice of the commission issued under the provisions of this part shall be served personally or by certified mail. A return made and verified by the individual making such service and setting forth the manner of such service is proof of service and a returned post-office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part shall be served in the county wherein the persons required to be served reside or may be found.

(5) The commission shall adopt rules as to the qualifications of persons who may serve as mediators and special masters, maintain lists of such qualified persons who are not employees of the commission, and initiate dispute resolution procedures by special masters, pursuant to the provisions of this part.

(6) Pursuant to its established procedures, the commission shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining, expeditiously process and investigate charges of engagement in prohibited practices and charges of striking by public employees, and resolve such other questions and controversies as it may be authorized herein to undertake.

(7) The commission shall provide by rule a procedure for the filing and prompt disposition of petitions for declaratory statements as to the applicability of any statutory provision or any rule or order of the commission. Such rule, or rules, shall provide for, but not be limited to, an expeditious disposition of petitions posing questions relating to the scope of negotiations or to possible prohibited practices. Commission disposition of petitions shall be final agency action.

Section 9. Section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.—

(1) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.

(2) Public employees shall have the right to be represented by any employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their public employer in the determination of the terms and conditions of their employment, excluding any provisions of the Florida Statutes or appropriate ordinances relating to retirement and to be represented in the determination of grievances arising thereunder. Public employees shall have the right to be represented in the determination of grievances on all terms and conditions of their employment. Public employees shall have the right to refrain from exercising the right to be represented.

(3) Public employees shall have the right to engage in concerted activities not prohibited by law, for the purpose of collective bargaining or other mutual aid or protection. Public employees shall also have the right to refrain from engaging in such activities.

(4)(3) Nothing in this part shall be construed to prevent any public employee from presenting, at any time, his own grievances, in person or by legal counsel, to his public employer and having such grievances adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and if the bargaining agent has been given reasonable opportunity to be present at any meeting called for the resolution of such grievances.

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees or the learning environment of students in institutions of higher education, one student representative selected by the council of student body presidents may, at his discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government association of each college shall establish procedures and shall select a student representative to be present, at his discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division or agent or any institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; provided that this limitation shall not apply to use of student activity fees for the reimbursement of travel expenses and per diem to the university student representative, aides or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 10. Section 447.303, Florida Statutes, is amended to read:

447.303 Dues; deduction and collection.—Any employee organization which has been certified as a bargaining agent shall have the right to, upon request, have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees who authorize the deduction of said dues and uniform assessments. However, such authorization is revocable at the employee's request ~~will~~ upon 30 days' written notice to the employer and employee organization. *Said deductions shall commence upon the bargaining agent's written request to the employer. Reasonable costs to the employer of said deductions shall be a proper subject of collective bargaining. Such right to deduction, unless revoked pursuant to s. 447.507, shall be in force for so long as the employee organization remains the certified bargaining agent for the employees in the unit during the term of the collective bargaining agreement.* The public employer is expressly prohibited from any involvement in the collection of fines, penalties, or special assessments.

Section 11. Subsections (1) and (3) of section 447.305, Florida Statutes, are amended to read:

447.305 Registration of employee organization.—

(1) Every employee organization, prior to requesting recognition by a public employer for purposes of collective bargaining, or prior to submitting a petition to the commission for purposes of requesting a representation election, shall adopt a constitution and bylaws and shall register with the commission by filing a copy thereof, together with a ~~an~~ annual report in a form prescribed by the commission, and an amended report whenever changes are made, which shall include:

(a) The name and address of the organization and of any parent organization or organization with which it is affiliated.

(b) The names and addresses of the principal officers and all representatives of the organization.

(c) The amount of the initiation fee and of the monthly dues which members must pay.

(d) The current annual financial statement of the organization.

(e) The name of its *business agent, and, if different from the business agent, the name of its local agent for service of process and the address where such person or persons can be reached.*

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(g) *Evidence that the organization has complied with the registration and reporting requirements of part I of this chapter and evidence that its business agent is licensed in accordance with the provisions of s. 447.04.*

(3) A registration fee shall accompany the initial report filed with the commission *and an annual financial reporting fee shall accompany each annual financial report filed with the commission.* Such money shall be ~~used to defray the cost of registration and investigation of the filing party, with the remainder to be deposited in the general revenue fund.~~ The amount charged for registration shall not exceed \$15, *and the amount charged for an annual reporting fee shall not exceed \$15.*

Section 12. Section 447.307, Florida Statutes, is amended to read:

447.307 Certification of employee organization.—

(1)(a) Any employee organization which is designated or selected by a majority of public employees in an appropriate unit as their representative for purposes of collective bargaining shall request recognition by the public employer. The public employer shall, if satisfied as to the majority status of the employee organization and the appropriateness of the proposed unit, recognize the employee organization as the collective bargaining representative of employees in the designated unit. Upon recognition by a public employer, the employee organization shall immediately petition the commission for certification. The commission shall review only the appropriateness of the unit proposed by the employee organization. If the unit is appropriate according to the criteria used in this part, the

commission shall immediately certify the employee organization as the exclusive representative of all employees in the unit. *If the unit is inappropriate according to the criteria used in this part, the commission may dismiss the petition.*

(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.*

(2) If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the commission for certification as the bargaining agent for a proposed bargaining unit. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit, indicating that such employees desire to be represented for purposes of collective bargaining by the petitioning employee organization. *Once a petition for certification has been filed by an employee organization, any registered employee organization may intervene in the proceeding by filing a motion to intervene accompanied by dated statements signed by at least 10 percent of the employees in the proposed unit, indicating that such employees desire to be represented for the purposes of collective bargaining by the moving employee organization.* Any employee, employer ~~employers~~, or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation or are otherwise invalid shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition.

(3)(a) The commission or one of its designated agents shall investigate the petition to determine its sufficiency; if it has reasonable cause to believe that the petition is sufficient, the commission shall provide for an appropriate hearing upon due notice. Such a hearing may be conducted by an agent of the commission, ~~who shall not make any recommendations with respect thereto.~~ *If the commission finds the petition to be insufficient, it may dismiss the petition.* If the commission finds upon the record of the hearing that the petition is sufficient, it shall immediately:

1. Define the proposed bargaining unit and determine which public employees shall be qualified and entitled to vote at any election held by the commission.

2. Identify the public employer or employers for purposes of collective bargaining with the bargaining agent.

3. Order an election by secret ballot, *the cost of said election and any required run-off election to be borne equally by the parties, except as the Commission may provide by rule.*

(b) When an employee organization is selected by a majority of the employees voting in an election, the commission shall certify the employee organization as the exclusive collective bargaining representative of all employees in the unit.

(c) In any election in which none of the choices on the ballot receives the vote of a majority of the employees voting, a runoff election shall be held according to rules promulgated by the commission.

(d) No new election may be conducted in any appropriate bargaining unit to determine the exclusive representative if a representative election has been conducted within the preceding 12-month period.

(4) In defining a proposed bargaining unit, the commission shall take into consideration:

(a) The principles of efficient administration of government.

(b) The number of employee organizations with which the employer might have to negotiate.

(c) The compatibility of the unit with the joint responsibilities of the public employer and public employees to represent the public.

(d) The power of the officials of government at the level of the unit to agree, or make effective recommendations to another administrative authority or to a legislative body,

with respect to matters of employment upon which the employee desires to negotiate.

(e) The organizational structure of the public employer.

(f) Community of interest among the employees to be included in the unit, considering:

1. The manner in which wages and other terms of employment are determined.

2. The method by which jobs and salary classifications are determined.

3. The interdependence of jobs and interchange of employees.

4. The desires of the employees.

5. The history of employee relations within the organization of the public employer concerning organization and negotiation, and the interest of the employees and the employer in the continuation of a traditional, workable and accepted negotiation relationship.

(g) The statutory authority of the public employer to administer a classification and pay plan.

(h) Such other factors and policies as the commission may deem appropriate prescribe by regulations or by its decisions.

However, no unit shall be established or approved for purposes of collective bargaining which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such unit.

Section 13. Subsections (1) and (5) of section 447.309, Florida Statutes, are amended to read:

447.309 Collective bargaining; approval or rejection.—

(1) After an employee organization has been certified pursuant to the provisions of this part, the bargaining agent for the organization and the chief executive officer of the appropriate public employer or employers jointly shall bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the public employees within the bargaining unit. The chief executive officer or his representative and the bargaining agent or its representative, shall meet at reasonable times and bargain in good faith. In conducting negotiations with the bargaining agent, the chief executive officer or his representative shall consult with, and attempt to represent the views of, the legislative body of the public employer. Any collective bargaining agreement reached by the negotiators shall be reduced to writing, and such agreement shall be signed by the chief executive officer and the bargaining agent. Any agreement signed by the chief executive officer and the bargaining agent shall not be binding on the public employer until such agreement has been ratified by ~~at a regularly scheduled meeting~~ of the public employer and by public employees who are members of the bargaining unit, subject to the provisions of subsections (2) and (3). *However, with respect to statewide bargaining units, any agreement signed by the Governor and the bargaining agent for such a unit shall not be binding until approved by the public employees who are members of the bargaining unit, subject to the provisions of subsections (2) and (3).*

(5) Any collective bargaining agreement shall not provide for a term of existence of more than 3 years and shall contain all of the terms and conditions of employment of the employees in the bargaining unit during such term except those terms and conditions provided for in any Florida Statute or appropriate ordinances relating to retirement and in applicable merit and civil service rules and regulations.

Section 14. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an

employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure, administered without regard to membership or nonmembership in any organization, *except that certified employee organizations, shall not be required to process grievances for employees who are not members of the organization.* A career service employee shall have the option of utilizing the civil service appeal procedure or a grievance procedure established under this section, but such employee cannot use both a civil service appeal and a grievance procedure.

Section 15. Section 447.403, Florida Statutes, is amended to read:

447.403 Resolution of impasses.—

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, *an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission or if no agreement is reached within 60 days after the commencement of collective bargaining, or at least 70 days prior to the budget submission date of the public employer, an impasse shall be deemed to have occurred.* When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint or secure the appointment of a mediator to assist in the resolution of the impasse.

(2) If no mediator is appointed, *or upon the request of either party, or if the impasse is not resolved within 60 calendar days prior to the budget submission date of the public employer, the commission shall—*

~~(a)~~ appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the commission shall appoint, in its discretion, a qualified special master. Nothing in this section shall preclude the parties from using the services of a mediator at any time during the conduct of collective bargaining.

~~(3)(b)~~ The special master ~~or masters~~ shall hold hearings in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a decision on any and all unresolved contract issues. The hearings shall be held at times, dates, and places to be established by the special master ~~or masters~~ in accordance with rules promulgated by the commission. The special master ~~or masters~~ shall be empowered to administer oaths and issue subpoenas on behalf of the parties to the dispute or on his ~~their~~ own behalf. Within 15 ~~20~~ calendar days after the close of the final hearing ~~hearings~~, the special master ~~commission~~ shall transmit his ~~the~~ recommended decision to the commission which shall within 5 working days after receipt thereof transmit the recommended decision of the special master ~~or masters~~ to the representatives of both parties, ~~which~~ Such recommended decision shall be discussed further by the parties in negotiations and shall be deemed approved by both parties unless either party by written notice, filed with the commission within 20 calendar days after the date the commission mailed the special master's recommended decision to the parties, ~~by formal action,~~ rejects the recommended decision within 15 calendar days of the transmission of the decision to the parties. The written notice shall include a statement of the cause for rejection and shall be served upon the other party.

~~(4)(c)~~ In the event that either the public employer or the employee organization does not accept, in whole or in part, the recommended decision ~~recommendations~~ of the special master ~~or masters~~:

~~(a)±.~~ The chief executive officer of the governmental entity ~~government~~ involved shall, within 10 days after rejection of the recommended decision ~~receipt of the findings of fact and recommendations~~ of the special master ~~or masters~~, submit to the legislative body of the governmental entity ~~government~~ involved a copy of the findings of fact and recommended decision ~~recommendations~~ of the special master ~~or masters~~, together with the chief executive officer's ~~their~~ recommendations for settling the dispute. The chief executive officer shall also transmit his recommendations to the employee organization. ~~±~~ If the dispute involves employees for whom the Board of Regents

is the public employer, the Governor may also submit recommendations for settling the dispute to the legislative body.

(b)2. The employee organization shall ~~may~~ submit to ~~such legislative body~~ its recommendations for settling the dispute to ~~such legislative body and to the chief executive officer.~~

(c)3. The legislative body or a duly authorized committee thereof shall forthwith conduct a public hearing at which the parties shall be required to explain their positions with respect to the ~~recommended decision report~~ of the ~~special master factfinding board, and~~

(d)4. Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved.

Section 16. Section 447.405, Florida Statutes, is amended to read:

447.405 Factors to be considered by the special master.—The special master shall conduct the hearings and render his ~~recommended~~ decision with the objective of achieving a prompt, peaceful, and just settlement of disputes between the public employee organizations and the public employer. The factors, among others, to be given weight by the special master in arriving at a ~~recommended~~ decision shall include:

(1) Comparison of the annual income of employment of the public employees in question with the annual income of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(2) Comparison of the annual income of employment of the public employees in question with the annual income of employment of public employees in similar public employee governmental bodies of comparable size within the state.

(3) The interest and welfare of the public.

(4) Comparison of peculiarities of employment in regard to other trades or professions, specifically with respect to:

- (a) Hazards of employment.
- (b) Physical qualifications.
- (c) Educational qualifications.
- (d) Intellectual qualifications.
- (e) Job training and skills.
- (f) Retirement plans.
- (g) Sick leave.
- (h) Job security.
- (5)(i) Availability of funds.

Section 17. Section 447.407, Florida Statutes, is amended to read:

447.407 Compensation of mediator and special master; expenses.—~~The compensation of the mediator and special master, and all stenographic and other expenses shall be borne equally by the parties. The compensation, if any, of the mediator shall be borne by the party or parties requesting or securing his appointment. The compensation, if any, of the special master shall be borne equally by the parties. All stenographic and other expenses will be divided equally between the parties.~~

Section 18. Section 447.409, Florida Statutes, is amended to read:

447.409 Records.—All records which are relevant to, or have a bearing upon, any issue or issues raised by the proceedings conducted by the special master shall be made available to the special master by the request in writing to ~~of~~ any of the parties to the ~~impasse proceedings factfinding~~. Notice of such request shall be furnished to all parties. Any such records which are made available to the special master shall also be made available to any other party to the ~~impasse proceedings upon written request~~.

Section 19. Subsections (1), (2), (3), and (4) of section 447.503, Florida Statutes, are amended to read:

447.503 Charges of unfair labor practices.—Violations of the provisions of s. 447.501 shall be remedied by the commission in the following manner:

(1) Whenever it is charged by an employer, *employee*, or an employee organization that any person has engaged in or is engaging in any unfair labor practice, the commission, or any agent designated by it for such purpose, shall conduct a preliminary investigation to determine if there is substantial evidence indicating a prima facie violation of the applicable unfair labor practice provision.

(2) If, upon a preliminary investigation, it is determined that there is not substantial evidence indicating a prima facie violation of the applicable unfair labor practice provision, the designated agent or the commission shall dismiss the charge.

(3) A charging party whose charge is thus dismissed may appeal to the ~~chairman and one other member~~ of the commission, and if ~~the commission they finds~~ ~~find~~ substantial evidence of a meritorious charge, that charge shall be reinstated and served pursuant to the procedures of paragraph (a).

(a) If the commission or its agent determines that there is substantial evidence indicating a prima facie violation, the commission or such agent shall issue and cause to be served upon the person charged with the violation a ~~complaint copy of the charges~~ and a notice of hearing before the commission or a member thereof, or before a designated agent, at a place therein fixed, to be held not less than ~~14~~ ~~10~~ days after service of a copy of the ~~complaint charges~~ by the commission. Any charge may be amended by the charging party at any time prior to the issuance of a ~~complaint an order~~ based thereon, provided the charged party is not unfairly prejudiced thereby. The person upon whom the ~~complaint charge~~ is served shall ~~may~~ file an answer to the ~~complaint charge~~. The charging party and the respondent shall have the right to appear in person or otherwise and give testimony at the place and time fixed in the notice of hearing. In the discretion of the member or agent conducting the hearing, or the commission, any other person may be allowed to intervene in the proceeding and to present testimony. In any hearing the commission shall not be bound by the judicial rules of evidence.

(b) Whenever a charging party alleges that a person has engaged in unfair labor practices and that he will suffer substantial and irreparable injury if he is not granted temporary relief, the commission may petition the circuit court for appropriate injunctive relief pending the final adjudication by the commission with respect to such matter. Upon the filing of any such petition, the court shall cause notice thereof to be served upon the parties, and thereupon shall have jurisdiction to grant such temporary relief or restraining order as it deems just and proper.

(4) The testimony taken by the commission or its member or agent shall be reduced to writing and filed with the commission. Thereafter the commission, upon notice, may take further testimony or hear argument.

(a) If, upon consideration of all evidence taken, the commission finds substantial evidence that an unfair labor practice has been committed, it shall ~~state its findings of fact and~~ issue and cause to be served an order requiring the respondent party to cease and desist from the unfair labor practice and to take such positive action, including reinstatement of employees with or without back pay, as will effectuate the policies of this part. The order may ~~further~~ require the person to make ~~periodic~~ reports ~~from time to time~~ showing the extent to which he has complied with the order.

(b) If, upon consideration of the evidence taken, the commission finds that the person or entity named in the charge has not engaged in and is not engaging in the unfair labor practice, the commission shall ~~state its findings of fact and~~ issue an order dismissing the charge.

(c) ~~The order may award to the prevailing party all or part of the costs of litigation and reasonable attorney's fees and expert witness fees, whenever the commission determines that such an award is appropriate.~~

(d)(e) No ~~complaint notice of hearing~~ shall be issued based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the commission, unless the person aggrieved thereby was prevented from filing

the charge by reason of service in the Armed Forces, in which event the 6-month period shall be computed from the day of his discharge.

(e)(d) No order of the commission shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if the individual was suspended or discharged for cause.

Section 20. Subsections (5), (6), (7), (8) and (9) of section 447.503, F.S., are transferred to section 447.504, Florida Statutes, as created hereby, and are amended to read:

447.504 Judicial review.—

(1)(5) The district courts of appeal are empowered, upon the filing of appropriate petitions, to review final orders of the commission. *A copy of the petition shall be filed with the commission. The petitioner shall file the record in the proceeding, certified by the commission, with the court. Until the record in a case has been filed in the appropriate district court of appeal, the commission at any time, upon reasonable notice and in such manner as it deems proper, may modify or set aside, in whole or in part, any findings or order made or issued by it.*

(2)(6)(a) The commission, or any party to a commission proceeding, may petition for enforcement of an the order or and for appropriate injunctive relief and shall file the record of the proceedings before the commission in the appropriate district court of appeal. *Such petition shall be exempt from the requirements of s. 120.69(1)(b) 1.*

(3)(b) Upon the filing of a the petition, the appropriate district court of appeal shall ~~cause notice thereof to be served upon the respondent and thereupon shall have jurisdiction of the proceeding and may shall grant such temporary or permanent relief or restraining order as it deems just and proper, and may enforce, modify, affirm, or set enforcing, modifying, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission or its members or agent shall be considered by the district court of appeal, unless the failure or neglect to urge the objection is excused because of extraordinary circumstances.~~ The findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(e) If either party applies to the court for leave to present additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to present it in the hearing before the commission or its members or agent, the court may order the additional evidence to be taken before the commission or its members or agent and to be made a part of the record. The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file the modifying or new findings. Such findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole. The commission shall file its recommendations, if any, for the modification or setting aside of its original order.

(d) Upon the filing of the record, the jurisdiction of the court shall be exclusive, and its judgment and decree shall be final, except that the same shall be subject to review in accordance with the Rules of Appellate Procedure. An appropriate district court of appeal may enforce its rulings by contempt proceedings, if necessary.

(4)(7) *The court may award to the prevailing party all or part of the costs of litigation and reasonable attorney's fees and expert witness fees, whenever the court determines that such an award is appropriate. Any person aggrieved by a final order of the commission granting or denying, in whole or in part, the relief sought may obtain a review of such order by filing in the appropriate district court of appeal a petition praying that the order of the commission be modified or set aside. A copy of the petition shall be filed with the commission. Thereupon, the aggrieved party shall file in the said court the record in the proceeding certified by the commission. Upon the filing of the petition, the court shall proceed in the same manner as under subsection (5) and shall grant to the petitioner such temporary relief or restraining order as it deems just and proper, enforcing, modifying, or setting aside, in whole or in part, the order of the commission. The*

~~findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.~~

(5)(8) The commencement of proceedings under *this section* subsection (5) or subsection (6) shall not, unless specifically ordered by the district court of appeal, operate as a stay of the commission's order.

(6)(9) Petitions filed under this part shall be heard expeditiously by the district court of appeal to which presented, and shall take precedence over all other civil matters except prior matters of the same character.

Section 21. Subsection (2) and paragraph (a) of subsection (6) of section 447.507, Florida Statutes, are amended to read:

447.507 Violation of strike prohibition; penalties.—

(2) If a public employee, a group of employees, an employee organization, or any officer, agent, or representative of any employee organization engages in a strike in violation of s. 447.505, either the commission or any public employer whose employees are involved or whose employees may be affected by the strike may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to the commission and to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a violation of s. 447.505 is in progress or that there is a clear, real, and present danger that such a strike is about to commence, the circuit court shall issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(6)(a) If the commission determines that an employee organization has violated s. 447.505, it may:

1. Issue cease and desist orders as necessary to insure compliance with its order.
2. Suspend or revoke the certification of the employee organization as the bargaining agent of such employee unit.
3. Revoke the *right privilege of check off* of dues deduction and collection previously granted to said employee organization pursuant to s. 447.303.
4. Fine the organization up to \$20,000 for each calendar day of such violation or determine the approximate cost to the public due to each calendar day of the strike and fine the organization an amount equal to such cost, notwithstanding the fact that the fine may exceed \$20,000 for each such calendar day. The fines so collected shall immediately accrue to the public employer and shall be used by him to replace those services denied the public as a result of the strike. In determining the amount of damages, if any, to be awarded to the public employer, the commission shall take into consideration any action or inaction by the public employer or its agents that provoked or tended to provoke the strike by the public employees.

Section 22. 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 which has not filed an application for certification of a local option by the commission on or before June 1, 1977, shall be permitted to adopt the local option provided in this section.*

Section 23. Section 447.605, Florida Statutes, is amended to read:

447.605 Government in the sunshine.—

(1) All discussions between the chief executive officer of the public employer, or his representative, and the legislative body or of the public employer relative to collective bargaining shall be exempt from s. 286.011.

(2) The collective bargaining negotiations between a chief executive officer, or his representative, and a bargaining agent shall be in compliance with ~~not be exempt from~~ s. 286.011.

(3) All work products developed by the public employer in preparation for negotiations, and during negotiations, shall be exempt from chapter 119.

Section 24. Section 447.609, Florida Statutes, is created to read:

447.609 Representation in proceedings.—

Any full-time employee or officer of any public employer or employee organization may represent his employer or any member of a bargaining unit in any proceeding authorized in this part, excluding the representation of any person or public employer in a court of law by a person who is not a licensed attorney.

Section 25. This act shall take effect July 1, 1977.

Conference Committee Amendment 2—Strike title and insert: A bill to be entitled An act relating to collective bargaining for public employees; amending ss. 447.04 (2) (a), 447.09 (11), (12), 447.14, 447.201, 447.205, 447.207, 447.301, 447.303, 447.305 (1), (3), 447.307, 447.309 (1), (5), 447.401, 447.403, 447.405, 447.407, 447.409, 447.503 (1)-(4), 447.507 (2), (6) (a), 447.603, 447.605, Florida Statutes; amending s. 447.203, Florida Statutes, 1976 Supplement; adding s. 447.17 (3), Florida Statutes; creating s. 447.504, Florida Statutes, and amending and transferring subsections (5)-(9) of s. 447.503, Florida Statutes, thereto; creating s. 447.609, Florida Statutes; increasing licensing fees; limiting the site of picketing; separating penalties and civil remedies from part II; clarifying legislative intent provisions to provide for appropriate application to part I or part II; defining public employer, public employees, managerial employees, strike, strike funds, legislative body, membership dues deduction, good faith bargaining, and student representative; 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 higher education 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 mandatory grievance processing; eliminating automatic impasse procedures and clarifying special master procedures; providing for compensation and expenses of mediator and special master; providing for notice and availability of records; changing appeal procedures for unfair labor practices; providing for awarding cost of litigation and reasonable attorney fees in unfair labor practice charges; limiting local option; clarifying the application of sunshine provisions; providing for representation in proceedings; providing an effective date.

