



Journal of the Senate

Number 3-Special Session

Friday, June 10, 1977

The Senate was called to order by the President at 9:30 a.m. A quorum present—33:

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

Excused: Senators Gordon, Saylor, Don Childers, Jon Thomas, Wilson, Johnston, Vogt; and periodically, Senators Lewis, W. D. Childers, Barron, Peterson, Hair, Plante and Myers, conferees on HB 10-A.

Prayer by Senator Peterson:

Gracious Heavenly Father, as we gather here today in the early part of the month of June, in which we hope will be the last days of this session, we are aware of your presence; we are grateful for your love which we do not deserve. We ask that you will be with us and will make these days days that are significant for the people of Florida. Father, we especially ask that you will bless the leadership of this Senate and of the House of Representatives of the State of Florida because we do have problems that we cannot solve without your help. And as we do finally part and go our separate ways, let us be sure that we carry no animosity or no rancor or no anger for anything that has happened here. And, as always, we ask that these and other things that we asked be done in thy name, we ask in Christ's name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Friday, June 10, 1977:

- SB 30-A
- SB 29-A
- SB 31-A
- SB 26-A

Respectfully submitted,
Tom Gallen, Chairman

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 concur in Senate Amendments 1 & 2 to HB 10-A and requests the Senate to recede and in the event the Senate refuses to recede, requests a Conference Committee.

The Speaker of the House of Representatives has appointed Representatives Fortune, Craig, Dixon, Bloom, Morgan, Andrews, T. Lewis; alternates: Redman and Easley as Conferees on the part of the House.

Allen Morris, Clerk

By Representative Fortune—

HB 10-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July

1, 1977 and ending June 30, 1978 to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 27.34(2), 27.54(3), 215.32(2)(c), 216.221, 216.251(1), 216.262, 216.292, 216.301(2), 216.351, 230-765, 230.767(2), 230.081(3), 231.30(2)(a), 257.22 and 402.17(3), Florida Statutes, repealing item 45C, Section 2, Chapter 76-285, Laws of Florida; providing an effective date.

On motions by Senator Lewis, the Senate refused to recede from Senate amendments to HB 10-A and acceded to the request for a conference committee. The President appointed Senator Lewis, chairman; Senators W. D. Childers, Barron, Peterson, Hair, Plante and Myers. The President requested Senator Henderson to assist the conferees. The action of the Senate was certified to the House.

On motion by Senator Barron, the following remarks were ordered spread upon the Journal:

Remarks by the President

Mr. President: Senators, let me read you something that may or may not be important to you. Senator Ralph Poston handed me a document put out by the Florida Labor Market Trend, a public service of the Florida Department of Commerce, one of our own governmental entities. It's very revealing. This particular sheet has to do with Dade County. I want to read you some figures. This relates to employment.

In Dade County alone, manufacturing is down 9.2 percent. Construction is down 49.6 percent. Transportation and public utilities are down 4.8 percent. Wholesale and retail trade in Dade County are down 7 percent. Finance, insurance and real estate in Dade County are down 6 percent. Services and miscellaneous are down .6 percent. But, Senators, government in Dade County is up 18.1 percent. If that doesn't tell you the Senate position is right, there isn't anything right about government.

We cannot let government continue to absorb us. At the rate we're going, we will be working thirty-nine of the forty-hour normal work week simply to pay the taxes to fatten this bureaucracy. Senator Lewis and the other conferees, I wish you'd read articles such as this one when you're negotiating with our counterparts in the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 17-A.

Allen Morris, Clerk

The bill was ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 30-A and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 30-A—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975(4)(a), Florida