On motion by Senator Scarborough the Conference Committee Report was adopted, and SB 1449 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

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

Nays—2

Gorman Plante

Votes after roll call:

Yeas—Graham, Zinkil

On motion by Senator Lewis, by two-thirds vote HB 563 was removed from the calendar and referred to the Committee on Appropriations.

Notice having been given pursuant to Rule 4.16, on motion by Senator Henderson—

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 permittees; 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 purses; 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 taken up out of order by unanimous consent and read the second time by title.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 19, between lines 22 and 23, insert: Section . Paragraph (c) of subsection (2) of section 550.12, Florida Statutes, is amended to read:

550.12 Uniform reporting system.—

(2)

(c) The division may make rules for the form and content of such reports, including, but not limited to, requirements for a statement of assets and liabilities, operating revenues and expenses, and net worth, and for any supporting informational schedule found necessary by the division to verify the foregoing financial statement, to permit the division to:

1. Assess the profitability and financial soundness of permit-holders both individually and as an industry,
2. Plan and recommend measures necessary to preserve and protect the pari-mutuel revenues of the state,
3. Completely identify the holdings, transactions, and investments of permitholders with other business entities.

Such reports shall be certified by a public accountant licensed to practice in this state.

(Renumber subsequent sections.)

Senator Scarborough moved the following amendment:

Amendment 2—On page 19, line 27, strike "1980" and insert: 1979

Senator Gallen moved the following substitute amendment which failed:

Amendment 3—On page 19, line 27, strike the year "1980" and insert: 1978

Amendment 2 was adopted.

On motion by Senator Henderson, by two-thirds vote HB 2235 as amended was read the third time by title and passed. The vote on passage was:

Yeas—30

Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Williamson
Dunn	Holloway	Scarborough	Wilson
Firestone	Johnston	Scott	Winn
Gallen	McClain	Skinner	Zinkil
Glisson	Myers	Spicola	
Gorman	Peterson	Thomas, Jon	

Nays—None

On motion by Senator Winn the Senate reconsidered the vote by which HB 2235 passed.

Senator Scarborough moved the following amendment which was adopted:

Amendment 4—On page 2 in title, line 10, after the semicolon insert: amending s. 550.12(2)(c), Florida Statutes; providing that certain reports be certified by a public accountant licensed to practice in this state;

HB 2235 as further amended was read by title, passed and certified to the House.

The vote on passage was:

Yeas—29

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

Nays—None

Notice having been given pursuant to Rule 4.16, on motion by Senator Henderson—

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 taken up out of order by unanimous consent and read the second time by title.

Senator Scarborough moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 11 and 12, strike Section 3. Paragraph (c) of subsection (2) of section 550.12, Florida Statutes, is amended to read:

550.12 Uniform reporting system.—

(2)

(c) The division may make rules for the form and content of such reports, including, but not limited to, requirements for a statement of assets and liabilities, operating revenues and expenses, and net worth, and for any supporting informational schedule found necessary by the division to verify the foregoing financial statement, to permit the division to:

1. Assess the profitability and financial soundness of permit holders both individually and as an industry,

2. Plan and recommend measures necessary to preserve and protect the pari-mutuel revenues of the state,

3. Completely identify the holdings, transactions, and investments of permit holders with other business entities.

Such reports shall be certified by a public accountant licensed to practice in this state.

(Renumber subsequent sections.)

Amendment 2—On page 2, line 16, strike "1980" and insert: 1979

On motion by Senator Henderson, by two-thirds vote HB 2234 as amended was read the third time by title and passed. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Winn the Senate reconsidered the vote by which HB 2234 passed.

Senator Scarborough moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 10, after the semicolon insert: amending s. 550.12(2)(c), Florida Statutes; providing that certain reports be certified by a public accountant licensed to practice in this state;

HB 2234 as amended passed and was certified to the House.

The vote on passage was:

Yeas—29

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

Nays—None

Notice having been given pursuant to Rule 4.16, on motion by Senator Winn—

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

—was taken up out of order by unanimous consent and read the second time by title. On motion by Senator Winn, by two-thirds vote HB 2287 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Castor	Glisson	Johnston	Renick
Chamberlin	Gorman	MacKay	Scarborough
Childers, W. D.	Graham	McClain	Scott
Dunn	Hair	Myers	Skinner
Firestone	Henderson	Peterson	Spicola
Gallen	Holloway	Poston	Thomas, Jon

Tobiassen Vogt Winn Zinkil
Trask Williamson

Nays—None

The Senate resumed consideration of—

HB 2236—A bill to be entitled An act relating to health planning; amending ss. 381.493 and 381.494, Florida Statutes, which require a certificate of need for certain expansion or conversion projects by hospitals, nursing homes, and ambulatory surgical centers; providing definitions; broadening the scope of said sections to include home health agencies, intermediate care facilities, health maintenance organizations, and facilities providing certain specialized services; specifying conditions under which a certificate of need is required, including acquisition and operation of certain specialized equipment; requiring certain information to be submitted by applicants for a certificate; providing procedures and time limitations with regard to review and approval of the application by a health systems agency and the Department of Health and Rehabilitative Services; amending ss. 381.495 and 381.497, Florida Statutes; providing for expiration of exemption for certain projects; providing a penalty for placing certain units or equipment in operation without a certificate of need; repealing s. 381.496, Florida Statutes, relating to exemption for emergency repairs and replacement; creating s. 381.498, Florida Statutes, providing for automatic grant of certificates of need due to special circumstances; amending s. 400.471(3), Florida Statutes, relating to licensing of home health agencies, to conform to this act; providing an effective date.

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

Amendment 1—On page 17, line 20 through 26, strike all new language

HB 2236 as amended passed and was certified to the House. The vote on passage was:

Yeas—27

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

Nays—None

Senator Scarborough moved that the rules be waived and the Senate revert to the order of Messages from the House of Representatives. The motion failed.

The President presiding

SB 516 was taken up and on motion by Senator Holloway, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2258 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 2258—A bill to be entitled An act relating to ad valorem taxation; adding subsection (12) to s. 196.012, Florida Statutes, 1976 Supplement; defining "real estate used and owned as a homestead"; amending s. 196.101(3)-(5), Florida Statutes, 1976 Supplement; relating to tax exemption for certain totally and permanently disabled persons; exempting quadriplegics from residency and income requirements; including Veterans Administration benefits within income limitation; providing for form of physician's certification; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Holloway, HB 2258, a companion measure to SB 516, was substituted therefor.

On motions by Senator Holloway, by two-thirds vote HB 2258 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

Mr. President	Glisson	Myers	Thomas, Jon
Castor	Graham	Peterson	Vogt
Chamberlin	Henderson	Plante	Williamson
Childers, Don	Holloway	Poston	Wilson
Dunn	Johnston	Renick	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	McClain	Spicola	

Nays—None

SB 516 was laid on the table.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1669 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Conway—

HB 1669—A bill to be entitled An act relating to state officers and employees; amending s. 112.055, Florida Statutes, to provide for consultation with the Department of Banking and Finance before approval of pay periods is granted by the Department of Administration; amending s. 112.075(2), Florida Statutes, 1976 Supplement, and adding a new subsection (8) thereto, providing a definition; authorizing the Department of Administration to permit state officers and employees to participate in a health maintenance organization as an alternative to participation in the state health insurance plan; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1721 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Robinson and others—

HB 1721—A bill to be entitled An act relating to the letting of public contracts; creating s. 163.04, Florida Statutes, providing definitions; authorizing preferences to certain contractors; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2164 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice—

HB 2164—A bill to be entitled An act relating to the grand jury; amending s. 905.16, Florida Statutes, relating to the

duties of the grand jury; amending s. 905.08, Florida Statutes, authorizing the foreman of the grand jury to convene the grand jury at any time; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 355 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative James and others—

HJR 355—A joint resolution proposing an amendment to Section 16 of Article III of the State Constitution relating to legislative apportionment.

—was read the first time by title and referred to the Committees on Governmental Operations and 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 2312 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mixson—

HB 2312—A bill to be entitled An act relating to Holmes County; amending section 2 of chapter 23342, Laws of Florida, 1945, as amended, relating to the cost of publishing the minutes of the board of county commissioners and/or of the district school board; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 2379 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Rules and Calendar—

HCR 2379—A concurrent resolution providing for sine die adjournment of the 1977 Regular Session.

—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 2370 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 2370—A bill to be entitled An act relating to unemployment compensation; amending s. 443.05(1)(e), Florida Statutes, providing that upon the exclusion of wages earned within a claimant's base period, the claimant shall be deemed to have earned wage credits equal to the weekly average of all other wages earned during his base period; providing an effective date.

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

SPECIAL ORDER, continued

Consideration of HB 346 was deferred.

On motion by Senator Williamson, by unanimous consent—

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

—was taken up out of order and read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 1745 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Henderson	Plante	Trask
Castor	Johnston	Poston	Vogt
Childers, Don	Lewis	Renick	Williamson
Firestone	McClain	Scarborough	Wilson
Gallen	Myers	Skinner	
Glisson	Peterson	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Graham, Spicola

SB 1345 was taken up and on motion by Senator Johnston, by two-thirds vote HB 2156 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Johnston—

HB 2156—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49(4), Florida Statutes, 1976 Supplement, providing that Florida's security deposit or advance rent law governing landlords and tenants shall not apply to federally financed, administered, or regulated housing assistance programs; providing an effective date.

—a companion measure, was substituted for SB 1345 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 2156 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

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

Nays—None

Vote after roll call:

Yea—Firestone

SB 1345 was laid on the table.

Consideration of SB 1025 was deferred.

By the Committee on Education and Senators Don Childers and Peterson—

CS for SB 239—A bill to be entitled An act relating to education; amending s. 236.081(6), Florida Statutes, 1976 Supplement, to provide for funding for student development services as a general categorical program; adding s. 230.2313(3)(e), (6), Florida Statutes, to include school library media services as a part of student services and to provide an allocation procedure for specific student development services; repealing ss. 229.840, 236.085 and 236.086, Florida Statutes, relating to elementary school counselors, occupational specialists, placement specialists, and career education; providing an effective date.

—was read the first time by title and SB 239 was laid on the table.

On motion by Senator Don Childers, by two-thirds vote CS for SB 239 was read the second time by title.

Senator Don Childers moved the following amendments which were adopted:

Amendment 1—On page 2, strike lines 27 and 28 and insert: 6. profoundly handicapped as provided by law.

Amendment 2—On page 3, strike lines 4 through 7.

Pending further consideration of CS for SB 239 as amended, on motion by Senator Don Childers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 434 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative Healey and others—

CS for HB 434—A bill to be entitled An act relating to education; amending s. 236.081(6), Florida Statutes, 1976 Supplement, to provide for funding for student development services as a general categorical program; deleting provisions providing for the funding of elementary school counselors, occupational and placement specialists, and career education as transitional categorical programs; creating s. 236.088, Florida Statutes, to provide for an annual allocation for student development services; repealing s. 229.840, Florida Statutes, as amended, relating to the allocation for career education; repealing s. 236.085, Florida Statutes, as amended, relating to the allocation for occupational and placement specialists; repealing s. 236.086, Florida Statutes, as amended, relating to the allocation for elementary school counselors; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Don Childers, CS for HB 434 a companion measure was substituted for CS for SB 239. On motions by Senator Don Childers, by two-thirds vote CS for HB 434 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Peterson	Vogt
Chamberlin	Graham	Plante	Ware
Childers, Don	Henderson	Poston	Williamson
Dunn	Johnston	Renick	Wilson
Firestone	Lewis	Scott	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Trask	

Nays—None

Vote after roll call:

Yea—Hair

CS for SB 239 was laid on the table.

SB 1090 was taken up and on motion by Senator Poston, the rules were waived and by two-thirds vote HB 2122 was withdrawn from the Committee on Transportation and placed on the calendar. On motion by Senator Poston—

HB 2122—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending

s. 320.833, Florida Statutes, providing for the retention, destruction and reproduction of records; providing an effective date.

—a companion measure, was substituted for SB 1090 and read the second time by title. On motion by Senator Poston, by two-thirds vote HB 2122 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gorman	Myers	Vogt
Castor	Graham	Peterson	Ware
Childers, Don	Henderson	Poston	Williamson
Dunn	Johnston	Renick	Wilson
Firestone	Lewis	Spicola	Winn
Gallen	MacKay	Thomas, Pat	Zinkil
Glisson	McClain	Trask	

Nays—None

Vote after roll call:

Yea—Hair

SB 1090 was laid on the table.

SB 1254 was taken up and on motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 1375 was withdrawn from the Committee on Governmental Operations and placed on the calendar. On motion by Senator Vogt—

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

—a companion measure, was substituted for SB 1254 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 1375 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

SB 1254 was laid on the table.

SB 1012—A bill to be entitled An act relating to the Public Service Commission; repealing ss. 347.08, 347.09, 347.10, 347.11, 347.12, 347.13, 347.14, 347.15, 347.16, 347.17, and 347.18, Florida Statutes, relating to regulation of certain bridges, causeways, tunnels, toll highways, and ferries; amending s. 350.11, Florida Statutes, redefining common carrier as related to vessels; creating s. 350.125, Florida Statutes, requiring a certificate of public convenience and necessity to operate as a common carrier any vessel of 10 tons net or over; specifying contents of applications for certificates and filing fees therefor; specifying notice, hearing and disposition requirements for applications for certificates; providing that the Public Service Commission may consider and act upon an application without a hearing in the absence of any protest against said application; providing that such certificates be subject to the provisions of ss. 323.041, 323.06, 323.07 and 323.08, Florida Statutes; providing an exemption; providing that the provisions of s. 350.125, Florida Statutes, shall also apply to applications for the operation of ferry facilities; providing for the transfer to chapter 338 of bridge franchises under the Public Service Commission for regulation by

the Florida Department of Transportation; providing an effective date.

—was taken up with pending Amendment 2 to House Amendment 1 having been reconsidered on June 2.

Point of Order

Senator Don Childers raised a point of order that the amendment offered to SB 1012 by Senator Spicola had already been killed on the floor of the Senate as a bill.

Speaking to the point, Senator Scarborough cited Rule 6.4—Reconsideration Generally.

Senator Vogt stated that the specific issue covered by this amendment—an appointed Public Service Commission—had been before the Senate previously but had not been considered because of a substitute amendment which was considered in its stead.

Senator Gallen advised the President that the particular amendment being offered at this time was not spoken to by the Senate body because a substitute amendment was offered and he therefore thought the point was not well taken.

The point of order was subsequently withdrawn but the President requested that the point be recorded and that had it not been withdrawn, he would have ruled it not well taken.

By permission Senator Spicola withdrew Amendment 2 to House Amendment 1.

On motion by Senator Vogt the Senate reconsidered the vote by which Amendment 1 to House Amendment 1 was adopted and by permission Senator Vogt withdrew Amendment 1 to House Amendment 1.

On motion by Senator Vogt, the Senate concurred in House Amendment 1.

On motion by Senator Vogt the Senate reconsidered the vote by which Amendment 1 to House Amendment 2 was adopted and by permission Senator Vogt withdrew Amendment 1 to House Amendment 2.

On motion by Senator Vogt, the Senate concurred in House Amendment 2.

SB 1012 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

On motion by Senator W. D. Childers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1, 2,

and 3 to SB 1491, again requests the Senate to concur, and in the event the Senate refuses to concur requests a Conference Committee.

Allen Morris, Clerk

By Senator W. D. Childers—

SB 1491—A bill to be entitled An act relating to Escambia County, Florida; amending Chapter 76-370, Laws of Florida, providing for a system of personnel administration for classified employees of the County of Escambia including noninstructional employees of the District School Board; defining purpose of act, composition of Board; authorizing a staff; identifying classified and unclassified service; defining duties of the board, status of present and future employees; providing for a classification plan; authorizing unlimited number of positions; providing for various leaves and holidays; setting standards for personnel selection; ensuring employees the right to participate in activities of employee organizations; outlining the appointment process; permitting transfers; providing for suspensions and dismissals for cause, investigations and hearings; mandating certain prohibitions; authorizing a pay plan; providing a penalty for violations; requiring reports of personnel actions, annual reports and inspection of public records of the board; requiring the Board of County Commissioners to fund system and provide facilities; defining certain terms; providing severance and savings clause; providing an effective date.

Amendment 1—On page 6, line 12, strike after the word home semi-colon: "county engineer;"

Amendment 2—On page 6, line 15, insert after District: ; the executive officer of the board of county commissioners; the department and division heads of the board of county commissioners.

Amendment 3—On page 6, line 20-25, strike all of said lines and insert: New Section 3.3. Additional Positions Eligible for Exemption. In addition to those positions described in items (a) through (i) in 3.2 above, the following positions may, by rule of the civil service board, also be exempt from the career civil service:

(a) The executive head and a deputy or deputies to the executive head and other positions of each county agency as warranted by the size and complexity of the organization, scope of programs and nature of the positions. Where more than one deputy is required in an exempt position by an agency, justification must be submitted to and be approved by the civil service board.

(b) Confidential assistant or secretary to an exempt official.

Senator W. D. Childers moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—On page 1, line 2, strike "the department and division heads of the board of county commissioners." and insert: all department heads.

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

On motion by Senator W. D. Childers, the Senate again refused to concur in House Amendment 3 and the House was again requested to recede.

SB 1491 passed as amended and the action of the Senate, with the bill and amendments, was certified to the House. The vote on passage was:

Yeas—29

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

Skinner Thomas, Pat Vogt Wilson
 Spicola Tobiasen Ware
 Thomas, Jon Trask

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1780 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mixson—

HB 1780—A bill to be entitled An act relating to musical compositions; repealing ss. 543.05-543.36, Florida Statutes, to remove provisions relating to combinations restricting the use of musical compositions; amending s. 543.041, Florida Statutes, providing definitions; providing for unauthorized copying; providing for unauthorized and unlawful sales; providing penalties; providing for seizure, forfeiture and destruction; providing a rebuttable presumption; providing exceptions; providing an effective date.

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

SPECIAL ORDER, continued

SB 1007 was taken up pending roll call. On motions by Senator Vogt HB 1780, a companion measure, was substituted therefor and by two-thirds vote read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, strike lines 17 through 22 and insert: Section 1. Chapter 543, Florida Statutes, consisting of Sections 543.01, 543.02, 543.03, 543.04, 543.05, 543.06, 543.07, 543.08, 543.09, 543.10, 543.11, 543.12, 543.13, 543.14, 543.15, 543.16, 543.17, 543.18, 543.19, 543.20, 543.21, 543.22, 543.23, 543.24, 543.25, 543.26, 543.27, 543.28, 543.29, 543.30, 543.31, 543.32, 543.33, 543.34, 543.35 and 543.36, Florida Statutes, is hereby repealed.

Amendment 2—Strike all of Section 2 and insert:

Section 2. Section 543.041, Florida Statutes, is amended to read.

543.041 Unauthorized copying of phonograph records, disc, wire, tape, film or other article on which sounds are recorded.—

(1) As used in this section, unless the context otherwise requires:

(a) "Owner" means the person who owns the *original fixation of sounds embodied in the* master phonograph record, master disc, master tape, master film, or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived.

(b) "Performer" means the person or persons appearing in a performance. "Person" means any individual, partnership, corporation, or association.

(2) (a) It is unlawful:

~~(a)~~ 1. Knowingly and willfully and without the consent of the owner, to transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, with the intent to sell or cause to be sold for profit such article on which sounds are so transferred.

2. Knowingly and willfully, without the consent of the performer, to transfer or cause to be transferred to any

phonograph record, disc, wire, tape, film or other article, any performance, whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit or used to promote the sale of any product or such article onto which such performance is so transferred.

(b) Any person violating any provision of paragraph (a) of this subsection shall be guilty of a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(3) (a) It is unlawful:

~~(b)~~ 1. To sell or offer for sale any such article with the knowledge, or with reasonable grounds to know, that the sounds thereon have been so transferred without the consent of the owner.

2. To sell or offer for sale any article embodying any performance, whether live before an audience or transmitted by wire or through the air by radio or television, recorded without the consent of the performer.

3. To sell or resell, or possess for such purposes, any phonograph record, disc, wire, tape, film or other article on which sounds are recorded, unless the outside cover, box, jacket, clearly and conspicuously discloses the actual name and address of the manufacturer thereof, and the name of the actual performer or group.

~~(3)~~ (b) Any person violating any provision of paragraph (a) of subsection (3) ~~(2)~~ shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(4) Any recorded article produced in violation of subsections (2) and (3) of any equipment or components used in the production thereof, shall be subject to seizure and forfeiture and destruction by the seizing law enforcement agency.

(5) Possession of five or more duplicate copies or twenty or more individual copies of such recorded articles, produced without the consent of the owner or performer shall create a rebuttable presumption that such articles are intended for sale or distribution in violation of subsections (2) or (3).

~~(4)~~ (6) This section shall neither enlarge nor diminish the right of parties in private litigation.

(7) This section does not apply:

(a) To any broadcaster who, in connection with or as part of a radio, television or cable broadcast transmission, or for the purpose of archival preservation transfers any such sounds recorded on a sound recording.

(b) To any person who transfers such sounds in the home for personal use and without compensation for such transfer.

Amendment 3—On page 1, strike lines 1-5 and insert: A bill to be entitled An act relating to musical compositions; repealing chapter 543, Florida Statutes, consisting of ss. 543.01-543.04, 543.05-543.36, Florida Statutes, to remove provisions relating to combinations restricting the use of musical compositions;

On motion by Senator Vogt, by two-thirds vote HB 1780 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Hair

SB 1007 was laid on the table.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 402 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Gordon and others—

CS for HB 402—A bill to be entitled An act relating to child abuse; amending s. 827.04 and s. 827.05, Florida Statutes, relating to the severity of physical and emotional abuse and negligent treatment; adding paragraphs (f), (g), (h), and (i) to s. 827.07(1), Florida Statutes, 1976 Supplement, amending subsections (1)(b), (2), (4), (6), (7), (9), (11), and (12) thereof and adding two new subsections thereto; providing definitions; authorizing the courts to order medical services by a licensed physician or treatment by a duly accredited practitioner under certain circumstances; providing for immunity from criminal prosecutions to licensed physicians offering such services; requiring certain reports to be made to the Department of Health and Rehabilitative Services; requiring certain persons to report the death of a child resulting from abuse; excluding autopsy reports from confidentiality requirements; providing for the taking of photographs; providing for the taking of x-rays at the county's expense to be reimbursed by the parent, guardian or custodian; providing that photographs and reports on x-rays shall be sent to the department; providing for the taking of a child into protective custody; providing for confidentiality of certain records; creating a method for classifying reports of child abuse; providing for expunction of unfounded and indicated reports; providing an exception; providing immunity to persons taking photographs and x-rays of suspected abused children and persons taking children into custody; providing for education and training for appropriate persons; providing penalties for failure to report and for preventing another from reporting; providing a criminal, rather than a civil, penalty for willful or knowing publication or disclosure of certain confidential information; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Wilson, by unanimous consent CS for HB 402 was taken up out of order. On motions by Senator Wilson, by two-thirds vote CS for HB 402 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—30

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
Glisson	McClain	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—None

Vote after roll call:

Yea—Hair

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

CONFERENCE COMMITTEE REPORT ON CS for SB's 1181, 925 and 792

The Honorable Lew Brantley
President of the Senate

The Honorable Donald E. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/SB 1181, 925, 792, same being:

A bill to be entitled

An act relating to insurance and tort reform; providing a short title; adding subsection (8) to s. 624.404, Florida Statutes; providing for valuation of portfolio at current market value; providing that a rate structure established by a stock insurance company shall be deemed excessive if it provides for replenishment of surpluses from premiums where such replenishment is attributable to investment losses; amending subsection (3) of s. 624.411, Florida Statutes; increasing deposit requirements; amending subsection (4) of s. 624.418, Florida Statutes, increasing provision for surplus as to policyholders; adding subsection (8) to s. 624.424, Florida Statutes; giving department authority to require an annual certified financial report; amending subsection (2) of s. 627.062, Florida Statutes, removing motor vehicle insurance from certain rate standards; amending paragraph (a) of subsection (1) of s. 627.072, Florida Statutes; removing motor vehicle insurance from certain provisions concerning making and use of rates; providing that motor vehicle insurers file certain manuals of classifications, rules, and rates, rating plans, and modifications thereto to and for the approval of the Insurance Commissioner and Treasurer or satisfy such requirement with membership of or subscription to a licensed rating organization; providing procedures for approval or disapproval by the Insurance Commissioner and Treasurer of such material; creating s. 627.066, Florida Statutes; prohibiting excessive profits for motor vehicle insurance; repealing s. 627.082, Florida Statutes; relating to basis of approval or disapproval of filing; repealing subsection (5) of s. 627.331, Florida Statutes, relating to annual filing of loss and expense experience; creating s. 627.342, Florida Statutes; providing for risk classification reporting for motor vehicle insurance; amending s. 627.4132, Florida Statutes; providing for stacking of uninsured motorist coverage in tort action brought under s. 627.737(2), Florida Statutes; amending s. 627.7375, Florida Statutes, 1976 Supplement; providing for penalty for making false and fraudulent claims and statements used to support such claims; providing for civil cause of action if section is violated; defining "statement"; providing that section also applies to insurers, adjusting firms or their agents who defraud claimant; prohibiting solicitation of motor vehicle tort claims by any person and providing a penalty; prohibiting soliciting by an attorney of motor vehicle tort claims and providing a penalty; amending s. 626.989(2), (3) and (4), Florida Statutes, 1976 Supplement; providing subpoena powers to the Division of Fraudulent Claims; providing for criminal contempt; restricting public inspection of documents; providing for explanation by State Attorney if prosecution is not begun within 60 days; amending subsection (3) and adding new subsections (6) and (7) to s. 627.737, Florida Statutes; providing that underinsured motorists protection follows the car rather than the person; providing an alternative method to settle a third party claim in an underinsured situation; making arbitration not compulsory; amending s. 627.733, Florida Statutes; removing compulsory liability insurance except as required under financial responsibility law; providing that insurers providing mandatory personal injury protection coverage must also make available automobile liability insurance; amending s. 627.735, Florida Statutes; providing for suspension of license and registration if required security is not maintained; amending s. 627.736, Florida Statutes; providing that personal injury protection benefits would be payable for 80 percent of all reasonable medical expenses; providing that disability benefits would be 80 percent of loss of gross income unless such benefits are deemed not includable in gross income for federal tax purposes, then it is limited to 60 percent; providing that insurer must reduce rates in proportion to reduction in benefits; providing for credit against benefits otherwise payable if Medicaid benefits are payable; clarifying who is covered by this section; amending s. 627.739, Florida Statutes; providing for modified personal injury protection insurance; providing for deductibles and exclusions; adding subsection (4) to s. 627.737, Florida Statutes, 1976 Supplement; pro-

hibiting claim for punitive damages in an action against an automobile liability insurer for damages in excess of its policy limits; creating s. 627.7372, Florida Statutes; providing that all collateral sources are admissible into evidence in all tort actions; creating s. 768.061, Florida Statutes; providing contributory negligence is not a bar to recovery; providing for damage award to be diminished in proportion to negligence; creating s. 768.062, Florida Statutes; providing for set-offs in certain negligence actions; creating s. 768.063, Florida Statutes, providing for nonjoinder of liability insurers; repealing ss. 627.730-627.735, Florida Statutes, and 627.736, 627.737, 627.738-627.741, Florida Statutes, 1976 Supplement, the Florida Automobile Reparations Reform Law; creating s. 627.7403, Florida Statutes; providing for mandatory joinder of derivative claims in certain actions; amending subsection (2) of s. 768.18, Florida Statutes; providing new definition of "minor children"; creating s. 627.7373, Florida Statutes; requiring the maintenance of an index by each insurer of medical providers and attorneys who are directly or indirectly involved in automobile insurance claims; providing for the creation of a Good Driver Fund; providing for funding; providing for disbursement of moneys in fund; adding paragraph (h) to subsection (15) of s. 626.9541, Florida Statutes, 1976 Supplement; prohibiting discrimination; repealing s. 627.7263, Florida Statutes, 1976 Supplement, relating to rental and leasing driver's insurance primary; repealing s. 768.06, Florida Statutes, relating to comparative negligence; providing for a mandatory reduction in private passenger automobile insurance policy premiums for policies in effect on July 1, 1977, and for new and renewal policies on and after that date; creating a Citizens' Tort Claims Study Commission; providing for severability; providing an effective date.

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

1. That the Senate and House of Representatives adopt the Conference Committee Amendments attached hereto, and by reference made a part of this report.
2. That the Senate and House of Representatives pass Committee Substitute for Senate Bill 1181, 925, & 792 as amended by said Conference Committee amendments.

Dempsey Barron
 Mattox Hair
 David McClain
 Pat Thomas
 John Ware

John Forbes
 Tom Gallagher
 Don Hazelton
 Lee Moffitt
 Terry O'Malley

Managers on the part of the Senate

Managers on the part of the House of Representatives

- Section 1. Short title: "The Florida Insurance and Tort Reform Act of 1977"
- Section 2. Provides for retaining an actuary.
- Section 3. Excepts JUA rate hearings from the A.P.A.
- Section 4. Provides for proof of insurance card and provides penalty for misuse of card. Provides for proof of financial responsibility at time of motor vehicle registration.
- Section 5. Provides for legislative intent.
- Section 6. 324.021—Definitions, Minimum Insurance Required.
- The definition of "motor vehicle" is amended so as to exclude any motor vehicle as defined in s. 627.732(1), when the owner of such vehicle has complied with the requirements of sections 627.730 through 627.741, inclusive, unless the provisions of s. 324.051 apply, and in such case until January 1, 1979, such owner shall establish proof of compliance with such sections in the manner provided for evidence of insurance as set forth in s. 325.19(7) at the time of inspection of any such motor vehicle.
- The definition of motor vehicle liability policy is altered to apply only to operators and not owners.
- Section 7. 324.051—Reports of Accidents; Suspensions of Licenses and Registrations.

Accident reports must be filed with the department within 10 days following an accident. Reports may also be requested from individual owners or operators. Thirty days after receipt of notice of any judgment rendered due to an accident involving a motor vehicle within this state which has resulted in bodily injury or death to any person or total damage of \$500 or more to property, or ticket or other conviction for a violation of s. 316.027 or s. 316.028, the department shall suspend the license of the operator against whom such judgment or ticket applies and all registrations of the vehicles owned by such operator whether or not involved in such accident, and provides for suspension of a nonresident's operating privilege in this state, subject to exemptions. This section also provides a list of exceptions to which this act shall not apply (those cases in which financial responsibility has been shown).

- Section 8. 324.061 Security deposited with the Department of Highway Safety and Motor Vehicles; release.
- The department shall determine the form and amount of the security deposited pursuant to the provisions of s. 324.051(2)(a)6 with respect to claims for injuries to persons or property resulting from an accident occurring prior to such deposit. Such deposits are to be invested in interest bearing accounts, the interest therefrom to be deposited in a department trust fund.
- Section 9. 324.071 Reinstatement; renewal of license; reinstatement fee.
- Provides for reinstatement fee of \$15. No renewal of license or registration within a period of 3 years from such reinstatement.
- Section 10. 324.072 Proof required upon certain convictions.
- No suspension of registration upon revocation of a license if proof of financial responsibility is maintained. No license and registration renewed or issued until proof of financial responsibility as required by s. 324.071.
- Section 11. 324.081 Nonresident operator.
- Provides for reciprocal agreements with other states. Provides for reinstatement of nonresident operator.
- Section 12. Repeals subsection (2) of section 324.181, F.S., concerning equitable apportionment of applicants unable to procure insurance.
- Repeals subsection (7) of section 325.19, F.S., concerning proof of insurance at time of auto inspection.
- Section 13. 624.315 Department; annual report.
- An annual report for the preceding year containing a summary of all information reported to the department as required by s. 627.331(5) shall be filed by the department, with the Governor and Legislature.
- Section 14. 624.316 Examination of insurers.
- Section 15. For the purposes of satisfying the requirements of ss. 624.407 and 624.408 the investment portfolio of an insurer applying for an initial certificate of authority to do business in this state shall value its bonds and stocks at the then current market value.
- Section 16. The ceiling on deposit requirements is raised from \$250,000 to \$1 million. This provision does not relate solely to motor vehicle insurers.
- Section 17. Under current law, the Department may suspend or revoke a certificate of authority if the ratio of net premiums written to surplus as to policyholders exceeds 4 to 1 and insurer has less than \$50,000,000 surplus as to policyholders. This bill would increase the \$5,000,000 requirement to \$50,000,000.

- Section 18. This section would give the Department authority to require an annual certified financial report.
- Section 19. This section would prohibit an automobile insurer from unfairly discriminating solely on the basis of age, sex, marital status or scholastic achievement.
- Section 20. This amends s. 626.989 to allow the Division of Fraudulent Claims to request that the circuit court compel testimony and provides for explanation by State attorney if prosecution is not begun within 60 days of Division's report.
- Section 21. This would remove motor vehicle insurance from the provisions of s. 627.062, F.S., relating to rate standards. It would also say that rates are excessive if replenishment of surplus from premiums is attributable to investment losses.
- Section 22. This would create a new s. 627.0651, F.S., that would provide for the making and use of rates for motor vehicle insurance, whereby insurers would establish rates, file a copy with the Department within 30 days, and be subject to Department review. If the Department finds the rates excessive, inadequate, or unfairly discriminatory, the insurer would have 60 days to prove the opposite. If the insurer does not carry the burden, the Department may order a new filing.
- Section 23. Section 627.066 is created to prohibit excessive profits in motor vehicle insurance, by requiring the filing of sufficient information and setting forth criteria for the Department in determining when profits are excessive. Department would have the power to order the insurer to return excessive profits to the policyholders. Certain small volume insurers may be excused from the reporting requirements.
- Section 24. This would remove motor vehicle insurance from the provisions of s. 627.072, F.S., setting the criteria for making and using rates.
- Section 25. Repeals ss. 627.082 and 627.331(5), F.S.
- Section 26. Section 627.342, F.S., is created to provide that insurance company statistics must be filed with the Department annually to reflect loss experience by classification.
- Section 27. Provides for loss experience reporting by motor vehicle insurers on a classification system inconsistent with the rating system used by it. Specifies the reporting of certain information.
- Section 28. Requires that the auto joint underwriting association provide personal injury protection benefits. Requires notification to persons placed with the auto JUA by producing agents. Provides for the use of loss and expense experience to assure the adequacy of auto JUA rates. The rate making formula shall include a factor for projected claims trending and 5% for contingencies.
- Section 29. This section provides that the insurance of the lessor of a motor vehicle be primary unless stated otherwise in bold type on the face of the rental or leasing agreement. If the lessee's insurance is to be primary then there shall be a space on the lease agreement to indicate the lessee's insurance company's name and the lease agreement shall have language in bold type stating that the lessee's insurance will be primary.
- Section 30. Clarifies legislative intent that under insured motorist protection follows the car rather than the person. Claims for pain and suffering come under the tort threshold.
- Section 31. Required security may only be furnished by motor vehicle liability insurer.
- Section 32. Provides for suspension rather than revocation of motor vehicle owner's or registrant's license and registration if he operates or permits operation of the motor vehicle without the required security.
- Section 33. Changes PIP benefits in the following manner:
- (1) Medical would be 80% of all reasonable expenses.
 - (2) Disability benefits would be 80% of any loss of gross income unless such benefits are deemed not includable in gross income for federal tax purposes, then it is limited to 60%.
 - (3) Provides that only motor vehicle liability insurers may provide PIP coverage. Insurers shall not require purchase of liability insurance as a condition to buying PIP.
 - (4) There would be a credit against benefits otherwise payable for Medicaid benefits.
 - (5) For purposes of PIP, the definition of "pedestrian" was clarified.
 - (6) Provides for direct payment to health care providers.
- Section 34. Provides that all specified collateral sources paid before trial are admissible into evidence in all automobile tort actions.
- Section 35. Prohibits claims for punitive damages in any action brought against an automobile liability insurer for damages in excess of its policy limits.
- Section 36. This section is a substantial rewrite of s. 627.7375 in the following manner:
- (1) Fraudulent claims—expanded to all persons involved in auto claims process.
 - (2) Created a civil cause of action for violation of section.
 - (3) More inclusive definition of "statement".
 - (4) Provides that acting as a runner is a third degree felony.
 - (5) Special prohibition against an attorney soliciting motor vehicle tort claims. (third degree felony and a report to the state attorney for action).
- Section 37. Section 627.739 is amended to prevent duplication of PIP benefits through the use of dollar amount deductibles, availability of medicare benefits and reduced benefits due to active or retired military service; or reductions based on duplicative disability income protection benefits; such reductions being applicable to the named insured or dependent relatives residing in the same household.
- Section 38. Provides for mandatory joinder of derivative claims in actions brought under s. 627.737.
- Section 39. Provides for non-joinder of *liability* insurers.
- Section 40. Redefines "minor child" in s. 768.18(2), F.S., so that it would mean *dependent* unmarried children under 21 years of age *notwithstanding the age of majority*.
- Section 41. Provides for remittitur and additur. Provides criteria for determining whether an award is clearly excessive or inadequate.
- Section 42. Creates the "Good Driver Fund". Provides for assessment of civil penalty or fine. Provides for distribution by the Department of Highway Safety and Motor Vehicles of money to persons who have: been licensed to drive in Florida; received no convictions during the last 12 months; and have either purchased bodily injury liability insurance or established financial responsibility by an alternate method. The money shall be distributed pursuant to a territorial differential.
- Section 43. Provides a one-year rate cap for BI, PIP, and UM.
- Section 44. Provides for severability.

Section 45. Provides for effective dates.

Conference Committee Amendment 1—On page 5, line 23, strike everything after the Enacting Clause and insert:

Section 1. Short Title.—This act shall be known and may be cited as "The Florida Insurance and Tort Reform Act of 1977."

Section 2. Subsection (9) is added to section 11.147, Florida Statutes, to read:

11.147 Joint Legislative Management Committee.—

(9) *The Joint Legislative Management Committee shall, upon the request of the standing committee of either house of the Legislature which committee has jurisdiction over the area of insurance, retain the services of an actuary who is a Fellow of the Casualty Actuarial Society to assist each such standing committee in developing automobile insurance legislation.*

Section 3. Section 120.50, Florida Statutes, is amended to read:

120.50 Exception to application of chapter.—This chapter shall not apply to the Legislature or the courts or to the determination of rate revisions or hearings thereon with respect to the automobile joint underwriting association established under s. 627.351(1).

Section 4. Subsection (3) is added to section 320.02, Florida Statutes, to read:

320.02 Application for registration; forms.—

(3)(a) *Proof that personal injury protection benefits have been purchased when required under s. 627.733 shall be made by the applicant at the time of registration of any motor vehicle owned as defined in s. 627.732. The issuing agent shall refuse to issue registration if such proof of purchase is not made. Insurers shall furnish uniform proof of purchase cards in such form as prescribed by the Department of Highway Safety and Motor Vehicles, and such card, or an insurance policy, an insurance policy binder, a certificate of insurance, or such proof as may be prescribed by the Department of Highway Safety and Motor Vehicles shall be accepted as such proof. As an aid in implementing Section 42 of this act such cards shall also indicate the existence of any bodily injury liability insurance voluntarily purchased. The Department of Insurance shall require that such uniform cards as specified by the Department of Highway Safety and Motor Vehicles be furnished by insurers providing such benefits. Any person altering such card or duplicating or counterfeiting such card in order to furnish such proof or to permit another person to furnish such proof shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) *When an operator owning a motor vehicle or motor vehicles comes under the operation of the financial responsibility requirements of chapter 324, such operator shall provide proof of compliance with such financial responsibility requirements at the time of registration of any such motor vehicle through the use of a uniform proof of purchase of insurance card specifying such coverage, or an insurance policy, an insurance policy binder, a certificate of insurance, or by such other method of furnishing such proof as may be required by the Department of Highway Safety and Motor Vehicles. The issuing agent shall refuse to issue registration of a motor vehicle if such proof of purchase is not made. The Department of Insurance shall require that such uniform cards as specified by the Department of Highway Safety and Motor Vehicles be furnished by insurers writing motor vehicle liability insurance in this state. Any person altering such card or duplicating or counterfeiting such card in order to furnish such proof or to permit another person to furnish such proof shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 5. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—*It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security by such owners and operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle, so it is required herein*

that the operator of a motor vehicle involved in an accident or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future accidents as a requisite to his future exercise of such privileges. It is the intent of this chapter to recognize the existing rights of all to own motor vehicles and to operate them on the public streets and highways of this state when such rights are used with due consideration for others, to promote safety, and provide financial security by such owners and operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle, so it is required herein that the owner and operator of a motor vehicle involved in an accident shall respond for such damages and show proof of financial ability to respond for damages in future accidents as a requisite to his future exercise of such privileges.

Section 6. Subsections (1) and (2) of section 324.021, Florida Statutes, 1976 Supplement, are amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) **MOTOR VEHICLE.**—Every self-propelled vehicle which is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any bicycle or "moped," as defined in s. 316.003(2). *However, the term "motor vehicle" shall not include any motor vehicle as defined in s. 627.732(1), when the owner of such vehicle has complied with the requirements of ss. 627.730-627.741, inclusive, unless the provisions of s. 324.051 apply, and in such case until January 1, 1979, such owner shall establish proof of compliance with such sections in the manner provided for evidence of insurance as set forth in s. 325.19(7) at the time of inspection of any such motor vehicle, and after such date the applicable proof of insurance provisions of s. 320.02 shall apply.*

(2) **DEPARTMENT.**—The Department of Highway Safety and Motor Vehicles Insurance.

Section 7. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 324.051, Florida Statutes, 1976 Supplement, are amended to read:

324.051 Reports of accidents; suspensions of licenses and registrations.—

(1)(a) ~~The Department of Highway Safety and Motor Vehicles or~~ Any sheriff, police department or peace officer of this state shall within 10 days following any accident within the purview of this chapter, coming to its or his attention, report such accident in writing to the department of insurance. Such report shall contain the following information: Date and place of the accident, description of the cars involved, the names and addresses of owners or operators, the extent of the damage, and such other information as the department may require.

(b) The department is hereby further authorized to require reports of accidents from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice and shall be for the confidential use of the department. No such report shall be used as evidence in any trial arising out of an accident, but the fact of such report or the failure to report may be certified by the department. ~~The Department of Highway Safety and Motor Vehicles shall carry out and execute and enforce all orders of suspension and reinstatement of licenses and all registrations issued by the Department of Insurance pursuant to the provisions of this chapter.~~

(2)(a) Thirty days after receipt of notice of any judgment being rendered due to an accident involving a motor vehicle within this state which has resulted in bodily injury or death to any person, or a judgment of liability for total damage of \$500 or more to property, or traffic conviction for a violation of s. 316.027 or 316.028, the department shall suspend the license licenses of the operator operators against whom such judgment or conviction applies and all registrations of the owner owners of the vehicles operated by such operator whether or not involved in such accident and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege

in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence in its files satisfactory to the department that:

1. ~~No injury was caused to the person or property of anyone other than such operator or owner;~~

2. ~~The motor vehicle was legally parked at the time of such accident;~~

1. ~~3.~~ The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein;

2. ~~4.~~ Such operator or owner [has] been finally adjudicated not to be liable by a court of competent jurisdiction;

3. ~~5.~~ Such operator or owner [has] secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said accident and had complied with one of the provisions of s. 324.031;

4. ~~6.~~ Such operator or owner has deposited with the department of ~~insurance~~ security to conform with s. 324.061 ~~when applicable~~ and has complied with one of the provisions of s. 324.031; or

5. ~~7.~~ One year has elapsed since such owner or operator was suspended pursuant to subsection 324.051(4), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

(b) This subsection shall not apply:

1. To such operator or owner if such ~~operator or owner~~ had in effect at the time of such accident ~~or traffic conviction~~ an automobile liability policy with respect to ~~all of the registered motor vehicles owned by such operator or owner~~ ~~vehicle involved in such accident~~;

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident ~~or traffic conviction~~ an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance or bond; or

4. To any person who has obtained from the department a certificate of self-insurance, in accordance with s. 324.171, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in subsection 324.021(7).

(3)(a) The notices of accidents and orders of suspension required under this chapter as a result of accident or conviction cases shall be given to owners and operators either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice or order in an envelope with postage prepaid, addressed to such person at his address as shown by the accident report or from records of ~~the department by the Department of Highway Safety and Motor Vehicles.~~

Section 8. Subsections (1) and (3) of section 324.061, Florida Statutes, are amended to read:

324.061 ~~Security Securities~~ deposited with Department of ~~Highway Safety and Motor Vehicles Insurance~~; release.—

(1) Security deposited pursuant to the provisions of s. 324.051(2)(a)6. with respect to claims for injuries to persons or properties resulting from an accident occurring prior to such deposit shall be in the form and amount determined by the department of ~~insurance~~ which, in its judgment, will be sufficient to compensate for all injuries arising out of such accident, but in no case shall the amount exceed the limits as specified in s. 324.021(7).

(3) The department of ~~insurance~~ shall invest security deposits in its custody received under this section in excess of current needs in interest-bearing accounts. The interest earned from such investments shall be deposited in a ~~department trust fund, the Insurance Commissioner's Regulatory Trust Fund~~

and any security deposits remaining unclaimed after 5 years shall be transferred to the State School Fund as provided in subsection (2)(c) above.

Section 9. Section 324.071, Florida Statutes, is amended to read:

324.071 Reinstatement; renewal of license; reinstatement fee.—Any operator or owner whose license or registration has been suspended pursuant to s. 324.051(2), s. 324.072, s. 324.081, or s. 324.121 may effect its reinstatement upon compliance with the provisions of s. 324.051(2)(a)4., 5. or 6., or s. 324.081(2) and (3), as the case may be, and with one of the provisions of s. 324.031 and upon payment to the department of ~~insurance~~ of a nonrefundable reinstatement fee of \$15 ~~\$. Only one such fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated or issued to such person. All such fees shall be deposited to a department trust fund the Insurance Commissioner's Regulatory Trust Fund. When the reinstatement of any license or registration is effected by compliance with s. 324.051(2)(a)5. or 6., the department of ~~insurance~~ shall notify the Department of Highway Safety and Motor Vehicles that such renewal shall not renew the license or registration be granted within a period of 3 years from such reinstatement, nor shall any other license or registration be issued in the name of such person unless the owner or operator is continuing to comply with one of the provisions of s. 324.031.~~

Section 10. Section 324.072, Florida Statutes, is amended to read:

324.072 Proof required upon certain convictions.—

(1) ~~The Department of Highway Safety and Motor Vehicles shall report to the Department of Insurance the name of any person whose license has been revoked pursuant to the provisions of s. 322.26. The names of such persons shall be included in a written monthly report from said Department of Highway Safety and Motor Vehicles to the Department of Insurance, which report shall list the names and addresses of the persons involved, the reasons for revocation and such other information as the Department of Insurance reasonably may require.~~

(1) ~~(2)~~ Upon receipt of such notification of a license revocation of a license pursuant to the provisions of s. 322.26, by reason of conviction or forfeiture of bail, the department shall suspend the registration for all motor vehicles registered in the name of such person, either individually or jointly with another, except that it shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person, in accordance with this chapter.

(2) ~~(3)~~ Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the laws of this state, and not then unless and until he shall give and thereafter maintain proof of financial responsibility as required by s. 324.071.

Section 11. Subsections (1) and (4) of section 324.081, Florida Statutes, are amended to read:

324.081 Nonresident owner or operator.—

(1) The department of ~~insurance~~ may establish reciprocal agreements with any other states for the purpose of fulfilling the provisions of this chapter and pursuant to such agreements may suspend the license and registration of a resident of this state involved in an accident in another state.

(4) In the event such nonresident shall at the time have in effect an insurance policy or surety bond issued by any insurance company or surety company not authorized to do business in this state, the department may reinstate such nonresident upon said company furnishing ~~it him~~ with power of attorney to accept service of process.

Section 12. Subsection (2) of section 324.181, Florida Statutes, is hereby repealed. Subsection (7) of section 325.19, Florida Statutes, is repealed effective January 1, 1978.

Section 13. Subsection (7) is added to section 624.315, Florida Statutes, to read:

624.315 Department; annual report.—As early as reasonably possible the department shall annually prepare a report to the Legislature and the Governor showing, with respect to the preceding calendar year:

(7) *A summary of all information reported to the department as required by s. 627.331(5).*

Section 14. Subsections (5) and (6) are added to section 624.316, Florida Statutes, to read:

624.316 Examination of insurers.—

(5) *The department shall, as a part of its examination procedure, examine each insurer regarding all of the information required by s. 627.331.*

(6) *The department shall examine each insurer according to the requirements contained in the latest edition of the National Association of Insurance Commissioners' Market Conduct Examination Handbook.*

Section 15. Subsection (8) is added to section 624.404, Florida Statutes, to read:

624.404 General eligibility of insurers for certificate of authority.— To qualify for and hold authority to transact insurance in this state an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock insurer, or an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code; except that:

(8) *For the purpose of satisfying the requirements of ss. 624.407 and 624.408 the investment portfolio of an insurer applying for an initial certificate of authority to do business in this state shall value its bonds and stocks at the then current market value.*

Section 16. Subsection (3) of section 624.411, Florida Statutes, is amended to read:

624.411 Deposit requirement, domestic and foreign insurers.—

(3) In addition to the deposits otherwise required pursuant to this section, the department may, after notice and hearing, require any insurer, for good cause shown, to deposit and maintain deposited in trust for the protection of the insurer's policyholders or its policyholders and creditors, for such time as the department deems necessary, securities eligible for such deposit under s. 625.52, having a value of not less than the amount which the department shall determine is necessary, which amount shall be not less than \$75,000, nor more than \$1 million ~~\$250,000~~, depending on the insurer's obligations in this state.

Section 17. Subsection (4) of section 624.418, Florida Statutes, is amended to read:

624.418 Suspension, revocation of certificate of authority for violations and special grounds.—

(4) The department may, in its discretion, suspend or revoke an insurer's certificate of authority if it finds that the ratio of net premiums written to surplus as to policyholders exceeds four to one and the insurer has less than \$50 ~~\$5~~ million surplus as to policyholders. However, the provisions of this subsection shall not apply to life and disability insurers.

Section 18. Subsection (8) is added to section 624.424, Florida Statutes, to read:

624.424 Annual statement and other information.—

(8) *The department may require an insurer to furnish an annual certified financial report which shall reflect the audited financial condition of the insurer as of the end of the calendar year and its operations, changes in financial position, and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the Department of Insurance.*

Section 19. Subsection (15) of section 626.9541, Florida Statutes, 1976 Supplement, is amended by adding a new paragraph (h) to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(15) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR INSURANCE.—

(h) *No insurer shall, with respect to premiums charged for automobile insurance unfairly discriminate solely on the basis of age, sex, marital status or scholastic achievement.*

Section 20. Present subsections (2), (3) and (4) of section 626.989, Florida Statutes, 1976 Supplement, are renumbered as subsections (4), (5) and (6), respectively, and new subsections (1), (2), (3) and (4) are added to said section to read:

626.989 Division of Fraudulent Claims; investigative powers; subpoena powers; accident reports to division; personnel and expenses; division of costs.—

(1) *If, by its own inquiries or as a result of complaints, the Division of Fraudulent Claims has reason to believe that a person has engaged in, or is engaging in, an act or practice that violates s. 627.7375 or s. 624.15, it may administer oaths and affirmations, request the attendance of witnesses or proferring of matter, and collect evidence. The department shall not compel the attendance of any person or matter in any such investigation except pursuant to subsection (3).*

(2) *If matter that the division seeks to obtain by request is located outside the state, the person so requested may make it available to the division or its representative to examine the matter at the place where it is located. The division may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf and it may respond to similar requests from officials of other states.*

(3) *The division may request that an individual who refuses to comply with any such request be ordered by the circuit court to provide the testimony or matter. The court shall not order such compliance unless the division has demonstrated to the satisfaction of the court that the testimony of the witness or the matter under request has a direct bearing on a violation of s. 627.7375 or s. 624.155 or is pertinent and necessary to further such investigation. Except in a prosecution for perjury, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which he is entitled by law may not be subjected to a criminal proceeding or to a civil penalty with respect to the act concerning which he is required to testify or produce relevant matter.*

(4) *The department's papers, documents, reports or evidence relative to the subject of an investigation under this section shall not be subject to public inspection for so long as the department deems reasonably necessary to complete the investigation, to protect the person investigated from unwarranted injury, or to be in the public interest. Further, such papers, documents, reports or evidence relative to the subject of an investigation under this section shall not be subject to subpoena until opened for public inspection by the department, unless the department consents; or after notice to the department and a hearing, the court determines the department would not be unnecessarily hindered by such subpoena.*

(5)~~(2)~~ *Any company which believes that such a fraudulent claim is being made shall, within 60 days of the receipt of such notice, send to the Division of Fraudulent Claims, on a form prescribed by the department, the information requested and such additional information relative to the accident and the parties claiming loss or damages because of the accident as the department may require. The Division of Fraudulent Claims shall review such reports and select such claims as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such claim to be made to determine the extent, if any, to which fraud, deceit, or intentional misrepresentation of any kind exists in the submission of the claim. The Division of Fraudulent Claims shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney having jurisdiction with respect to any such violation, as provided in s. 624.310. If prosecution by the State Attorney is not begun within 60 days of the division's report, the State Attorney shall inform the division of the reasons for the lack of prosecution.*

(6)~~(3)~~ *No insurer, or the employees or agents of any insurer, shall be subject to civil liability for libel or otherwise by virtue of the filing of reports or furnishing other information*

required by this section or required by the Division of Fraudulent Claims as a result of the authority herein granted.

(7)(4) All costs of administration and operation of said Division of Fraudulent Claims shall be borne by the insurers licensed to write motor vehicle insurance in this state. The Insurance Commissioner shall equally divide such costs among all such companies, charging each such company an identical amount adequate to provide the total cost of each fiscal year of operation. Such [amounts] as derived by said assessment shall be [deposited in] the State Treasurer and Insurance Commissioner's Regulatory Trust Fund. *The total budget of said division shall be as determined annually in the general appropriations act number of positions to be allocated to the Division of Fraudulent Claims shall not exceed 25 employees, and the total cost shall not exceed \$500,000 for said fiscal year.*

Section 21. Subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance, other than workmen's compensation, and employer's liability insurances and motor vehicle insurance:

(a) No rate shall be held to be excessive unless:

1. Such rate is unreasonably high for the insurance provided, and

2. A reasonable degree of competition does not exist in the area with respect to the classification to which the rate is applicable.

(b) No rate shall be held to be inadequate unless:

1. The rate is unreasonably low for the insurance provided, and

2. The continued use of the rate endangers the solvency of the insurer using the same, or unless

3. The rate is unreasonably low for the insurance provided and the use of the rate by the insurer using the same has, or if continued will have, the effect of destroying competition or of creating a monopoly. This subsection shall not apply to motor vehicle insurance as defined in s. 627.063.

(c) *Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums where such replenishment is attributable to investment losses.*

Section 22. Section 627.0651, Florida Statutes, is created to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(1) Insurers shall establish rates, rating schedules or rating manuals to allow the insurer a reasonable rate of return on motor vehicle insurance written in Florida. A copy of rates, rating schedules, and rating manuals, and changes therein, shall be filed with the department as soon as practicable following their effective date, but no later than 30 days after that date.

(2) Upon receiving notice of a rate filing or rate change, the department may review the rate or rate change to determine if the rate is excessive, inadequate or unfairly discriminatory. In making that determination the department may consider the following factors:

(a) Past and prospective loss experience within and outside this state.

(b) The past and prospective administrative, selling, and loss adjustment expenses.

(c) The degree of competition among insurers for the risk insured.

(d) Investment income expected on the flow of funds generated by the average policy for motor vehicle insurance in this state.

(e) Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members or subscribers.

(f) All other relevant factors, including judgment factors, within and outside this state.

(g) The cost of repairs to automobiles.

(h) The cost of medical services.

(i) The adequacy of loss reserves.

(j) The cost of reinsurance.

(k) Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

(3) Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business, or if expenses are unreasonably high in relation to services rendered.

(4) Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums where such replenishment is attributable to investment losses.

(5) Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

(6) One rate shall be deemed unfairly discriminatory in relation to another in the same class if it clearly fails to reflect equitably the difference in expected losses and expenses.

(7) Rates are not unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as rates reflect the difference with reasonable accuracy.

(8) Rates are not unfairly discriminatory if averaged broadly among members of a group. Nor shall such rates be unfairly discriminatory even though they may be lower than rates for nonmembers of the group. However, such rates are unfairly discriminatory if they are not actuarially measurable and credible and sufficiently related to actual or expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against.

(9) In reviewing the rate or rate change filed, the department may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated herein.

(10) If after review of the rate or rate change, the pertinent records of the insurer and market conditions, the department finds on a preliminary basis that the rate or rate change may be excessive, inadequate or unfairly discriminatory, the department shall so notify the insurer. Upon being so notified, the insurer or rating organization shall within 60 days file with the department all information which the insurer or organization believes proves the reasonableness, adequacy, and fairness of the rate or rate change. In such instances the insurer or rating organization shall carry the burden of proof.

(11) In the event the department finds that a rate or rate change is excessive, inadequate or unfairly discriminatory, the department may order that a new rate or rate schedule be thereafter filed by the insurer. Supporting information responsive to the department's findings shall be submitted with the filing.

Section 23. Section 627.066, Florida Statutes, is created to read:

627.066 Excessive profits for motor vehicle insurance prohibited.

(1) *Each insurer group shall file with the department prior to July 1 of each year on a form prescribed by the department the following data for Florida private passenger automobile business. The data filed for the group shall be a consolidation of the data of the individual insurers of the group. The data shall include both voluntary and Joint Underwriting Association business, as follows:*

(a) Calendar year total limits earned premium.

(b) Accident year incurred losses and loss adjustment expenses.

(c) The administrative and selling expenses incurred in Florida or allocated to Florida for the calendar year.

(d) Policyholder dividends applicable to the calendar year.

(2) Excessive profit has been realized:

(a) If there has been an underwriting gain for the 3 most recent calendar/accident years combined which is greater than the anticipated underwriting profit plus 5 percent of earned premiums for those calendar/accident years.

(b) As used herein with respect to any three-year period, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business; provided that separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

(3) Each insurer group shall also file a schedule of Florida private passenger automobile loss and loss adjustment experience for each of the 3 most recent accident years. The incurred losses and loss adjustment expenses shall be valued as of March 31 of the year following the close of the accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1976, so that the reporting of 3 accident years will not take place until accident years 1977 and 1978 have become available.

(4) Each insurer group's underwriting gain or loss for each calendar/accident year shall be computed as follows: The sum of the accident year incurred losses and loss adjustment expenses as of March 31 of the following year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to calendar year, will be subtracted from the calendar year earned premium to determine the underwriting gain or loss.

(5) For the three most recent calendar/accident years, the underwriting gain or loss will be compared to the anticipated underwriting profit.

(6) If the insurer group has realized an excessive profit the department may order a return of the excessive amounts to policyholders.

(7) In determining what action should be taken if excessive profits are realized the department shall consider the following as they relate to Florida private passenger automobile insurance:

(a) The underwriting profit or loss of the insurer group in prior years.

(b) The financial strength and stability of the insurer group.

(c) The loss development patterns of the insurer group.

(8) The department may excuse an insurer from complying with these reporting requirements if the volume of business written by the insurer would not justify the expense of the reporting requirement.

(9) Any excess profit of an insurance company offering motor vehicle insurance shall be returned to policyholders in the form of a cash refund rather than a credit towards the future purchase of insurance.

Section 24. Paragraph (a) of subsection (1) of section 627.072, Florida Statutes, is amended to read:

627.072 Making and use of rates.—

(1)(a) As to all rates which are subject to part I of this chapter other than motor vehicle insurance, the following factors shall be used in the determination and fixing of rates:

1. Past and prospective loss experience within and outside this state;

2. The conflagration and catastrophe hazards;

3. A reasonable margin for underwriting profit and contingencies;

4. Dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers;

5. Investment income on unearned premium reserves and loss reserves;

6. Past and prospective expenses both countrywide and those specifically applicable to this state; and

7. All other relevant factors, including judgment factors, within and outside this state.

Section 25. Section 627.082, Florida Statutes, is hereby repealed.

Section 26. Section 627.342, Florida Statutes, is created to read:

627.342 Risk classification reporting for motor vehicle insurance.—Each insurer shall annually file with the department a statement reflecting the total car years insured within each classification by coverage, the premium volume in each classification by coverage, and the paid and reserved losses incurred in each classification by coverage. This statement shall be filed with any rate filing made by an insurer, but in any case once each calendar year.

Section 27. Subsections (2) and (5) of section 627.331, Florida Statutes, are amended to read:

627.331 Recording and reporting of loss, and expense, and claim experience; rating information.—

(2) In promulgating such rules and plans, the department shall give due consideration to the rating systems in use in this state and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system used by it, except for motor vehicle insurance as otherwise provided by law.

(5) Any insurer writing an automobile liability policy in the state shall report certain information annually to the department. The information shall be divided into the following main categories: bodily injury liability, property damage liability, uninsured motorist, personal injury protection benefits, medical payments, comprehensive, and collision. The information given shall be on direct insurance writings in the state alone. For the first year only, the insurer shall provide data for the current year and 4 previous years for paragraphs (a) through (i). Insurers shall be required to report all of the following information:

(a) Premiums written.

(b) Premiums earned.

(c) Unearned premiums.

(d) The dollar amount of paid claims.

(e) Incurred claims, but not including claims incurred but not reported.

(f) Loss reserves for all claims except those incurred but not reported.

(g) Reserves for claims incurred but not reported.

(h) Net investment gain or loss and other income gain or loss allocated to Florida business utilizing the investment allocation formula contained in the National Association of Insurance Commissioners' Profitability Report by line by state.

(i) Underwriting income or loss.

(j) Accident year paid losses.

(k) Loss reserves at the beginning of the year.

(l) Prior accident year paid losses, paid during the year.

(m) Accident year incurred losses.

(n) Accident year outstanding losses.

(o) Loss reserves at the end of the year.

(p) Such additional information as may be required by the department in order to evaluate the cost impact of the various deductibles mandated under the insurance code.

(g) Such additional information as the insurance commissioner may require in order to evaluate the reasonableness of rates or to assure that such rates are not excessive or unfairly discriminatory or to evaluate the financial condition of insurers underwriting motor vehicle insurance. Notwithstanding any other provisions of this part, all insurers shall annually, on or before June 1, file their actual premium, incurred losses, and expense experience on those coverages providing required security under ss. 627.730-627.741 for the preceding 3 calendar years. In the event any of such 3-year experience compilations reflect underwriting profits in excess of those determined by the department to be reasonable, the department shall direct each insurer earning said excess profits to refund said excess profits to their policyholders whose coverages were in effect at the time such a determination is made, or credit said excess profits to their policyholders upon renewal of their policies. "Excess underwriting profits" are defined as any underwriting profits in excess of the amount budgeted for profit and contingencies in the individual company rate filings in use during the 3-year experience period provided for in this subsection.

Section 28. Subsection (1) of section 627.351, Florida Statutes, 1976 Supplement, is amended to read:

627.351 Insurance risk apportionment plan.—

(1) Agreements may be made among casualty and surety insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modification for such insurance, such agreements and rate modifications to be subject to the approval of the department. The department shall, after consultation with the insurers licensed to write automobile liability insurance in this state, adopt a reasonable plan or plans for the equitable apportionment among such insurers of applicants for such automobile liability insurance or personal injury protection benefits as provided in s. 627.736 who are in good faith entitled to but are unable to procure such benefits or such insurance through ordinary methods and, when such plan has been adopted, all such insurers shall subscribe thereto and shall participate therein. Such plan or plans shall include rules for classification of risks and rates therefor. Such plan or plans shall provide for the payment to the producing agent of not less than 15 percent of the annual premium on private passenger automobile insurance. Any insured placed with the plan shall be notified of the fact that insurance coverage is being afforded through the plan and not through the private market and such notification shall be given in writing within 10 days of such placement. To assure that plan rates are made adequate to pay claims and expenses, insurers shall develop a means of obtaining loss and expense experience on at least an annual basis and the plan shall file such experience, when available, with the department in sufficient detail to make a determination of rate adequacy. Such experience shall be filed with the department not more than 9 months following the end of the annual statistical period under review. Within 60 days thereafter the department shall approve such rate revisions as are supported by the filing. In addition to provisions for claims and expenses, the rate making formula shall include a factor for projected claims trending and 5 percent for contingencies. Trend factors shall not be found to be inappropriate if not in excess of trend factors normally used in the development of residual market rates by the appropriate licensed rating organization.

Section 29. Section 627.7263, Florida Statutes, 1976 Supplement, is amended to read:

627.7263 Rental and leasing driver's insurance primary.—

(1) The valid and collectible liability insurance or personal injury protection insurance providing coverage for the lessor of motor vehicles for rent or lease rental or leasing driver or any other person operating the motor vehicle with the permission or consent of the rental or leasing driver shall

be primary unless otherwise stated in bold type on the face of the rental or lease agreement. Such insurance shall be primary for the limits of liability and personal injury protection coverage as required by ss. 324.021(7) and 627.736.

(2) Each rental or lease agreement between the lessee and the lessor shall contain a provision on the face of the agreement, stated in bold type, informing the lessee [lessee] of the provisions of subsection (1) and shall provide providing a space for the lessee's insurance company's name if the lessor's insurance is not to be primary.

Section 30. Subsection (3) of section 627.727, Florida Statutes, is amended and subsections (6) and (7) are added to said section to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(3) For the purpose of this coverage, the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle when the liability insurer thereof:

(a) Is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency; or

(b) Has provided limits of bodily injury liability for its insured which are less than the limits applicable to the injured person provided under his uninsured motorist's coverage, applicable to the injured person.

(6) If an injured person or in the case of death, the personal representative, agrees to settle a claim with a liability insurer and its insured for the limits of liability and such settlement would not fully satisfy the claim for personal injuries or wrongful death so as to create an uninsured motorist claim against the uninsured motorist insurer, then such settlement agreement shall be submitted in writing to the uninsured motorist insurer which shall have a period of 30 days from receipt thereof in which to agree to arbitrate the uninsured motorist claim and approve the settlement, waive its subrogation rights against the liability insurer and its insured, and authorize the execution of a full release. If the uninsured motorist insurer does not agree within 30 days to arbitrate the uninsured motorist claim and approve the proposed settlement agreement, waive its subrogation rights against the liability insurer and its insured, and authorize the execution of a full release, the injured person or in the case of death, the personal representative, may file suit joining the liability insurer's insured and the uninsured motorist insurer to resolve their respective liability for any damages to be awarded; provided, however, that in such action, the liability insurer's coverage shall first be exhausted before any award may be entered against the uninsured motorist insurer, and any such award against the uninsured motorist insurer shall be excess and subject to the provisions of s. 627.727(1). Any award in such action against the liability insurer's insured shall be binding and conclusive as to the injured person and uninsured motorist insurer's liability for damages up to its coverage limits. The provisions of s. 627.428 shall not apply to any action brought pursuant to this section against the uninsured motorist insurer.

(7) The legal liability of an uninsured motorist coverage insurer shall not include damages in tort for pain, suffering, mental anguish and inconvenience unless the injury or disease is described in one or more of paragraphs (a) through (f) of s. 627.737(2).

Section 31. Subsection (3) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.—

(3) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such motor vehicle by an insurance policy delivered or issued for delivery in this state by an authorized or eligible motor vehicle liability insurer which is actually writing such insurance as otherwise defined in this code, which provides qualifies as evidence of automobile or motor vehicle liability insurance under chapter 324, the "Financial Responsibility Law," except as modified to provide the benefits and exemptions contained in ss. 627.730-627.741. Any such policy of motor vehicle li-

bility insurance covering motor vehicles registered or licensed in this state and any policy of insurance represented or sold as providing the security required hereunder for registered and licensed motor vehicles under ss. 627.730-627.741 shall be deemed to provide insurance for the payment of such benefits; or

(b) Security may be provided with respect to any motor vehicle by any other method authorized by s. 324.031(2), (3), or (4) and approved by the Department of Highway Safety and Motor Vehicles Insurance as affording security equivalent to that afforded by a policy of insurance, if such security is continuously maintained throughout the motor vehicle's registration or licensing period. The person filing such security shall have all of the obligations and rights of an insurer under ss. 627.730-627.741.

Section 32. Section 627.735, Florida Statutes, is amended to read:

627.735 Operation of a motor vehicle illegal without security; penalties.—

(1) Any owner or registrant of a motor vehicle with respect to which security is required under ~~subsection (1) or subsection (2)~~ of s. 627.733 who operates such motor vehicle or permits it to be operated in this state without having in full force and effect security complying with the terms of ~~subsection (1) or subsection (2)~~ of s. 627.733 shall have his operator's license and registration ~~suspended~~ ~~revoked~~.

(2) Any motor vehicle liability insurance policy shall be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state. Any motor vehicle liability insurance policy which provides security required pursuant to ~~subsection (2)~~ of s. 627.733 shall also be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state.

Section 33. Section 627.736, Florida Statutes, 1976 Supplement, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(1) **REQUIRED BENEFITS.**—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection providing for payment of all reasonable expenses incurred for necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices; necessary ambulance, hospital, nursing services; and funeral and disability benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a ~~self-propelled motor vehicle or motorcycle~~, all as specifically provided in subsections (2) and (4)(d), to a limit of \$5,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) **Medical benefits.**—*Eighty percent* of all reasonable expenses for necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and necessary ambulance, hospital, and nursing services. Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing, in accordance with his religious beliefs.

(b) **Disability benefits.**—*Eighty One hundred* percent of any loss of gross income and loss of earning capacity per individual, unless such benefits are deemed not includable in gross income for federal income tax purposes, in which event such benefits shall be limited to ~~60~~ ~~85~~ percent, from inability to work proximately caused by the injury sustained by the injured person, plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his household. All disability benefits payable under this provision shall be paid not less than every 2 weeks.

(c) Any insurer providing medical or disability benefits which have been reduced under this section shall also provide a corresponding rate reduction to the insured in proportion to reduction of benefits provided.

(d) ~~(e)~~ **Funeral, burial or cremation benefits.**—Funeral, burial, or cremation expenses in an amount not to exceed \$1,000 per individual.

(e) Only insurers writing motor vehicles liability insurance in this state may provide the required benefits of this section and no such insurer shall require the purchase of any other motor vehicle coverage as a condition for providing such required benefits. Such insurers shall make such benefits available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state failing to comply with such availability requirement as a general business practice shall be deemed to have violated part VII of chapter 626 and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance, and any such insurer committing such violation shall be subject to the penalties afforded in such part as well as those which may be afforded elsewhere in the insurance code.

(2) **AUTHORIZED EXCLUSIONS.**—Any insurer may exclude benefits:

(a) For injury sustained by the named insured and relatives residing in the same household while occupying another motor vehicle owned by the named insured and not insured under the policy or for injury sustained by any person operating the insured motor vehicle without the express or implied consent of the insured.

(b) To any injured person, if such person's conduct contributed to his injury under any of the following circumstances:

1. Causing injury to himself intentionally;
2. Being convicted of driving while under the influence of alcohol or narcotic drugs to the extent that his driving faculties are impaired;
3. While committing a felony;

Whenever an insured is charged with conduct as set forth in subparagraphs 2. or 3., the 30-day payment provision of paragraph (4)(b) shall be held in abeyance, and the insurer shall withhold payment of any personal injury protection benefits pending the outcome of the case at the trial level. If the charge is nolle prossed or dismissed or the insured is acquitted, the 30-day payment provision shall run from the date the insurer is notified of such action.

(3) **INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN TORT CLAIMS.**—No insurer shall have a lien on any recovery in tort by judgment, settlement, or otherwise for personal injury protection benefits, whether suit has been filed or settlement has been reached without suit. An injured party who is entitled to bring suit under the provisions of s. 627.737, or his legal representative, shall have no right to recover any damages for which personal injury protection benefits are paid or payable. The plaintiff may prove all of his special damages notwithstanding this limitation, but if special damages are introduced in evidence, the trier of facts, whether judge or jury, shall not award damages for personal injury protection benefits paid or payable. In all cases in which a jury is required to fix damages, the court shall instruct the jury that the plaintiff shall not recover such special damages for personal injury protection benefits paid or payable.

(4) **BENEFITS; WHEN DUE.**—Benefits due from an insurer under ss. 627.730-627.741 shall be primary, except that benefits received under any workmen's compensation law or Medicaid as provided under 42 USC 1396 et seq. shall be credited against the benefits provided by subsection (1) and be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under ss. 627.730-627.741.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by ss. 627.730-627.741.

(b) Personal injury protection insurance benefits shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by writ-

ten notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. However, any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment, notwithstanding that written notice has been furnished to the insurer. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

(c) All overdue payments shall bear simple interest at the rate of 10 percent per annum.

(d) The insurer of the owner of a motor vehicle shall pay personal injury protection benefits for:

1. Accidental bodily injury sustained in this state by the owner while occupying a motor vehicle, or while not an occupant of a *self-propelled motor vehicle or motorcycle* if the injury is caused by physical contact with a motor vehicle.

2. Accidental bodily injury sustained outside this state but within the United States of America, its territories or possessions, or Canada by the owner while occupying the owner's motor vehicle.

3. Accidental bodily injury sustained by a relative of the owner residing in the same household, under the circumstances described in subparagraph 1. or subparagraph 2., provided the relative at the time of the accident is domiciled in the owner's household and is not himself the owner of a motor vehicle with respect to which security is required under ss. 627.730-627.741.

4. Accidental bodily injury sustained in this state by any other person while occupying the owner's motor vehicle or, if a resident of this state, while not an occupant of a *self-propelled motor vehicle or motorcycle*, if the injury is caused by physical contact with such motor vehicle, provided the injured person is not himself:

a. The owner of a motor vehicle with respect to which security is required under ss. 627.730-627.741, or

b. Entitled to personal injury benefits from the insurer of the owner or owners of such a motor vehicle.

(e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person the maximum payable shall be as specified in subsection (1), and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim.

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered *and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment if the insured receiving such treatment or his guardian has countersigned the invoice or bill upon which such charges are to be paid as being actually rendered to the best knowledge of the insured or his guardian.* In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, and accommodations in cases involving no insurance.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under ss. 627.730-627.741 against whom a claim has been made, furnish forthwith, in a form approved by the Department of Insurance, a sworn statement of the earnings, since the time of bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which

a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for said treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or its records regarding such history, condition, treatment, dates, and costs of treatment. Said sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of physician-patient privilege or invasion of the right of privacy shall be against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and said sworn statement shall pay all reasonable costs connected therewith.

(c) In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or about his history, condition, and treatment, and dates and costs of such treatment, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(d) The injured person shall be furnished, upon request, a copy of all information obtained by the insurer under the provisions of this section, and shall pay a reasonable charge, if required by the insurer.

(e) Notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured.

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the city of residence of the insured. If there is no qualified physician to conduct the examination within the city of residence of the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled, upon request, to receive from the person examined every written report available to him or his representative concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined, or may thereafter examine, him in respect to the same mental or physical condition. If a person unreasonably refuses to submit to an examination, the personal injury protection carrier is no longer liable for subsequent personal injury protection benefits.

(8) With respect to any dispute under the provisions of ss. 627.730-627.741 between the insured and the insurer, the provisions of s. 627.428 shall apply.

Section 34. Section 627.7372, Florida Statutes, is created to read:

627.7372 Collateral sources of indemnity.—

(1) In any action for personal injury or wrongful death arising out of the ownership, operation, use or maintenance of a motor vehicle, the court shall admit into evidence the total amount of all collateral sources which have been paid to the claimant prior to the commencement of the trial. The court shall also admit into evidence any amount paid by the claimant to secure such collateral source.

(2) For purposes of this section:

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

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

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

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

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

Section 35. Subsection (4) is added to section 627.737, Florida Statutes, 1976 Supplement, to read:

627.737 Tort exemption; limitation on right to damages; punitive damages.—

(4) In any action brought against an automobile liability insurer for damages in excess of its policy limits, no claim for punitive damages shall be allowed.

Section 36. Section 627.7375, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of section. See s. 627.7375, F.S., 1976 Supp., for present text.)

627.7375 False and fraudulent claims.—

(1) Any person who, with the intent to injure, defraud or deceive any insurance company:

(a) Presents or causes to be presented any written or oral statement as part of or in support of a claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim; or

(b) Prepares or makes any written or oral statement that is intended to be presented to any insurance company in connection with or in support of any claim for payment in other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) All claims forms shall contain a statement in a form approved by the department that clearly states in substance the following: "Any person who knowingly and with intent to injure, defraud or deceive any insurance company files a statement of claim containing any false, incomplete or misleading information is guilty of a felony of third degree."

(2) Any physician licensed under chapter 458, osteopath licensed under chapter 459, chiropractor licensed under chapter 460, or any other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the

provisions of this part, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopath, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopath, chiropractor, or practitioner is adjudicated guilty of a violation of this section, the State Board of Medical Examiners as set forth in chapter 458, the State Board of Osteopathic Medical Examiners as set forth in chapter 459, or the Florida State Board of Chiropractic Examiners as set forth in chapter 460, or other appropriate licensing authority, whichever is appropriate, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, chiropractor, or practitioner.

(3) Any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently violate any of the provisions of this part, or any person who, due to such assistance, conspiracy, or urging on such attorney's part, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) No person or governmental unit licensed under chapter 395 to maintain or operate a hospital, and no administrator or employee of any such hospital, shall knowingly and willfully allow the use of the facilities of said hospital by an insured party in a scheme or conspiracy to fraudulently violate any of the provisions of this part. Any hospital administrator or employee who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any adjudication of guilt for a violation of this section, or the use of business practices demonstrating a pattern indicating that the spirit of the law set forth in this part is not being followed, shall be grounds for suspension or revocation of the license to operate the hospital or the imposition of an administrative penalty of up to \$5,000 by the licensing agency as set forth in chapter 395.

(5) Any insurance company damaged as a result of a violation of any provision of this section where there has been a criminal adjudication of guilt shall have a cause of action to recover compensatory damages, plus all reasonable investigation and litigation expenses including attorneys' fees at the trial and appellate courts.

(6) For the purposes of this section "statement" includes, but is not limited to, any notice, statement, proof of loss, bill of lading, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or doctor records, x-ray, test result, or other evidence of loss, injury, or expense.

(7) The provisions of this section shall also apply as to any insurer or adjusting firm or their agents or representatives who with intent, injures, defrauds, or deceives any claimant with regard to any claim. The claimant shall have the right to recover the damages provided in this section.

(8) It is unlawful for any person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership, or association to solicit any business in and about city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, municipal courts, or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever for the purpose of making motor vehicle tort claims. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) It is unlawful for any attorney to solicit any business relating to the representation of persons injured in a motor vehicle accident for the purpose of filing a motor vehicle tort claim. Any attorney who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court shall find probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to appropriate state attorney a copy of the finding of probable cause and the report being filed in the matter.

Section 37. Section 627.739, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of section. See s. 627.739, F.S. 1976 Supplement, for present text.)

627.739 Personal injury protection; optional limitations; deductibles.—

In order to prevent duplication with other private or governmental insurance or benefits for senior citizens and others with access to such insurance or benefits, each insurer providing the coverage and benefits described in s. 627.736(1) shall offer to the named insured's modified forms of personal injury protection as described in this section. Such election may be made by the named insured to apply to the named insured alone, or to the named insured and dependent relatives residing in the same household. Any person electing such modified coverage or subject to such modified coverage as a result of the named insured's election shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator or occupant of a vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by ss. 627.730-627.741. Premium reductions for each modification or combination of modifications shall be adequate to recognize the reduction in hazard and shall be subject to the approval of the Department of Insurance.

(1) Insurers shall offer to each applicant and to each policy holder upon the renewal of an existing policy, deductibles, in amounts of \$250, \$500, \$1,000, and \$2,000, \$3,000 and \$4,000 said amount to be deducted from the benefits otherwise due each person subject to the deduction and shall explain to each applicant or policy holder that if they have coverage under private or governmental disability plans they may avail themselves of deductibles or other modifications as provided in subsection (1) (2) and (3).

(2) Insurers shall offer coverage wherein at the election of the named insured all benefits payable under 42 USC 1395, the federal "medicare" program, or to active or retired military personnel and their dependent relatives shall be deducted from those benefits otherwise payable pursuant to s. 627.736(1).

(3) Insurers shall offer coverage wherein at the election of named insured the benefits for loss of gross income and loss of earning capacity described in s. 627.736(1)(b) shall be excluded.

(4) Insurers shall offer, at the election of the named insured, one of the following options:

(a) Either a direct payment to the policyholder or a payment to any person, corporation, association or other business entity which performs repair work upon the motor vehicle, or a combination of the foregoing; or

(b) A payment to any person, corporation, association, or other business entity performing repair work upon the motor vehicle, where the payee is under contract with the insurer to perform such work at stipulated rates which are no greater than eighty-five (85) percent of prevailing rates for similar work within the county where the payee performs the work upon the motor vehicle.

(5) Each insurer may prepare and distribute to each of its policyholders a listing of all business entities under contract with the insurer to perform motor vehicle repair work at the rates described in paragraph (1) (b) of this section. The listing shall include a clear and plain explanation of the options provided as required by this section, and shall further state that if the policyholder elects to have required motor vehicle repair work done by any such business entity, the rates stipulated in the contract with the insurer shall be all of the consideration which the business entity will demand for such work and shall be paid by the insurer.

(6) Insurers may offer coverage wherein at the election of the named insured medical services shall be limited to specified medical providers, including hospitals, which specified medical provider may be a health maintenance organization, as provided in Chapter 641, Part II, Florida Statutes.

Section 38. Section 627.7403, Florida Statutes, is created to read:

627.7403 Mandatory joinder of derivative claim.—In any action brought pursuant to the provisions of s. 627.737 claiming personal injuries, all claims arising out of the plaintiff's injur-

ies including all derivative claims shall be brought together unless good cause is shown why such claims should be brought separately.

Section 39. Section 768.063, Florida Statutes, is created to read:

768.063 Nonjoinder of liability insurers.—

(1) No liability insurer shall be joined as a party defendant in an action to determine the insured's liability; however, each insurer, which does or may provide liability insurance coverage to pay all or a portion of a judgment which might be entered in the action, shall file a statement of a corporate officers setting forth the following information regarding each known policy of insurance:

(a) The name of the insurer.

(b) The name of each insured.

(c) The limits of liability coverage.

(d) A statement of any policy or coverage defense which said insurer reasonably believes is available to said insurer at the time of filing the statement.

(2) The statement required under subsection (1) shall be amended immediately upon discovery of facts calling for an amendment.

(3) If the statement or amendment indicates that a policy or coverage defense has been or will be asserted, then the insurer may be joined as a party.

(4) After the rendition of a verdict, or a final judgment by the court if the case is tried without a jury, the insurer may be joined as a party and judgment may be entered by the court based on the statement required by this section.

(5) The rules of discovery shall be available to discover the existence and policy provisions of liability insurance coverage.

Section 40. Subsection (2) of section 768.18, Florida Statutes, is amended to read:

768.18 Definitions.—As used in ss. 768.16-768.27:

(2) "Minor children" means *dependent* unmarried children under 21 years of age *notwithstanding the age of majority*.

Section 41. Remittitur and additur.—

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

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

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

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

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

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

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

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

Section 42. Good Drivers' Incentive Fund.—

(1) There is hereby created a Florida Good Drivers' Incentive Fund, hereinafter referred to as the "fund."

(2) The fund shall be administered by the Department of Highway Safety and Motor Vehicles, hereinafter referred to as the "department," and the costs of administration shall be borne by the fund.

(3) The department shall draft a plan for the operation of the fund to implement the purposes of this section.

(4) On and after the effective date of this act:

(a) Any driver convicted of a moving traffic violation shall be assessed an additional civil penalty or fine of \$30 in addition to the amount normally levied for such conviction. For purposes of this section the term "moving traffic violation" means an infraction of ss. 316.029, 316.030, 316.040, 316.053, 316.054, 316.055, 316.056, 316.0565, 316.057(9), 316.061, 316.081, 316.082, 316.083, 316.084, 316.085, 316.086, 316.087, 316.088, 316.089, 316.090, 316.091, 316.092, 316.094, 316.095, 316.096, 316.098, 316.100(1), 316.102, 316.104(2) or (4), 316.107, 316.108, 316.109, 316.110, 316.1105, 316.113, 316.121, 316.122, 316.123, 316.125, 316.126(1) or (3), 316.133, 316.134, 316.138, 316.139, 316.151, 316.152, 316.153, 316.154, 316.155, 316.157, 316.158, 316.159, 316.162, 316.181, 316.182, 316.183, 316.184, 316.185, 316.186, 316.196, 316.197, 316.198, 316.205, 316.206, 316.217, 316.236, 316.238, 316.2431, or 339.30(1)(a), (b), (c), (d), (g), or (h).

(b) Any driver convicted of a violation of s. 316.028 shall be assessed an additional civil penalty or fine of \$200 per conviction.

It is the intent of the Legislature that any civil penalty or fine normally levied be increased by the amounts specified in paragraphs (a) and (b) and such additional civil penalty or fine shall be considered a part of the total civil penalty or fine. Such additional civil penalty or fine shall be collected by the clerk of the appropriate court and remitted on a monthly basis to the department, which shall place such additional civil penalty or fine in the fund. The purpose of this section is to provide an incentive for those persons operating motor vehicles in this state to utilize the privilege of operating such motor vehicles in a safe and financially responsible fashion and at the same time to provide a disincentive to those who would abuse such privilege.

(5) Beginning July 1, 1978, and at the beginning of each fiscal year thereafter, all money in the fund after deduction of the costs of administration of the fund shall be distributed to persons who have:

(a) Been licensed to drive in Florida;

(b) Received no convictions as specified in subsection (4) or convictions arising out of a motor vehicle accident during the preceding 12 months; and

(c) 1. Purchased and maintained continuously for 12 months on a voluntary basis bodily injury liability insurance of at least \$10,000 because of bodily injury to, or death of, one person in any one accident, and, subject to said limits for one person, in the amount of \$20,000 because of bodily injury, or death of, two or more persons in any one accident; or

2. Established voluntarily with the department financial responsibility by one of the alternative methods set forth in s. 324.031(2), (3), or (4).

(6) The moneys collected by each county shall be returned pro rata to those persons who are residents of that county and who meet the requirements of subsection (5). In the event the

warrant forwarded by the department to any such person is returned as undeliverable such warrant shall be voided and the entitlement to the proceeds of such warrant shall cease to exist, unless such person files a claim of entitlement with the department within 90 days of the date of return.

(7) The department shall appoint an advisory study commission to determine alternative methods of distributing the money in the fund. The study commission shall make its recommendations to the legislature by March 1, 1978.

Section 43. There shall be no private passenger motor vehicle insurance rate increases for bodily injury liability, personal injury protection benefits, or uninsured motorist coverage, excluding rates charged for coverage under the automobile joint underwriting association established under s. 627.351(1), prior to January 1, 1978. The rate cap provided by this section shall take effect at 12:01 A.M., June 4, 1977. This shall not prevent rate reduction.

Section 44. If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared to be severable.

Section 45. This act shall take effect July 1, 1977, and shall apply to all claims arising out of accidents occurring after said date, except that: section 4 shall take effect January 1, 1978; sections 19, 21, 22, 23, 24, 25, 31, 32, 33, and 37 shall take effect September 1, 1977; and sections 43, 44, and 45 shall take effect upon becoming a law.

Conference Committee Amendment 2—On pages 1-5, strike everything before the Enacting Clause and insert: A bill to be entitled An act relating to insurance and tort reform; providing a short title; adding s. 11.147(9), Florida Statutes; authorizing the Joint Legislative Management Committee to retain the services of an actuary; amending s. 120.50, Florida Statutes; exempting the joint underwriting association from the provisions of the Administrative Procedure Act; adding s. 320.02(3), Florida Statutes; providing proof of personal injury protection benefits under certain circumstances; amending s. 324.011, Florida Statutes; prescribing purpose of the Financial Responsibility Law; amending s. 324.021(1), (2), Florida Statutes, 1976 Supplement; providing definitions; amending s. 324.051(1), (2), (3)(a), Florida Statutes, 1976 Supplement; requiring proof of financial responsibility for conviction of certain offenses; amending ss. 324.061(1), (3), 324.071, 324.072, and 324.081(1), (4), Florida Statutes, conforming provisions to changes made in 1976; repealing s. 324.181(2), Florida Statutes, relating to equitable apportionment among insurers; repealing s. 325.19(7), Florida Statutes, relating to proof of insurance at time of inspection; adding s. 624.315(7), Florida Statutes; prescribing content of annual report of Department of Insurance; adding s. 624.316(5), (6), Florida Statutes; providing for examinations by Department of Insurance; adding s. 624.404(8), Florida Statutes; providing for valuation of portfolio at current market value; amending s. 624.411(3), Florida Statutes; increasing deposit requirements; amending s. 624.18(4), Florida Statutes; increasing provision for surplus as to policyholders; adding s. 624.424(8), Florida Statutes; authorizing the department to require an annual certified financial report; adding s. 626.9541(15)(h), Florida Statutes, 1976 Supplement; prohibiting discrimination; amending provisions of s. 626.989, Florida Statutes, 1976 Supplement; providing investigatory powers and providing for certain enforcement by the circuit courts; restricting public inspection of documents; providing for explanation by State Attorney; amending s. 627.062(2), Florida Statutes; removing motor vehicle insurance from certain rate standards; creating s. 627.0651, Florida Statutes; prescribing procedures for making and using rates for motor vehicle insurance; creating s. 627.066, Florida Statutes; prohibiting excessive profits for motor vehicle insurance; amending s. 627.072(1)(a), Florida Statutes; removing motor vehicle insurance from certain provisions concerning making and use of rates; repealing s. 627.082, Florida Statutes, relating to basis of approval or disapproval of filing; creating s. 627.342, Florida Statutes; providing for risk classification reporting for motor vehicle insurance; amending s. 627.331(2), (5), Florida Statutes; providing for annual reporting of information relating to claims, premiums, income and expenses by automobile liability insurers; deleting provision relating to annual filing of loss and expense experience; s. 627.351(1), Florida

Statutes, 1976 Supplement; providing for a plan for equitable apportionment among insurers providing automobile insurance or personal injury protection benefits of applicants who are unable to procure such insurance or benefits through ordinary methods; providing for notification to insureds; providing for filing of loss and expense experience; deletes requirements that plans provide for payment to the producing agent; amending s. 627.7263, Florida Statutes, 1976 Supplement; providing that liability or personal injury protection insurance providing coverage for the lessor of a motor vehicle for lease shall be primary unless otherwise stated in the lease agreement; amending s. 627.727(3), Florida Statutes, and adding subsections to said section; providing that uninsured motorist protection follows the car rather than the person; providing an alternative method for settling a third party claim in an underinsured situation; requiring the uninsured motorist coverage meet the no-fault threshold for pain and suffering; amending s. 627.733, Florida Statutes; removing compulsory liability insurance except as required under financial responsibility; providing that insurers providing mandatory personal injury protection coverage must also make available automobile liability insurance; amending s. 627.735, Florida Statutes; providing for suspension of license and registration if required security is not maintained; amending s. 627.736, Florida Statutes, 1976 Supplement; providing that personal injury protection benefits would be payable for 80 percent of all reasonable medical expenses; providing that disability benefits would be 80 percent of loss of gross income unless such benefits are deemed not includable in gross income for Federal income tax purposes, then it is limited to 60 percent; providing that insurer must reduce rates in proportion to reduction in benefits; providing for credit against benefits otherwise payable if Medicaid benefits are payable; clarifying who is covered by this section; creating s. 627.7372, Florida Statutes; providing for the admissibility into evidence of all collateral sources paid prior to trial; adding s. 627.737(4), Florida Statutes, 1976 Supplement; prohibiting claim for punitive damages in an action against an automobile liability insurer for damages in excess of its policy limits; amending s. 727.7375, Florida Statutes, 1976 Supplement; providing for penalty for making false and fraudulent claims and statements used to support such claims; providing for civil cause of action if section is violated; defining "statement"; providing that section also applies to insurers, adjusting firms or their agents who defraud claimant; prohibiting solicitation of motor vehicle tort claims by any person and providing a penalty; prohibiting soliciting by an attorney of motor vehicle tort claims and providing a penalty; amending s. 627.739, Florida Statutes, 1976 Supplement; providing for modified personal injury protection insurance; providing for deductibles and exclusions; creating s. 627.7403, Florida Statutes, providing for mandatory joinder of derivative claims in certain actions; creating s. 768.063, Florida Statutes; providing for nonjoinder of liability insurers; amending s. 768.18(2), Florida Statutes; providing new definition of minor children; providing for remittitur and additur; creating the Good Drivers' Incentive Fund to be administered by the Department of Highway Safety and Motor Vehicles; imposing additional civil penalties or fines for specified moving traffic violations and providing for deposit in the fund; providing for annual distribution of moneys in the fund to qualified drivers; prohibiting certain motor vehicle insurance rate increases prior a specified date; providing severability; providing an effective date.

Senator Plante presiding

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 12:30 p.m.

The President presiding

On motion by Senator Barron the Conference Committee Report was adopted, and CS for SB's 1181, 925 and 792 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—25

Mr. President	Dunn	Holloway	Plante
Barron	Gallen	Johnston	Saylor
Childers, Don	Gorman	Lewis	Scarborough
Childers, W. D.	Hair	McClain	Scott

Skinner	Tobiassen	Ware	Zinkil
Thomas, Jon	Trask	Williamson	
Thomas, Pat	Vogt		

Nays—12

Castor	Glisson	Myers	Spicola
Chamberlin	Graham	Poston	Wilson
Firestone	MacKay	Renick	Winn

Vote after roll call:

Yea—Peterson

On motions by Senator Jon Thomas, by two-thirds vote HB 1669 was withdrawn from the Committee on Health and Rehabilitative Services and by two-thirds vote placed on the Special Order Calendar.

HB 1669—A bill to be entitled An act relating to state officers and employees; amending s. 112.055, Florida Statutes, to provide for consultation with the Department of Banking and Finance before approval of pay periods is granted by the Department of Administration; amending s. 112.075(2), Florida Statutes, 1976 Supplement, and adding a new subsection (8) thereto, providing a definition; authorizing the Department of Administration to permit state officers and employees to participate in a health maintenance organization as an alternative to participation in the state health insurance plan; providing an effective date.

On motions by Senator Jon Thomas, by two-thirds vote HB 1669 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—34

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

Nays—None

Vote after roll call:

Yea—Peterson

HB 1455—A bill to be entitled An act relating to marketable record titles to real property; amending s. 712.06(3), Florida Statutes, relating to the filing of a claim of interest in property, to require payment by the claimant of costs of mailing notice of such claim by the clerk of the circuit court; providing an effective date.

—was read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert: Section 1. All conveyances and releases of any interest in lands, title to which was vested in the Board of Trustees of the Internal Improvement Trust Fund under chapter 253, Florida Statutes, made by the board of trustees after June 30, 1975 and prior to the effective date of this act are hereby ratified, confirmed and validated in all respects.

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

Amendment 2—On page 1 in title, strike all of lines 2-7 and insert: An act relating to land titles; validating certain conveyances and releases of lands made by the Board of Trustees of the Internal Improvement Trust Fund;

On motion by Senator Plante, by two-thirds vote HB 1455 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motions by Senator Gallen, the rules were waived and by two-thirds vote HB 630 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal.

HB 630—A bill to be entitled An act relating to county court judges; amending s. 34.021, Florida Statutes, to require that such judges be members of The Bar of Florida for 5 years; providing an exception; providing an effective date.

—was read the second time by title.

Senators MacKay and Pat Thomas offered the following amendments which were moved by Senator MacKay and adopted:

Amendment 1—On page 1, line 18-21, strike the struck language and reinsert existing language without overstriking

Amendment 2—On page 1, lines 23 and 24, strike “for the preceding 5 years”

On motion by Senator MacKay further consideration of HB 630 as amended was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1503 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mixson—

HB 1503—A bill to be entitled An act relating to institutions of higher learning; creating s. 241.195, Florida Statutes, authorizing and directing the Institute of Food and Agricultural Sciences at the University of Florida to pay the employer's share of premiums for federal health insurance for certain employees of the institute; providing an effective date.

—was read the first time by title.

On motion by Senator Gallen, the rules were waived and by two-thirds vote HB 1503 was placed at the beginning of the special order calendar.

SPECIAL ORDER, continued

On motions by Senator Skinner, by two-thirds vote HB 1503 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.

The vote on passage was:

Yeas—32

Mr. President	Chamberlin	Childers, W. D.	Firestone
Castor	Childers, Don	Dunn	Gallen

Glisson	Lewis	Saylor	Tobiassen
Gorman	MacKay	Scarborough	Trask
Graham	McClain	Skinner	Vogt
Hair	Peterson	Spicola	Ware
Henderson	Poston	Thomas, Jon	Williamson
Johnston	Renick	Thomas, Pat	Zinkil

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 924 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON HB 924

The Honorable Lew Brantley
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to HB 924, same being:

A bill to be entitled

An act relating to weapons and firearms; amending s. 790.06, Florida Statutes, 1976 Supplement, authorizing boards of county commissioners to adopt by resolution, a uniform policy and procedure for the issuance of licenses to carry pistols; authorizing such boards to refuse to issue licenses when they deem issuance not in the best interests of the public; adding paragraph (o) to s. 790.25(3), Florida Statutes, providing an exception to the weapons and firearms licensing law for investigators employed by public defenders if such investigators meet certain qualifications; providing an effective date.

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

1. That the Senate recede from its amendments 3, 5, and 7 to HB 924.
2. That the Senate and the House of Representatives adopt Conference Committee Amendments 1 and 2 attached hereto and by reference be made a part of this report.
3. That the Senate and the House of Representatives pass HB 924 as amended by said Conference Committee Amendments.

Alan Trask
Warren S. Henderson
Lori Wilson

Ralph H. Haben, Jr.
Ronald R. Richmond
Eric B. Smith

Managers on the part of the
Senate

Managers on the part of the
House of Representatives

Conference Committee Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. Section 790.06, Florida Statutes, 1976 Supplement, is amended to read:

790.06 How license procured.—The county commissioners of the respective counties of this state may at any regular or special meeting adopt by ordinance a uniform policy and procedure for the issuance of licenses to carry concealed pistols on the person. Such licenses shall in any event be issued only to persons who are over the age of 18 ~~grant a license to carry a pistol, electric weapon or device, or Winchester or other repeating rifle, only to such persons as are over the age of 21~~ years and of good moral character, for a period of 2 years, upon such person giving a bond payable to the Governor of the state in the sum of \$100, conditioned for the proper and legitimate use of said weapons, with sureties to be approved by the county commissioners. Pursuant to the express delegation of

powers contained in chapter 125 the establishment of said uniform policy shall be based upon but not limited to the following criteria:

(1) The applicant is not an unlawful user of or addicted to any controlled substance as defined in chapter 893.

(2) The applicant has not been convicted of a violation of section 790.07 or the equivalent offenses under federal or state law, unless two years have elapsed since the person has been restored to his civil rights.

(3) The applicant has not been adjudicated a mental incompetent or has been committed to a mental institution as being dangerous to himself or others, unless he possesses a certificate of a medical doctor licensed in this state that he no longer suffers from disability.

The commissioners shall keep a record of the names of the persons taking out such a license, the name of the maker of the firearm or electric weapon or device so licensed to be carried, and the caliber and number of the same.

Section 2. Paragraph (o) is added to subsection (3) of section 790.25, Florida Statutes, to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons; penalty.—

(3) EXCEPTIONS.—The provisions of ss. 790.05 and 790.06 shall not apply in the following instances and, despite said sections, it shall be lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(o) Investigators employed by the several public defenders of the state while actually carrying out official duties within the judicial circuits in which they are employed, provided that said investigators are employed on a full-time basis and meet the official training standards for firearms as established by the Police Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.21(2)(a) and 943.13(1)-(4) and are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

Section 3. Subsection (2) of section 493.21, Florida Statutes, 1976 Supplement, and subsections (1), (2), (3) and (4) of section 943.13, Florida Statutes, 1976 Supplement, read:

493.21 Weapons and firearms; training requirements; permit.—

(2) The department shall issue a Class "G" statewide permit to persons licensed under the provisions of this part to carry a weapon or firearm to be owned and issued by their employers upon:

(a) Satisfactory completion of a thorough background investigation of the individual's police record and general character made by the department, which investigation indicates that the individual is a fit person to carry a weapon or firearm;

(b) The meeting of minimum [training] criteria for weapons and firearms, not to exceed 10 hours, which shall be promulgated by the department.

943.13 Police officers; qualifications for employment.—After August 1, 1974, any person employed as a police officer shall:

- (1) Be at least 18 years of age.
- (2) Be a citizen of the United States, notwithstanding chapter 74-37, Laws of Florida, or any act of the Legislature passed during the 1976 Regular Session.
- (3) Be a high school graduate or its "equivalent" as the term may be determined by the commission.
- (4) Not have been convicted of a felony or a misdemeanor involving "moral turpitude" as the term is defined by law and who has not been released or discharged under any other than honorable conditions from any of the Armed Forces of the United States.

Section 4. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, or provision, of this law is held invalid, or unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this law.

Section 5. This act shall take effect upon becoming a law.

Conference Committee Amendment 2—On page 1, lines 1-15, strike all of said lines and insert: A bill to be entitled An act relating to weapons and firearms; amending s. 790.06 Florida Statutes, 1976 Supplement, authorizing boards of county commissioners to adopt by resolution, a uniform policy and procedure for the issuance of licenses to carry pistols; provide minimum criteria; authorizing such boards to refuse to issue licenses when they deem issuance not in the best interests of the public; adding paragraph (o) to s. 790.25(3), Florida Statutes, providing an exception to the weapons and firearms licensing law for investigators employed by public defenders if such investigators meet certain qualifications; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Trask was adopted. HB 924 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

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

Nays—1

Lewis

SPECIAL ORDER, continued

HB 346—A bill to be entitled An act relating to parole and probation; amending s. 945.30, Florida Statutes, 1976 Supplement, exempting certain persons on probation and parole from contributing to the cost of their supervision; providing that failure to pay required contributions constitutes grounds for revocation of probation or parole; substituting the Secretary of Offender Rehabilitation of the Department of Offender Rehabilitation for the Parole and Probation Commission in provisions authorizing other exemptions from such required contribution; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote HB 346 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Gorman

SB 324, a companion bill, was laid on the table.

By direction of the President, the following Proclamation of the Governor was read:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida convened in regular session for the year 1977 on the 5th day of April A.D. 1977, and is currently in Regular Session, and

WHEREAS, I have been advised that the Legislature does not intend to extend the Regular Session in the manner prescribed in the Constitution, and will adjourn sine die on the 3rd day of June A.D. 1977, and

WHEREAS, the Legislature, during the Regular Session of 1977 has failed to enact a General Appropriations Act or provide adequate financing for necessary programs and activities of State Government, and

WHEREAS, it is my duty as Governor under Section 1 of Article IV, Florida Constitution (1968) to take care that the laws be faithfully executed, and

WHEREAS, the enactment of an adequate General Appropriations Act which is properly and adequately financed is essential in order to insure the benefits of the constitutional liberty, perfect our government, insure domestic tranquility, maintain public order and guarantee civil and political rights due all the citizens of the State of Florida;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Article III, Section 3 of the Constitution of Florida (1968), do hereby convene the Legislature in Special Session at the Capital, Tallahassee, Florida, for a period of approximately seven (7) days, commencing at 12 o'clock Noon, Wednesday, the 8th day of June A.D. 1977, and ending on the 14th day of June A.D. 1977.

1. The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the enactment of the following:

- (a) A General Appropriations Bill,
- (b) Such legislation as is necessary to adequately and properly finance the General Appropriations Bill,
- (c) A Compensatory Education Act and such other legislation necessary to implement the General Appropriations Bill,
- (d) Legislation relating to tax relief.

2. The only legislative business which may be transacted during the said Special Session is that business which is within the purview of paragraph 1 of this Proclamation, or within the purview of a communication to the Florida Legislature from the Governor, or that which is introduced by consent of two-thirds (2/3) of the membership of each house of the Florida Legislature.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 3rd day of June A. D. 1977.

Reubin O'D. Askew
Governor

ATTEST:

Bruce A. Smathers
Secretary of State

On motions by Senator Gallen, by two-thirds vote the following bills were placed at the beginning of the special order calendar: CS for HB's 922 and 2272, HB 2227 (in Messages), SB 663 (in Messages), HB 1089, CS for HB 849, HB 630, HB447, SB 1296 (in Messages), SB 1490 (in Messages), SB 1138 (in Messages), SB 66 (in Messages), HB 2201, HB 2050, SB 1262 (in Messages), HB 650 (in Messages), CS for SB 24.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 922 and 2272 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations, Governmental Operations, and Retirement, Personnel & Collective Bargaining and Representative Gersten and others—

CS for HB's 922 and 2272—A bill to be entitled An act relating to law enforcement; amending s. 943.22(1)(b) and (2), Florida Statutes; including certain full-time state employees in the definition of law enforcement officers for eligibility of pay under the salary incentive program established for local law enforcement officers; deleting references to previous effective incentive salary payment dates for local law enforcement officers; providing authority to promulgate rules; providing appropriations; providing effective dates.

—was read the first time by title and pursuant to the motion by Senator Gallen was placed on the special order calendar.

On motions by Senator W. D. Childers, by two-thirds vote CS for HB's 922 and 2272 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—34

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

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 1454 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON SB 1454

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 Senate Bill 1454, same being:

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

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

1. That the House recede from its 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 House and the Senate pass Senate Bill 1454 as amended by said Conference Committee Amendments.

<i>s/Kenneth Plante, Co-Chairman</i>	<i>s/Sidney Martin, Co-Chairman</i>
<i>s/Tom Gallen</i>	<i>s/Harold Dyer</i>
<i>s/Ralph Poston</i>	<i>s/Lawrence Kirkwood</i>
Henry Saylor	<i>s/Gwen Margolis</i>
<i>s/Guy Spicola</i>	<i>s/Don Poindexter</i>

Managers on the part of the Senate	Managers on the part of the House of Representatives
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Summary of Conference Committee action:

1. Section 1—Moves all of the definitions in part III of Chapter 112, F.S., to definition section. New definitions included for Exempted bodies, Asset, Liability, Intangible Personal Property, Elected Constitutional Officer and Net Worth. Constitutional Revision Commission added to definition of state officer for disclosure purposes.

2. Section 2—Provides four exemptions designed as alternatives for those governmental bodies and officials covered by the statutory prohibitions on doing business with one's own agency and holding conflicting employment or contractual relationships.

Governor, Lt. Governor, members of the Cabinet, Public Service Commission members, members of the Legislature and Supreme Court Justices prohibited from representation of clients for compensation before any agency of state government while in office. Elected local officers prohibited from representation before local governmental agency. Exception included for court appearances, ministerial and official duties, and filing forms.

3. Section 3—Elected Constitutional, state, and local officers prohibited from representing client for fee before agency of which such person was an officer for two years following vacation of office. This prohibition also applies to Supreme Court Judges, executive directors, and secretaries of state departments. Exceptions provided for court appearances and filing applications except as provided above.

4. Section 4—Enacts new section 112.3145, F.S., relating to financial disclosure.

- (1) States who, when, and where disclosure is filed.
- (2) States who shall file full financial disclosure.

Includes all elected officers, all members of the judiciary, all heads of administrative departments, and members of certain specified boards, commissions, and authorities.

(3) Describes what constitutes full financial disclosure to include:

- (a) Federal Income Tax Statement, or Statement of sources of income of more than \$1,000, by specific amount, including disclosure of secondary sources.
- (b) Net worth by category
- (c) Description and value of all assets worth more than \$1,000. Allowance is made for those assets whose value may not be readily determined. These assets may be filed by category. Household goods and personal effects may be by lump sum as within category. Real Estate—Each piece of real estate individually described by location, legal description or tax item number and individually disclosed by appraised value as within category
- (d) Disclosure of all gifts received during disclosure period of over \$100.
- (e) Disclosure of all debts and liabilities over \$1,000 by specific amount.

(4) Limited financial disclosure shall be filed by:

- (a) All state specified employees except state department heads.
- (b) All nonelected state officers who are not required to file full disclosure (i.e., certain state boards)

(c) All nonelected local officers who are not required to file full disclosure (i.e., planning boards, zoning boards, etc.)

(5) Limited financial disclosure shall include: (Present law slightly modified)

- (a) Sources of income exceeding \$1,000
- (b) Secondary sources of income (present law)
- (c) Location and description of real property in this state if 5% interest or more is owned
- (d) General description of intangible property, worth in excess of 10% of person's total assets
- (e) Description of gifts received exceeding \$100
- (f) Every debt which exceeds the person's net worth

(6) A local option is provided: The city or county commission may, by ordinance or resolution, require those local officers within their jurisdiction to file full disclosure.

5. Section 5—Provides for property forms to be promulgated by Secretary of State and Ethics Commission.

6. Section 6—This provision restores to the Chief Justice of the Supreme Court the power of appointment of one member of the Commission on Ethics.

7. Section 7—Requires the Commission on Ethics to adopt rules of procedure pursuant to the Administrative Procedures Act (Ch. 120, F.S.). Subsection (a) is intended to prohibit the Commission on Ethics from promulgating rules which go beyond statutory intent or authority.

8. Section 8—Provides for payment of up to treble damages to the state for malfeasance and payment of damages equal to any financial benefits derived from misfeasance or nonfeasance, plus 10% interest per annum by: public officers; any person participating in such acts.

9. Section 9—Effective date. The filing deadline for current disclosure period is extended to December 31, 1977. Thereafter, all reports shall be filed by July 15. All filings shall be on Ethics Commission forms or on a form sufficient to comply with law.

Amendment 1 by the Conference Committee on Financial Disclosure—On page 1 line 28 strike all of lines 28 through 31 and all of pages 2 through 14 and insert the following amendment:

Section 1. Subsections (1), (4), and (8) of section 112.312, Florida Statutes, 1976 Supplement, are amended and subsections (18), (19), (20), (21), (22), (23), (24), (25), and (26) are added thereto to read:

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

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

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

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

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

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

Notwithstanding any other provision of this subsection, "exempted body" also means a body which is vested with title to real property, used for a public purpose, located within the District of Columbia.

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

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

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

(19) "Elected constitutional officer" means every person who is elected to constitutional office in this state and every person who is appointed to fill a vacancy for an unexpired term in such elective office.

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

(21) "Intangible personal property" means all personal property which is not in itself intrinsically valuable, but which derives its chief value from that which it represents, including, but not limited to, the following:

(a) Money, including, without limitation, United States legal tender, certificates of deposit, cashier's and certified checks, bills of exchange, drafts, the cash equivalent of annuities and life insurance policies, and similar instruments;

(b) All stocks or shares of incorporated or unincorporated companies, business trusts, and mutual funds;

(c) All beneficial interests of residents in trusts;

(d) All notes, bonds, and other obligations for the payment of money; held by the reporting person in his own name or by any other person or entity for his use or benefit.

(22) "Local officer" means:

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

(b) Any appointed member of a board, commission, authority, community college, district board of trustees, or council of any political subdivision of the state, excluding any member of an exempted body.

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

(23) "Specified employee" means:

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

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

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

(d) The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

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

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

(g) Each employee of the Commission on Ethics.

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

(24) "State officer" means:

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

(b) An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an exempted body.

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

(d) Each appointed member of a constitution revision commission established pursuant to Section 2 of Article XI of the State Constitution.

(25) "Net worth" means the amount remaining after all liabilities, as herein defined, have been deducted from all assets, as herein defined.

(26) "Total income" means that income as defined by the Internal Revenue Code.

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

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

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

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

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

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

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

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

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

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

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

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

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

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

(13) REPRESENTATION OF CLIENTS BEFORE GOVERNMENT AGENCIES.—The Governor, the Lieutenant Governor, members of the Cabinet, members of the Public Service Commission, members of the Legislature, and Justices of the Supreme Court shall be prohibited from representing a client for a fee or commission before any agency of state government during their tenure in office and no elected local officer shall represent a client for a fee or commission before any agency of the same local government during his tenure in office. Representation before a government agency shall not be deemed to include:

(a) Appearances in ministerial matters.

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

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

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

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

112.3144 Representation before governmental agencies restricted.—No elected constitutional officer, no elected state officer, no elected local officer as defined in s. 112.312 and no appointed secretary or executive director of a state department shall personally represent another person or entity for compensation before the agency of which such person was an officer or member for a period of 2 years following vacation of that office. No Supreme Court justice shall personally represent another person or entity for compensation before the Supreme Court for a period of 2 years following vacation of that office. Representation before a government agency shall not be deemed to include:

(1) *Appearances before any court or judges or commissioners of industrial claims except as provided above.*

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

Section 4. Section 112.3145, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.3145, F. S., 1976 Supp., for present text.)

112.3145 Full or limited public disclosure; clients represented before agencies.—

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

(b) Each elected constitutional officer, each state or local officer and each specified employee shall file a statement of full or limited public disclosure of financial interests no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year he is in office. Each person who is appointed to an elective constitutional, state or local office and each specified employee who is employed shall file a statement of full or limited public disclosure of financial interests within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

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

(2)(a) The following persons shall be required to file statements of full public financial disclosure as provided in subsection (1):

1. All elected constitutional officers.
2. All elected state and local officers.
3. Each appointed secretary or executive director of a state department.
4. Members of land planning or zoning boards.
5. Members of boards of adjustment.
6. Members of water management boards under chapter 373 or 298 and members of regional water authorities under chapter 373.
7. Members of occupational or professional licensing boards.
8. Members of the Board of Business Regulation.
9. Members of the Board of Regents.
10. Members of the Citrus Commission.
11. Members of the Game and Fresh Water Fish Commission.
12. Members of the Environmental Regulation Commission.
13. Members of a Constitutional Revision Commission established under Article XI of the State Constitution.
14. Members of the Parole and Probation Commission.
15. Members of the Commission on Ethics.
16. Members of the Elections Commission.

17. Members of the Public Employees Relations Commission.

18. Members of the Industrial Relations Commission.

19. Judges of industrial claims.

20. All members of authorities with statewide jurisdiction, and members of authorities in charter counties, and members of authorities in a municipal corporation which extends territorially throughout a county under the provisions of s. 9 of Art. VIII of the Constitution of 1885, as amended, as carried forward by s. 6 of Art. VIII of the State Constitution as revised in 1968 and subsequently amended, and all authorities or boards with taxing power unless such board or authority falls within the definition of an exempted body.

21. All members of the judiciary, whether elected or appointed.

22. All district administrators for the Department of Health and Rehabilitative Services.

23. Any person appointed to fill a vacancy in any of the positions listed in subparagraphs 1. through 22., and any person acting in the official capacity of any such position, by whatever title.

(b) The statement of full public financial disclosure shall include:

1.a. A copy of the reporting person's most recent federal income tax return; or

b. All sources and each amount of income in excess of \$1,000 received during the disclosure period by the person in his own name or by any other person for his use or benefit. However, this shall not be construed to require disclosure of a business partner's sources of income. Additionally, all sources of income to a business entity in excess of 10 percent of the total income of a business entity in which the reporting person held a material interest and from which he received an amount in excess of \$1,000 during the disclosure period. The period for computing the total income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

2. The reporting person's net worth as of the preceding December 31, or a more current date. In disclosing net worth it shall be sufficient to report the amount as being within one of the categories enumerated in subparagraph 6.

3. The description of each asset owned directly or indirectly by the person reporting, and which is valued in excess of \$1,000, together with its value. When the value of an asset is not readily determinable, the reporting person shall have the option of reporting the value of said asset as being within one of the categories enumerated in subparagraph 6. Household furnishings, personal jewelry, clothing, and art objects may be considered together and reported under the classification of Household and Personal Effects. All other assets valued in excess of \$1,000 shall be specifically described. All stocks and shares in incorporated or unincorporated companies or bonds shall be specifically described by name of each business entity to which said stocks or bonds relate. Each real estate parcel shall be described by location, legal description, or property appraiser's tax item number. For purposes of this section, indirect ownership shall not include ownership by a spouse or minor child.

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

5. The names and addresses of all persons or business entities to whom the reporting person owed a debt or debts for a total financial liability in excess of \$1,000 during the disclosure period and the amount of the debt. Indebtedness on life insurance policies owed to the company of issuance shall not be counted.

6. In those instances where disclosure by category of the value of net worth or assets is authorized by subparagraphs 2. and 3. the following categories should be utilized:

- a. Over \$1,000 but not exceeding \$5,000.
- b. Over \$5,000 but not exceeding \$10,000.
- c. Over \$10,000 but not exceeding \$25,000.
- d. Over \$25,000 but not exceeding \$50,000.
- e. Over \$50,000 but not exceeding \$75,000.
- f. Over \$75,000 but not exceeding \$100,000.
- g. Over \$100,000 but not exceeding \$150,000.
- h. Over \$150,000 but not exceeding \$200,000.
- i. Over \$200,000 but not exceeding \$250,000.
- j. Over \$250,000 but not exceeding \$300,000.
- k. Over \$300,000 but not exceeding \$350,000.
- l. Over \$350,000 but not exceeding \$400,000.
- m. Over \$400,000 but not exceeding \$450,000.
- n. Over \$450,000 but not exceeding \$500,000.
- o. Over \$500,000 but not exceeding \$650,000.
- p. Over \$650,000 but not exceeding \$850,000.
- q. Over \$850,000 but not exceeding \$1 million.
- r. Over \$1 million but not exceeding \$1.5 million.
- s. Over \$1.5 million but not exceeding \$1.8 million.
- t. Over \$1.8 million but not exceeding \$2 million.
- u. Over \$2 million.

(3) (a) The following persons shall be required to file statements of limited financial disclosure as provided in subsection (1):

1. All specified employees, except district administrators of the Department of Health and Rehabilitative Services and the appointed secretaries or executive directors of any state department.

2. All nonelected state officers, except those required to file full public financial disclosure under subsection (2); provided that such persons may file full public financial disclosure as required by subsection (2) if they so desire.

3. All nonelected local officers not required to file full public financial disclosure under subsection (2) or paragraph (c) of this subsection.

(b) The statement of limited financial disclosure shall include:

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

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

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or in-

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

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

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

6. The statement of limited financial disclosure shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable."

(c) The governing body of a county or municipality may by ordinance or resolution require the filing of full public financial disclosure pursuant to subsection (2) by nonelected officers, appointees, or employees within its jurisdiction who are required to file statements of limited financial disclosure under this subsection. Such determination by the governing body of a municipality or county shall be made no later than September 1, 1978, and annually thereafter, and a report of such action shall be made to the Commission on Ethics and the Legislature.

(4) Each elected constitutional officer, and each state officer, local officer, and specified employee not prohibited from engaging in such representation by s. 112.313(13) shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter in the same office in which such official is required to file full or limited public disclosure of financial interests. Representation before any agency shall be deemed to include representation by such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or hearing officer, or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

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

(6) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second

disclosure for the same year or any part thereof notwithstanding any requirement of this act.

Section 5. Subsections (2) and (3) of section 112.3147, Florida Statutes, 1976 Supplement, are amended, and subsections (4) and (5) are added thereto to read:

112.3147 Forms.—

(2) The Commission on Ethics shall prescribe a form for the disclosure of information pursuant to s. 112.3145(2) or (3) for use by persons not required to file a statement of contributions pursuant to s. 111.011.

(3) The Commission on Ethics and the Department of State shall jointly prescribe a form for use by elected public officers, on which form both the information required to be furnished by s. 111.011 and the information required to be furnished by s. 112.3145 (2) or (3) shall be disclosed.

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

(5) It shall be acceptable for a person disclosing information required by s. 112.3145 to file this particular information in any format of his choosing in lieu of the form prescribed by the Commission on Ethics, provided that all required information is disclosed and is reported under oath.

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

112.321 Membership, terms, etc.—

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

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

112.322 Duties and powers of commission.—

(8) The commission shall adopt, in compliance with the Administrative Procedure Act, and have published in the Florida Administrative Code the following rules:

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

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

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

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

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

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

112.327 Malfeasance, misfeasance, nonfeasance; civil damages.—

(1) Whenever a public officer or employee is found in a civil action to have committed an act constituting malfeasance in office, from which act such officer or employee benefited financially, such officer or employee shall be liable to the state, in the case of a state officer or employee, or to the county or municipality, in the case of a county or municipal officer or employee, for damages in an amount equal to a minimum of 100 percent but not exceeding 300 percent of such financial benefit.

(2) Whenever a person is found in a civil action to have participated, directly or indirectly, in the commission of an act by a public officer or employee constituting malfeasance in office, from which act such person benefited financially, such person shall be liable to the state, in the case of an act committed by a state officer or employee, or to the county or municipality, in the case of an act committed by a county officer or employee, for damages in an amount equal to a minimum of 100 percent but not exceeding 300 percent of such financial benefit.

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

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

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. This act shall take effect upon becoming a law. However, the July 15 filing deadline for those persons required by this act to file full or limited public financial disclosure during the calendar 1977 year shall be waived and such persons shall not be required to file disclosure statements until December 31, 1977, except that any person seeking to qualify as a candidate for public office shall file his statement of financial disclosure together with and at the same time he files his other qualifying papers. Thereafter, all filings of full or limited public disclosure shall be made by July 15 of each year. Disclosure required by this act shall be made on forms prepared by the Commission on Ethics as prescribed by this act or in a manner that meets the requirements of disclosure as prescribed by this act. Notwithstanding any other provision of law any person required to file full financial disclosure for the 1977 disclosure period, in the manner prescribed by the provisions of this act, shall file such full financial disclosure on or before December 31, 1977. Any person required to file limited financial disclosure

by the provisions of this act who has already filed CE form 1 prior to the effective date of the act shall not be required to refile limited financial disclosure before July 15, 1978. All other persons required to file limited financial disclosure under the provisions of this act shall file such disclosure on or before December 31, 1977.

Amendment 2 by the Conference Committee on Financial Disclosure—On page 1, strike all of lines 2 through 24 and insert:

A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.312(1), (4), and (8), Florida Statutes, 1976 Supplement, and adding subsections (18)-(26); providing definitions; amending s. 112.313(1), Florida Statutes, and adding subsections (12) and (13); providing exemptions from restrictions on doing business with one's agency and on conflicting employment or contractual relationships; prohibiting representation of clients before certain government agencies by certain state and local officers during tenure in office; providing exemptions; creating s. 112.3144, Florida Statutes; prohibiting representation of clients by elected constitutional, state and local officers, appointed secretaries or executive directors of state departments, and Supreme Court justices before the agency or body of which such person was a member or officer for 2 years following vacation of office; amending s. 112.3145, Florida Statutes, 1976 Supplement, relating to disclosure of financial interests and clients represented before agencies; including constitutional officers; providing requirements for full public disclosure of financial interests and specifying who shall file such disclosure; providing requirements for limited public disclosure of financial interests and specifying who shall file such disclosure; providing that local governing bodies may require full disclosure by certain persons; amending s. 112.3147(2) and (3), Florida Statutes, 1976 Supplement, and adding subsections (4) and (5); providing requirements with regard to disclosure forms; amending s. 112.321(1), Florida Statutes; providing for appointment of a member of the Commission on Ethics by the Chief Justice of the Supreme Court; adding subsection (8) to s. 112.322, Florida Statutes, 1976 Supplement; requiring the adoption and publication of certain rules by the commission; creating s. 112.327, Florida Statutes, providing that public officers or employees benefiting financially from malfeasance shall be liable for certain damages; providing that persons participating with public officers or employees in acts of malfeasance and benefiting financially therefrom shall be liable for certain damages; providing that public officers or employees, and persons participating with public officers or employees, benefiting financially from nonfeasance or misfeasance shall be liable for actual damages plus interest; extending the filing deadline for the year 1977; providing an effective date.

The Conference Committee Report was read and on motion by Senator Plante was adopted. SB 1454 passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Hair	Renick	Tobiassen
Castor	Holloway	Scarborough	Trask
Chamberlin	MacKay	Scott	Vogt
Childers, Don	McClain	Skinner	Winn
Childers, W. D.	Peterson	Spicola	Zinkil
Dunn	Plante	Thomas, Jon	
Gallen	Poston	Thomas, Pat	

Nays—7

Glisson	Graham	Johnston	Sayler
Gorman	Henderson	Lewis	

Votes after roll call:

Yea—Myers

Nay—Firestone

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 HB 2227 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 2227—A bill to be entitled An act relating to adoption; adding a new subsection (3) to s. 63.062, Florida Statutes, providing that certain parties may give consent to adoption; amending s. 63.162(2), Florida Statutes, providing certain parties with a hearing on the disclosure of adoption records; amending ss. 382.17(1) and (2) and 382.22, Florida Statutes, to govern access to the original certificate of birth; providing an effective date.

—was read the first time by title and pursuant to the motion by Senator Gallen was placed on the special order calendar. On motions by Senator Jon Thomas, by two-thirds vote HB 2227 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—33

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

Nays—None

The Honorable Lew Brantley, President

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

By Senators Barron and W. D. Childers—

SB 663—A bill to be entitled An act relating to mortgage brokerage; amending ss. 494.03(1), 494.04(1)-(3), Florida Statutes; clarifying language; providing for declaration of intention to become U. S. citizen for licensing; providing that a mortgage solicitor negotiate loans only for broker with whom he is employed; creating s. 494.041, Florida Statutes; providing requirements for mortgage loans where the security is vacant land registered under chapter 478, Florida Statutes; amending s. 494.05(1)(f), (4), Florida Statutes; authorizing suspension of licenses for certain actions; deleting certain language to conform to the Administrative Procedure Act; creating ss. 494.051, 494.072, Florida Statutes; providing that certain papers of financial examiner are competent evidence; providing for cease and desist orders, orders to refund overcharges, and administrative fines; amending s. 494.08(3), (6), Florida Statutes; providing that brokerage fee or commission include certain abstract charges; removing exemption in acceptance of deposit or application for mortgage loan without delivery of statement of costs; providing that certain fees or charges shall not be deemed interest; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 8, line 24, strike "Section 9. This act shall take effect October 1, 1977." and insert: Section 9. Subsection (2) of section 494.02, Florida Statutes, is amended and subsections (8) and (9) are added to said section to read:

494.02 Definition of terms.—In this act unless the context or subject matter otherwise requires:

(2) "Mortgage loan" means any loan secured by a mortgage on real property or any loan secured by collateral which has a mortgage lien interest in real property.

(8) "Principal mortgage broker" means an individual, officer of a corporation or member of a partnership designated as the primary broker in the application.

(9) "Lender" means any person who either lends or invests money in mortgage loans.

Section 10. Sections 494.042, 494.043, 494.044, and 494.045, Florida Statutes, are created to read:

494.042 Mortgage Brokerage Guaranty Fund.—

(1) Effective September 1, 1977, the Treasurer shall establish a Mortgage Brokerage Guaranty Fund. A fee of \$50 per license year shall be added to the license fee for both new licenses and renewal of licenses of a principal mortgage broker and a fee of \$10 per license year shall be added to the license fee for both new licenses and renewal of licenses by solicitors and additional brokers. This fee shall be in addition to the regular license fee and shall be transferred to or deposited in the Mortgage Brokerage Guaranty Fund. If the fund at any time exceeds \$750,000, collection of special fees for this fund shall be discontinued at the end of that license year, and such special fees shall not be reimposed unless the fund is reduced below \$500,000 by disbursement made in accordance with s. 494.044.

(2) The Mortgage Brokerage Guaranty Fund shall be disbursed as provided in s. 494.044, upon approval by the Division of Finance of the Department of Banking and Finance, to any person who is adjudged by a court of competent jurisdiction to have suffered monetary damages as a result of any of the following acts committed by a mortgage broker or mortgage solicitor who was licensed under this chapter at the time the act was committed:

- (a) A violation of any provision of this chapter.
- (b) Making any false promises likely to influence, persuade, or induce or pursuing a course of misrepresentation or false promises through agents.
- (c) Misrepresentation, circumvention, or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof, regarding a transaction to which he is a party, and of injury to another party thereto.
- (d) Failure to disburse funds in accordance with agreements.
- (e) Failure to account or deliver to any person any personal property, such as money, fund, deposit, check, draft, mortgage, or other document or thing of value, which has come into his hands and which is not his property or which he is not in law or equity entitled to retain, under the circumstances and at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery.

(f) Failure to place, immediately upon receipt, any money, fund, deposit, check, or draft entrusted to him by a person dealing with him as a broker in escrow with an escrow agent located and doing business in this state, pursuant to a written agreement, or to deposit said funds in a trust or escrow account maintained by him with a bank or savings and loan association located and doing business in this state, wherein said funds shall be kept until disbursement thereof is properly authorized.

494.043 Conditions for recovery.—Any person shall be eligible to seek recovery from the Mortgage Brokerage Guaranty Fund if:

(1) Such person has received final judgment in a court of competent jurisdiction in this state in any action wherein the cause of action was based on s. 494.042(2);

(2) Such person has caused to be issued a writ of execution upon such judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's property pursuant to such execution was insufficient to satisfy the judgment;

(3) Such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his search he has discovered no property or assets or he has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment;

(4) Such person has applied any amounts recovered from the judgment debtor or from any other source, to the damages awarded by the court;

(5) Such person, at the time the action was instituted, gave notice thereof to the department by certified mail; and

(6) The act for which recovery is sought occurred on or after September 1, 1977.

494.044 Payment from the fund.—

(1) Any person who meets all of the conditions prescribed in s. 494.043 may apply to the department for payment to be made to such person from the Mortgage Brokerage Guaranty Fund in the amount equal to the unsatisfied portion of such person's judgment or \$10,000, whichever is less, but only to the extent and amount reflected in the judgment as being actual or compensatory damages.

(2) Upon receipt by the claimant of the payment from the Mortgage Brokerage Guaranty Fund, the claimant shall assign any additional right, title, and interest in the judgment, to the extent of such payment, to the department.

(3) Payments for claims shall be limited in the aggregate to \$50,000, regardless of the number of claimants involved, against any one mortgage broker or mortgage solicitor. If the total claims exceed the aggregate limit of \$50,000, the department shall prorate the payment based in the ratio that the person's claim bears to the total claims filed.

(4) If at any time the money in the Mortgage Brokerage Guaranty Fund is insufficient to satisfy any valid claim or portion thereof, the department shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount of money has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in the order in which the claims were filed with the department.

(5) All payments and disbursements made from the Mortgage Brokerage Guaranty Fund shall be made by the Treasurer upon a voucher signed by the Comptroller, as head of the department, or such agent as he may designate.

(6) The payment of any amount from the Mortgage Brokerage Guaranty Fund in settlement of a claim or in satisfaction of a judgment against a licensee shall constitute prima facie grounds for the revocation of the license of such licensee.

494.045 Investments of the fund.—The funds of the Mortgage Brokerage Guaranty Fund shall be invested by the Treasurer under the same limitations as other state funds, and the interest earned thereon shall be deposited to the credit of the fund and available for the same purpose as other moneys deposited in the Mortgage Brokerage Guaranty Fund.

Section 11. Paragraph (j) is added to subsection (1) of section 494.05, Florida Statutes, to read:

494.05 Denial, suspension or revocation of licenses.—

(1) The department may, upon its motion, or upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a licensee under this act, within this state. The license of a licensee may be suspended for a period not exceeding 2 years, or until compliance with a lawful order imposed in the final order of suspension, or both, upon a finding of facts showing that the licensee has been guilty of any of the following:

(j) *Failure to issue a satisfaction of mortgage when the mortgage has been executed and proceeds were not disbursed to the benefit of the mortgagor and when the mortgagor has fully paid the mortgage broker's costs and commission.*

Section 12. Subsection (2) of section 494.071, Florida Statutes, is amended to read:

494.071 Injunction to restrain violations.—

(2) ~~Whenever the department shall believe from satisfactory evidence that any such person has engaged or, is engaged or is about to engage in any of the practices or transactions which would be fraudulent and inconsistent with the intent of this chapter, or acts is negotiating any mortgages in violation of this chapter, or is acting as a broker or solicitor without being duly registered as provided in this chapter, the department may, in addition to any other remedies, by its own counsel bring action in the name and on behalf of the state against such person and any other person concerned in or in any way participating in or about to participate in such fraudulent practices or acting in violation of this chapter, to enjoin such person from continuing such fraudulent practices or engaging therein or doing any act in furtherance thereof or in violation of this chapter.~~

Section 13. Subsections (8), (9), and (10) are added to section 494.08, Florida Statutes, to read:

494.08 Requirements and prohibitions.—

(8) Each mortgage negotiated pursuant to this chapter shall include, with a copy delivered to the lender, a mortgagee's title insurance policy or an opinion of title from an attorney who is licensed to practice law in this state, unless waived in writing by the lender, on the land which is described in the mortgage. The policy or opinion shall reflect the priority of the mortgage.

(9) Each mortgage or instrument securing a note shall, unless waived in writing by the lender, be recorded before being delivered to a permanent lender.

(10) Each mortgage or instrument securing a note delivered to a lender on other than a first mortgage shall be accompanied by a statement showing the balance owed by the mortgagor on any existing mortgages prior to this investment and the status of such existing mortgages. The provisions of this subsection shall not apply to mortgages insured by an agency of the Federal Government.

Section 14. Sections 494.091, 494.092, and 494.093, Florida Statutes, are created to read:

494.091 Liability in case of unlawful transaction.—In the event a mortgage transaction is made in violation of any of the provisions of this chapter, the person making the transaction and every director, officer, or agent who has personally participated in making the transaction, shall be jointly and severally liable to the lender in an action for damages incurred by the lender.

494.092 Statutory or common-law remedies.—Nothing in this chapter shall limit any statutory or common-law right of any person to bring any action in any court for any act involved in the mortgage business, or the right of the state to punish any person for any violation of any law.

494.093 Prohibited practices.—It is unlawful, and a violation of the provisions of this chapter, for any person:

(1) In any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation of mortgage transactions, including any transaction consummated by parties under the provisions of s. 494.03, directly or indirectly:

(a) To knowingly or willingly employ any device, scheme, or artifice to defraud; or

(b) To engage in any transaction, practice, or course of business which operates as a fraud upon any person in connection with the purchase or sale of any mortgage loan.

(2) In any matter within the jurisdiction of the department, to knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact, or make any false or fraudulent statement or representation, or make or use any false writing or document, knowing the same to contain any false or fraudulent statement or entry.

Section 15. Section 494.10, Florida Statutes, is amended to read:

494.10 Penalties.—

(1) Whoever violates any of the provisions of this chapter, except as provided in subsection (2), is ~~not~~ shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and each violation of this chapter shall constitute a separate offense.

(2) Whoever violates any provisions of s. 494.093, fails to comply with the requirements of s. 494.05(1)(f), or offers to negotiate a mortgage loan for compensation without being licensed as required by this chapter is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsection (12) of section 494.04, Florida Statutes, is hereby repealed.

Section 17. This act shall take effect September 1, 1977.

House Amendment 2—On page 1 in title, line 27, insert after the semi-colon: amending ss. 494.02(2), 494.071(2), 494.10, Florida Statutes; adding ss. 494.05(1)(j), 494.08(8)-(10), Florida Statutes; creating ss. 494.042-494.045, 494.091-494.093, Florida

Statutes; redefining "mortgage loan"; amending s. 494.02, Florida Statutes, adding subsections (8) and (9), defining "principal mortgage broker" and "lender"; providing for the establishment of a Mortgage Brokerage Guaranty Fund; providing for funding from additional license and renewal fees paid by mortgage brokers and solicitors; providing conditions giving rise to recovery from such fund; providing for payment from fund; providing for investment of funds; providing that failure to issue satisfaction of mortgage when funds are not disbursed to the mortgagor is grounds for suspension of license; requiring delivery of a title insurance policy, opinion of title, or title letter unless waived by lender; requiring mortgages or instruments securing notes to be recorded before delivery to permanent lender unless waived; requiring a statement of balance owed on, and status of, existing mortgages with delivery of a mortgage or instrument securing a note to certain lenders; prescribing liability of directors, officers, or agents who participate in unlawful transactions; providing for statutory and common-law remedies; prohibiting certain fraudulent practices; providing a penalty; revising other penalties under chapter 494, Florida Statutes; repealing s. 494.04(12), Florida Statutes, relating to surety bonds required of mortgage brokers;

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

SB 663 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Renick	Trask
Childers, Don	Graham	Sayler	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Johnston	Skinner	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	
Glisson	Poston	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Hair, Peterson

The bill was ordered engrossed then enrolled.

SPECIAL ORDER, continued

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

—was read the second time by title. On motion by Senator Pat Thomas by two-thirds vote HB 1089 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—4

Peterson	Sayler	Trask	Vogt
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Vote after roll call:

Yea—Hair

Consideration of HB 1746 was deferred.

On motion by Senator Lewis, by two-thirds vote HB 1606 was withdrawn from the Committee on Commerce and placed on the local calendar.

On motion by Senator Lewis, by unanimous consent—

HB 1606—A bill to be entitled An act relating to Lee County; authorizing the Division of Beverage of the Department of Business Regulation to issue a special alcoholic beverage license to the American Legion Melvin Cowart Post No. 274, Inc., for specified purposes; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Lewis, by two-thirds vote **HB 1606** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 849 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Davis and others—

CS for HB 849—A bill to be entitled An act relating to juveniles; creating ss. 39.51-39.57, Florida Statutes; authorizing counties to establish community arbitration programs for the handling of cases involving the commission of certain offenses by children; providing for the determination of the offenses which may be included within the program; providing for the selection of community juvenile arbitrators or community juvenile arbitration panel members and providing qualifications therefor; providing a procedure for the initiation of the arbitration process; providing for arbitration hearings; providing that certain statements or admissions by a child at a hearing are privileged; providing alternative dispositions for cases; providing for periodic reports concerning children referred to persons or agencies; providing for the forwarding of cases back to the intake officer under certain circumstances; providing for review of such dispositions to the intake officer; providing for funding; providing an effective date.

—was read the first time by title and pursuant to the motion by Senator Gallen was placed on the special order calendar.

On motions by Senator Castor, by two-thirds vote CS for HB 849 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—30

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

Nays—None

Votes after roll call:

Yeas—Hair, Pat Thomas

Senator Scarborough presiding

The Senate resumed consideration of—

HB 630—A bill to be entitled An act relating to county court judges; amending s. 34.021, Florida Statutes, to require that

such judges be members of The Bar of Florida for 5 years; providing an exception; providing an effective date.

On motion by Senator MacKay, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission Senator MacKay withdrew Amendment 1.

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

Amendment 3—On page 1, lines 30 and 31, and on page 2, lines 1 and 2, strike all of said lines and insert: program approved by the Chief Justice of the Florida Supreme Court or has held office continuously since January 4, 1973.

On motion by Senator Johnston by two-thirds vote **HB 630** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Saylor	Vogt
Firestone	Johnston	Scarborough	Ware
Gallen	Lewis	Scott	Williamson
Glisson	McClain	Spicola	Wilson
Gorman	Myers	Thomas, Jon	Winn
Graham	Poston	Thomas, Pat	Zinkil

Nays—5

Childers, W. D.	Peterson	Skinner	Tobiassen
MacKay			

Vote after roll call:

Yea—Hair

HB 447—A bill to be entitled An act relating to the public defender; amending s. 27.52(2)(d), Florida Statutes, providing that parents of minors represented by special assistant public defenders are liable for certain costs of representation; amending subsections (1) and (2) of section 27.56, Florida Statutes, authorizing the enforcement of liens against the parents of minor children who receive assistance from the public defender or special assistant public defender; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 16-18 and insert: Section 1. Subsection (1) and paragraph (d) of subsection (2) of section 27.52, Florida Statutes, are amended to read:

27.52 Determination of insolvency.—

(1) The determination of insolvency of any accused person shall be made by the court and may be done at any stage of the proceedings. *Any accused person claiming insolvency shall file with the court an affidavit, the form for which shall be promulgated by the Department of Legal Affairs, and such affidavit shall supply and be consistent with the information required in subsection (2).*

Amendment 2—On page 1 in title, line 3, after “amending” insert: s. 27.52(1) and

On motion by Senator McClain, by two-thirds vote **HB 447** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Castor	Graham	MacKay	Renick
Childers, Don	Henderson	McClain	Saylor
Childers, W. D.	Holloway	Myers	Scarborough
Firestone	Johnston	Peterson	Scott
Glisson	Lewis	Poston	Skinner

Spicola Tobiassen Williamson Zinkil
 Thomas, Jon Trask
 Thomas, Pat Ware

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Lew Brantley, President

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

SB 1296—A bill to be entitled An act relating to courts; amending s. 26.031(1)(a), (m), Florida Statutes, 1976 Supplement; providing an additional circuit judge in each of the First and Thirteenth Judicial Circuits; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 8, strike all after the enacting clause and insert: Section 1. Paragraphs (a) and (m) of subsection (1) of section 26.031, Florida Statutes, 1976 Supplement, are amended to read:

26.031 Judicial circuits, number of judges, salaries.—

(1) The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(a) First	14 18
(m) Thirteenth	23 22

Section 2. Subsection (6) of section 34.022, Florida Statutes, 1976 Supplement, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(6) Broward	13 19

Section 3. Section 35.06, Florida Statutes, 1976 Supplement, is amended to read:

35.06 Organization of district courts of appeal.—A district court of appeal shall be organized in each of the four appellate districts to be named District Court of Appeal, . . . District. The number of judges of each district court of appeal shall be as follows:

- (1) In the first district there shall be *seven six* judges.
- (2) In the second district there shall be *seven six* judges.
- (3) In the third district there shall be *seven six* judges.
- (4) In the fourth district there shall be seven judges.

The successors of the original and additional judges of the district courts of appeal shall be elected at the general election next preceding the expiration of their respective terms of office to serve for a full term of 6 years.

Section 4. The moneys in the following items are appropriated from the General Revenue Fund to the Judicial Branch:

(1) Circuit courts and other related matters:	
Salaries and benefits (4 pos.)	\$102,760
Expenses	3,000
Special categories—printing reports	9,845
(2) County courts:	
Salaries and benefits (6 pos.)	\$144,711
Expenses	3,000
(3) First District Court of Appeal:	
Salaries and benefits (3 pos.)	\$69,029
Expenses	4,000
Operating capital outlay	13,111

(4) Second District Court of Appeal:	
Salaries and benefits (3 pos.)	\$69,029
Expenses	4,000
Operating capital outlay	13,111
(5) Third District Court of Appeal:	
Salaries and benefits (3 pos.)	\$69,029
Expenses	4,000
Operating capital outlay	13,111
(6) Circuit courts and other related matters:	
Special categories—printing reports	\$5,907

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

House Amendment 2—On page 1 in title, lines 2 through 6 insert: An act relating to courts; amending ss. 26.031(1)(a) and (m) and 34.022(6), Florida Statutes, 1976 Supplement, providing an additional circuit judge in the first judicial circuit and in the thirteenth judicial circuit; providing three additional county judges in Broward County; amending s. 35.06, Florida Statutes, 1976 Supplement, providing an additional appellate judge in the first District, in the second District, and in the third District; providing an appropriation for salaries, support personnel, and expenses; providing an effective date.

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

SB 1296 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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 with amendment—

SB 1490—A bill to be entitled An act relating to Lafayette County, district school board; authorizing the issuance of certificates of indebtedness payable from racetrack funds accruing annually to Lafayette County; providing for use of the proceeds; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 25, strike “thirty (30)” and insert: twenty (20)

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

SB 1490 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Castor	Gorman	Myers	Tobiassen
Childers, Don	Graham	Peterson	Vogt
Childers, W. D.	Henderson	Plante	Ware
Dunn	Johnston	Poston	Williamson
Firestone	Lewis	Renick	Winn
Gallen	MacKay	Thomas, Jon	Zinkil
Glisson	McClain	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Hair

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 with amendment—

By Senators Ware and MacKay—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 25, strike “a” and between the words “a” and “performance” insert: an independent

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

SB 1138 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The President presiding

The Honorable Lew Brantley, President

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

CS for SB 66—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(29), Florida Statutes; redefining normal retirement date; amending s. 121.071(2), Florida Statutes; increasing the rate of contribution in behalf of regular members; amending s. 121.051(7), Florida Statutes; providing for participation of county agents in the Florida Retirement System; providing that certain retirees shall not participate in another state or local retirement system; prohibiting local government entities from requiring certain retirees to participate in local government retirement plans; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, strike all of line 30, and insert: service, and attains age 55 regardless of age; or

House Amendment 2—On page 1, line 29 and 30, strike lines 29 & 30 and insert: (b) Completes 30 ~~35~~ continuous years of creditable service, which may include a maximum of 4 years of military service credit, so long as such credit is not claimed under any other system, regardless of age; or

House Amendment 3—On page 2, line 15, strike all of section 2 and renumber subsequent sections

House Amendment 4—On page 3, line 14, strike after the word “each” thru “percent” on line 15, and insert: employee shall contribute 1% and employer shall contribute 9.2 per cent

House Amendment 5—On page 3, line 27, strike all of said line and insert: Section 5. Subsection (24) of section 121.021, Florida Statutes is amended to read:

121.021 Definitions

(24) “Average final compensation” means the average annual compensation of the 5 best years of a career, if requested by the retiree, the last 10 years of creditable service prior to retirement, termination, or death. For disability benefits, “average final compensation” means the total number of years of creditable service, not to exceed 5 if less than 10 years of creditable service have been completed. However, a member of the legislature may use the average of the 5 years of highest compensation out of the last 10 years of creditable service prior to becoming a member of the legislature. Each year used in the calculation of average final compensation shall commence on an annual calendar anniversary of the date of determination of such average final compensation. The payment for accumulated sick leave, whether paid as salary or otherwise, shall not be used in the calculation of the average final compensation.

Section 6. This act shall take effect October 1, 1978.

Senator Tobiassen moved that the Senate concur in House Amendments 1, 2, and 3.

Senator Scarborough moved as a substitute motion that the Senate concur in House Amendments 1, 2 and 3 and refuse to concur in House Amendment 4. The motion failed.

Senator Gallen moved that the Senate do now adjourn. The motion failed by the following vote:

Yeas—12

Mr. President	Gorman	Saylor	Trask
Barron	Hair	Scarborough	Vogt
Gallen	Lewis	Skinner	Williamson

Nays—22

Castor	Graham	Poston	Ware
Chamberlin	Henderson	Renick	Wilson
Childers, W. D.	Holloway	Spicola	Winn
Dunn	MacKay	Thomas, Jon	Zinkil
Firestone	McClain	Thomas, Pat	
Glisson	Peterson	Tobiassen	

The motions by Senator Tobiassen that the Senate concur in House Amendments 1, 2 and 3 to CS for SB 66 were adopted.

On motions by Senator Pat Thomas, the Senate concurred in House Amendments 4 and 5.

CS for SB 66 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—6

Gorman	Lewis	Vogt	Williamson
Henderson	Saylor		

Votes after roll call:

Yea—Barron

Yea to Nay—Wilson

The bill was ordered engrossed and then enrolled.

On motion by Senator Skinner, the Senate reconsidered the vote by which HCR 2092 was adopted. The bill was placed on the calendar pending roll call.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2201 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 2201—A bill to be entitled An act relating to the county annual budget; amending the introductory paragraph and paragraph (a) of subsection (1) and the introductory paragraph and paragraph (a) of subsection (2) of s. 129.03, Florida Statutes, to provide that the board of county commissioners or its designee, rather than the county auditor, shall receive the property appraiser's estimates of total property valuations; providing that the board of county commissioners shall designate a budget officer to prepare and present the proposed fiscal policies of the board; amending s. 129.06(1)(a) and (2), Florida Statutes, to provide for a modified accrual system of accounting, intra-departmental budget amendments, and the expenditure of receipts for an enterprise and/or proprietary fund; amending s. 129.07, Florida Statutes, allowing expenditures for individual items to exceed the budget, provided that the fund's budget is not exceeded; providing an effective date.

—was read the first time by title and pursuant to the motion by Senator Gallen, was placed on the Special Order Calendar. On motion by Senator W. D. Childers by two-thirds vote HB 2201 was read the second time by title.

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

Amendment 1—On page 1, line 29, after the word "amended" insert: and a new subsection (3) is added

Amendment 2—On page 1, line 6, after the comma insert: and adding a new subsection to said section; and on page 1, line 14, after the semicolon insert: providing an exemption;

Amendment 3—On page 3, line 13, insert new subsection:

(3) *This act shall not apply to Counties which have divided the office of the Clerk of the Circuit Court and county controller pursuant to Article V, Fla. Constitution.*

On motion by Senator W. D. Childers, by two-thirds vote HB 2201 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2050 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tucker and others—

HB 2050—A bill to be entitled An act relating to the Board of Regents; amending s. 240.011(1), Florida Statutes; providing for an additional member of the board who shall be a full-time student in the State University System; providing procedures for appointment and term of office; providing an effective date.

—was read the first time by title and pursuant to the motion by Senator Gallen was placed on the special order calendar.

On motions by Senator Tobiassen, by two-thirds vote HB 2050 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House.

The vote on passage was:

Yeas—33

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

Nays—None

The Honorable Lew Brantley, President

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

CS for SB 1262—A bill to be entitled An act relating to unemployment compensation; repealing s. 443.03(5)(n), (o); amending s. 443.03(5)(b) and (e); defining certain employment; amending s. 443.04(1), (2)(b), Florida Statutes; requiring unemployment benefits to be paid through the claims office; requiring claimants to report in person to certify for and to receive benefits; prohibiting mailing of unemployment compensation benefits; providing exceptions; excluding from computation the wages earned for employment from which a claimant was discharged for misconduct connected with his work; amending s. 443.05(1)(b), Florida Statutes; requiring unemployed individuals to register for work at the Florida State Employment Service instead of an unemployment compensation claims office; amending s. 443.06(1), (2), (8), Florida Statutes; adding s. 443.06(9), Florida Statutes; requiring the Division of Employment Security of the Department of Commerce to establish by rule criteria for determining the suitability of work after considering the duration of unemployment; providing for disqualification for benefits under certain conditions; providing that certain retirement, pension, and annuity benefits shall be offset against unemployment compensation benefits notwithstanding the source of the contribution; defining misconduct; amending s. 443.08(2)(a), (3)(b), (5), (6), Florida Statutes; changing the initial tax rate from 1 percent to 2.7 percent after January 1, 1978; providing a method of computing the tax rate after January 1, 1978 to allow tax rate adjustment after 8 calendar quarters; providing that state, county, and municipal governmental units may elect the contribution method of financing benefits; establishing a Public Employers Unemployment Compensation Benefit Account as part of the Florida Unemployment Compensation Trust Fund; providing a contributory system of financing unemployment compensation benefits to be available for governmental entities at their option; adding s. 20.17(12), Florida Statutes; providing for the creation of a Board of Review of the Department of Commerce; prescribing its powers and duties; providing for compensation and expenses; authorizing the board to charge fees for publication and copies of records and documents; providing for review of orders of the board; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 2—On page 2, lines 27 and 28, strike "Paragraphs (n) and (o) of subsection (5) of section 443.03,

Florida Statutes, are repealed, and paragraph" and insert: Paragraph

House Amendment 4—On page 7, line 4, strike "October 1, 1977" and insert: November 30, 1977

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

CS for SB 1262 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Hair	Scarborough	Vogt
Barron	Henderson	Scott	Ware
Castor	Lewis	Skinner	Wilson
Chamberlin	MacKay	Spicola	Winn
Childers, W. D.	McClain	Thomas, Jon	Zinkil
Dunn	Peterson	Thomas, Pat	
Glisson	Poston	Tobiassen	
Gorman	Renick	Trask	

Nays—5

Firestone	Myers	Sayler	Williamson
Graham			

Vote after roll call:

Nay to Yea—Sayler

The bill was ordered engrossed and then enrolled.

Senator Barron moved that the Senate do now adjourn. The motion failed by the following vote:

Yeas—18

Mr. President	Hair	Scott	Vogt
Barron	McClain	Skinner	Ware
Childers, W. D.	Peterson	Thomas, Pat	Williamson
Gallen	Sayler	Tobiassen	
Glisson	Scarborough	Trask	

Nays—20

Castor	Gorman	Lewis	Spicola
Chamberlin	Graham	MacKay	Thomas, Jon
Childers, Don	Henderson	Myers	Wilson
Dunn	Holloway	Poston	Winn
Firestone	Johnston	Renick	Zinkil

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 650 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Kutun and others—

HB 650—A bill to be entitled An act relating to child custody; creating the Uniform Child Custody Jurisdiction Act; providing legislative intent; providing definitions; providing a procedure for determining jurisdiction in child custody cases between states; providing notice requirements; providing procedure with respect to discovery of simultaneous proceedings pending in other states; authorizing the court to decline to exercise jurisdiction under certain circumstances; providing a required list of information which parties in a custody proceeding are required to file under oath; requiring the addition of parties to a custody proceeding under certain circumstances; providing for the appearance of any party as well as the child who is the subject of the custody proceeding before the court under certain circumstances; providing for the binding force and res judicata effect of custody decrees; providing for the legal recognition of out-of-state custody decrees and for the filing and enforcement of such decrees; providing for the modification of such decrees; requiring the Clerk of the Circuit Court to keep a registry of out-of-state custody decrees and

proceedings and authorizing the clerk to provide certified copies to certain courts and persons; providing for the taking of testimony in another state; providing for hearings and studies in another state as well as orders to appear; requiring courts of this state to render assistance to courts of other states regarding custody proceedings; requiring the preservation of documents in such proceedings until the child reaches 18 years of age; requiring courts of this state to request court records of other states in custody proceedings; providing for the international application of this act; amending s. 39.06(6), Florida Statutes, and ss. 61.13(2)(b), and 61.20, Florida Statutes, permits, in a proceeding for dissolution of marriage, qualified staff of the court to make an investigation and social study concerning all pertinent details relating to the child and each parent where child custody is in issue, to conform to the provisions of this act; providing an effective date.

—was read the first time by title and pursuant to the motion by Senator Gallen was placed on the special order calendar.

On motion by Senator Barron, by two-thirds vote HB 650 was removed from the calendar and referred to the Committee on Commerce.

On motions by Senator Johnston by two-thirds vote, HB 650 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

On motions by Senator Johnston, by two-thirds vote HB 650 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

Barron	Glisson	MacKay	Skinner
Castor	Graham	Myers	Spicola
Chamberlin	Hair	Peterson	Thomas, Pat
Childers, Don	Henderson	Poston	Vogt
Dunn	Holloway	Renick	Wilson
Firestone	Johnston	Scarborough	Winn
Gallen	Lewis	Scott	

Nays—8

Childers, W. D.	McClain	Tobiassen	Ware
Gorman	Thomas, Jon	Trask	Williamson

Vote after roll call:

Nay to Yea—Jon Thomas

The Honorable Lew Brantley, President

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

By the Committee on Judiciary-Civil and Senator Zinkil—

CS for SB 24—A bill to be entitled An act relating to mechanics' liens; amending ss. 713.01(3), (7), (10), (11), (12), (19), 713.02(6), 713.03(3), 713.05, 713.06(1), (2)(a), (3)(c), (d), (h), 713.08(1)(h), (2), (4)(c), 713.13(1)(f) and (g), and adding a new paragraph to said subsection, 713.14, 713.16(2), 713.22(1), 713.23, 713.29, 713.32, Florida Statutes; changing definitions; providing procedures for acquiring liens; designating who qualifies as a lienor; providing notice requirements for perfecting liens; providing forms for payment of bonds and notices of such bonds; requiring notice to interested persons; extending the effectiveness of a lien by recording a notice of his pends; changing the determination of attorney's fees in legal proceedings and on appeal; changing requirements of a notice of commencement; requiring copies of contracts and statements of account upon demand; providing liabilities and penalties; repealing s. 627.756(1), Florida Statutes, relating to performance and payment bonds; repealing s. 713.02(7), (8), Florida Statutes, relating to types of lienors; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 13, line 3, before the word "defense" insert: *complete*

House Amendment 2—On page 18, line 15, after the period insert: Section 12. Paragraph (c) of subsection (2) of section 713.31, Florida Statutes, is amended to read:

713.31 Remedies in case of fraud or collusion.—

(2)

(c) An owner against whose interest a fraudulent lien is filed or any contractor or subcontractor who suffers damages as a result of the filing of such a fraudulent lien shall have a right of action for his actual damages occasioned thereby and for punitive damages. Such action may be instituted independently of another action, or in connection with a summons to show cause under s. 713.21, or as a counterclaim or cross-claim to any action to enforce or to determine the validity of such lien. The lienor who files a fraudulent lien shall be liable to the owner or the defrauded party in damages which shall include court costs, clerk's fees, and a reasonable attorney's fee for services in securing the discharge of the lien, the amount of any premium for a bond given to obtain the discharge of the lien or interest on any money deposited for the purpose discharging the lien, and punitive damages in an amount not exceeding the difference between the amount claimed by the lienor to be due or to become due and the amount actually due or to become due.

And renumber subsequent sections

House Amendment 3—On page 1 in title, line 25, after the semi-colon insert: amending paragraph (c) of subsection (2) of section 713.31, Florida Statutes, relating to fraudulent liens;

House Amendment 4—On page 13, line 30, and on page 14, lines 1 and 2, strike all of said lines and insert: fraudulent statement shall deprive the person so failing or refusing to furnish such statement of his lien.

House Amendment 5—On page 3, line 29, insert: "or subcontractor" immediately behind "contractor"

House Amendment 6—On page 6, line 25, strike "or" and insert: "on"

House Amendment 7—On page 7, line 3, strike the comma and insert: *and*

House Amendment 8—On page 8, lines 22 through 30, and on page 9, lines 1 and 2, strike all of said lines and insert: ~~until all lienors giving notice and lienors listed in such affidavit whose time for serving such notice has not expired have been paid in full. If there is a balance due the contractor after all of said lienors have been paid in full, any of said persons who failed to serve timely notice shall be paid in full or pro rata according to the amounts of their claims to the extent of such balance due the contractor; provided, this shall not be construed to permit any claim or demand whatsoever by said persons failing to serve timely notice against the owner.~~

House Amendment 9—On page 12, line 2, insert: "or subcontractor" immediately behind "contractor"

House Amendment 10—On page 12, line 3, insert: "or subcontractor" immediately behind "contractor"

House Amendment 11—On page 15, line 4, insert: "a" immediately before "payment."

House Amendment 12—On page 15, line 16, strike (,) comma

House Amendment 13—On page 18, line 15, insert: after "cost" "as allowed in equitable actions."

House Amendment 14—On page 7, line 3, after the comma, insert the word "and"

House Amendment 15—On page 20, line 10, after the period "." insert: Section 15. Section 713.231, Florida Statutes, is created to read:

713.231 Contract disclosures.—Any direct contract between an owner and a contractor shall include a statement which discloses the substance of the provisions of ss. 713.02(6) and 713.23.

(Renumber the subsequent sections.)

House Amendment 16—On page 1 in title, line 24, after the semicolon ";" insert: creating s. 713.231, Florida Statutes, requiring contracts between owners and contractors to disclose certain information relating to payment bonds and liens;

House Amendment 17—On page 20, line 14, strike January and insert: July

On motions by Senator Zinkil, the Senate concurred in the House amendments.

CS for SB 24 passed as amended and the action of the Senate was certified to the House. The vote was:

Yeas—32

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

Nays—1

Gorman

Votes after roll call:

Nay—MacKay

Yea to Nay—Graham

The bill was ordered engrossed and then enrolled.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has reconsidered passage, reconsidered votes by which amended and concurred in Senate amendment 6, as amended, withdrawn House amendment to Senate amendment 6; refused to concur in Senate amendment 6 and requests Senate to recede; and passed as amended—

By Representative Girardeau and others—

HB 1107—A bill to be entitled An act relating to public meetings; amending s. 286.011, Florida Statutes, which provides that meetings of state and local agencies shall be open to the public, to include all appellate courts and to provide for assessment of attorneys' fees against agencies and certain individuals found in violation of said section; authorizing the award of attorney's fees under certain circumstances; prohibiting public meetings at certain locations; providing for reimbursement of attorney's fees under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1107.

Allen Morris, Clerk

On motion by Senator Hair, HB 1107 was returned to the House as requested.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate and rescinded all House action taken on June 2, 1977 on HB 1107.

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 1231.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 1213 and CS for SB 301.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 256	SB 928	SB 1426
SB 612		

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 1069	SB 744	SB 382
SB 1437	CS for SB 781	SB 424
SB 393	SB 368	SB 1176
SB 392	SB 930	SB 594
SB 927	SB 1427	

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1492.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 1091	CS for SB's 758 & 945	SB 1093
CS for SB 936	SB 482	SB 139
SB 1494	CS for SB 773	SB 1298

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 2 and passed CS for SB 1072.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 182	SB 520	SB 525
SB 768	SB 920	SB 1001
SB 1047	SB 1192	SB 1243
CS for SB 178	CS for SB 866	CS for SB 1011
SB 413	SB 1364	SB 1135

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 1449 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House amendment 2, receded from House amendment 3 and concurred in same as amended and passed SB 1491, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB's 1181, 925 and 792 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments 1 and 2 and passed SB 84, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments 1, 5, and 6 and passed CS for SB's 23, 372, 735, 1111, and 1376, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 & 2 and passed SB 551, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House amendment 2 and passed SB 94, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments 3 & 4 and passed SB 1236, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments 1 & 4 and passed CS for SB 175, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 7 and passed SB 1238, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 & 2 and passed CS for SB 254, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 598 as amended by the Conference Committee Report.

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, 2 and 3 and passed SB 404 as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate; receded from House Amendments 1 and 2; and passed as amended SB 1122.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 803, as amended.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

HB 1479	HB 2037	HB 1327
HB 721	HB 542	HB 2155
HB 2064	HB 1103	

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

HB 35	CS for HB 1558	HB 198
HB 636	HB 2129	HB 18
HB 544	CS for HB 647	CS for HB 786
CS for HB 803	HB 1455	HB 1486
HB 1619	HB 1780	HB 2234
HB 2235	HB 2236	

Allen Morris, Clerk

CO-INTRODUCERS

Senator Dunn—SB 1165; Senator Peterson—CS for SB 66

CORRECTION AND APPROVAL OF THE JOURNAL

The Journal of June 2 was corrected and approved as follows:

Page 742, counting from bottom of column 2, strike line 29 and insert: grams designed to prevent and reduce the severity of retarded-

Page 754, counting from bottom of column 1, line 25, after the comma insert: providing definitions; amending s. 917.14, Florida Statutes,

Page 768, column 2, strike lines 8 through 21 and insert: (4) Upon filing of a claim pursuant to this chapter, the commission shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the commission that a criminal prosecution is pending upon the same alleged crime and requests that action by the commission be deferred, the commission shall defer all proceedings under this chapter until such time as a trial verdict has been rendered, and shall so notify such state attorney and claimant. When a trial verdict has been rendered, such state attorney shall promptly notify the commission. Nothing in this subsection shall limit the authority of the commission to grant emergency awards pursuant to s. 897.12.

Page 783, column 1, line 19, after "amount" insert: due to the Comptroller who shall forward the amount

Page 784, counting from bottom of column 1, between lines 17 and 18 insert: Senator Vogt moved the following amendment to House Amendment 1 which was adopted:

Page 785, column 1, line 13, strike "first" and insert: second

Page 785, counting from bottom of column 2, between lines 23 and 24 insert: Senator Hair moved the following amendment which was adopted:

Page 791, column 2, strike lines 2 through 5 and insert: SB 598—A bill to be entitled An act relating to public schools; amending s. 233.17, Florida Statutes; altering the term of adoption for instructional materials; amending sections 233.14 and 233.16, Florida Statutes; providing for instructional materials to be delivered to the Instructional Materials Council; providing conforming technical amendments; providing for a price escalation clause; amending subsection (2) of section 233.25, Florida Statutes; providing that copies of materials or descriptions therefrom be loaned to participating districts; providing an effective date.

Page 797, counting from bottom of column 1, line 10, after "Fund" insert: . Section 5. Subsection (3) of section 246.219, Florida Statutes, is amended to read:

246.219 License fees.—

(3) All license fees shall be transmitted by the board to the State Treasurer to be deposited in the *General Revenue Fund Independent Postsecondary Vocational, Technical, Trade, and Business Service Trust Fund*

Page 799, column 1, between lines 33 and 34 insert: —was read the second time by title.

Page 810, column 2, line 25 after the semi-colon insert: providing for an annual appropriation; providing that retirees who receive such recomputed benefits shall also receive certain cost-of-living adjustments;

Page 811, counting from bottom of column 1, line 12 strike "HB" and insert: SB

The Journal of May 31 was further corrected and approved as follows:

Page 627, counting from bottom of column 1, line 19, strike "1" and insert: 2 and strike "24" and insert: 17

Page 628, counting from bottom of column 1, line 29, after "zone," insert: and management of the state's coastal zone

Page 634, column 2, line 23, before "SB" insert CS for

Page 655, column 2, between lines 32 and 33 insert: On motion by Senator Gorman, by two-thirds vote SB 1489 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

Page 672, column 2, between lines 22 and 23 insert: CS for SB 1244, by the Committee on Commerce, was read the first time by title and SB 1244 was laid on the table.

The Journal of May 30 was further corrected and approved as follows:

Page 572, column 1, between lines 26 and 27 insert: On motion by Senator Johnston, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1.

Page 573, counting from the bottom of column 1, line 30, strike "adminis-" and insert: administration shall expire upon the election of their successors

Page 588, column 1, between lines 4 and 5 insert: On motions by Senator Graham, the Senate reconsidered the vote by which the Senate concurred in House Amendments 1 and 2.

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

Page 559, column 2, line 13, before "shall" insert: , the terms of all members of the board of administration

The Journal of May 26 was further corrected and approved as follows:

Page 530, column 2, at end of line 1 insert: to be freeholder; providing an effective date.

Page 530, column 2, between lines 28 and 29 insert: 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.

Page 548, column 2, between lines 19 and 20, insert in roll alphabetically: Holloway

Page 549, counting from bottom of column 2, line 7, after "SB" insert: 1453

The Journal of May 11 was further corrected and approved as follows:

Page 371, column 2, line 32, after the colon insert: 1. The lessee's failure to return the item at the

Page 371, counting from bottom of column 2, line 26, after the comma insert: together with any charges for the overdue period and the value of damages to the personal property, if any. Reinsert (b) and renumber.

Senator Barron moved that the Senate adjourn. The motion was adopted by the following vote:

Yeas—21

Mr. President	Hair	Skinner	Ware
Barron	McClain	Spicola	Williamson
Childers, W. D.	Peterson	Thomas, Jon	Zinkil
Gallen	Sayler	Tobiassen	
Glisson	Scarborough	Trask	
Gorman	Scott	Vogt	

Nays—15

Castor	Graham	Lewis	Renick
Chamberlin	Henderson	MacKay	Thomas, Pat
Dunn	Holloway	Myers	Winn
Firestone	Johnston	Poston	

Pursuant to the motion by Senator Barron, the Senate adjourned sine die at 1:52 p.m.

JOURNAL OF THE FLORIDA SENATE

Tuesday, June 21, 1977

ENROLLING REPORTS

SM 1110 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 6, 1977.

Joe Brown, Secretary

SB 95	SB 584	SB 580	SB 797
SB 352	SB 778	SB 585	SB 800
SB 377	SB 492	SB 715	SB 844

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 6, 1977.

Joe Brown, Secretary

SB 42	CS for	CS for SB's	SB 666
SB 132	SB 313	454 and 1119	SB 776
SB 212	SB 354	SB 647	SB 877
	SB 358		SB 900

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 8, 1977.

Joe Brown, Secretary

CS for	SB 368	SB 424	SB 594
SB 178	SB 382	SB 425	SB 744
SB 182	SB 392	SB 444	SB 768
CS for	SB 393	SB 520	
SB 301	SB 413	SB 525	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 9, 1977.

Joe Brown, Secretary

SB 18	SB 366	SB 861	SB 1069
CS for	SB 428	SB 883	SB 1135
SB 176	SB 461	SB 891	SB 1176
SB 437	SB 540	SB 1095	SB 1192
SB 595	SB 722	SB 1174	SB 1213
SB 919	CS for	CS for	CS for
SB 938	SB 781	SB 122	SB 989
SB 1145	SB 810	SB 133	CS for
CS for	SB 850	SB 353	SB 995
SB 1175	CS for	SB 621	SB 1246
SB 1249	SB 866	SB 636	SB 1317
SB 1277	SB 920	SB 885	SB 1350
SB 226	SB 927	CS for	SB 1359
CS for	SB 930	SB 1011	
SB 311	SB 1001	SB 1047	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 10, 1977.

Joe Brown, Secretary

SCR 1492 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 13, 1977.

Joe Brown, Secretary

CS for	SB 1427	SB 727	CS for
SB 109	SB 1437	SB 734	SB 936
SB 434	SB 1494	SB 804	CS for CS for
SB 641	SB 40	SB 1003	SB 1072
SB 642	SB 157	SB 1034	SB 1091
SB 712	SB 270	SB 1041	SB 1093
SB 845	SB 406	SB 1154	SB 1231
SB 990	SB 427	SB 1156	SB 1243
SB 1298	SB 589	SB 1157	
SB 1364	SB 617	SB 1425	
SB 1426	SB 675	SB 1445	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 13, 1977.

Joe Brown, Secretary

SB 94 and SB 1454 have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 14, 1977.

Joe Brown, Secretary

SB 148	SB 404	SB 1490	SB 84
CS for	SB 598	SB 1477	SB 663
SB 254	SB 1122	SB 1482	SB 1012
CS for	CS for SB's	SB 1484	SB 1014
SB 341	1181, 925	SB 1487	SB 1138
SB 343	and 792	SB 1488	SB 1296
SB 551	SB 1448	SB 1489	SB 1357
SB 575	SB 1450	SB 731	CS for
CS for CS for	SB 1459	CS for	SB 1431
SB's 23, 372,	SB 1472	SB 869	SB 1491
735, 1111	SB 1474	SB 875	SB 1230
and 1376	SB 1475	SB 958	CS for
CS for	SB 572	SB 1238	SB 1406
SB 66	SB 1165	CS for	
SB 365	SB 1236	SB 24	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 16, 1977.

Joe Brown, Secretary

SB 553	CS for SB 1262	SB 1449
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—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 20, 1977.

Joe Brown, Secretary

SB 127	SB 482	CS for SB's	SB 793
SB 139	SB 612	758 and 945	SB 928
CS for	CS for	SB 760	SB 535
SB 175	SB 653	CS for	
SB 256	SB 711	SB 773	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 21, 1977.

Joe Brown, Secretary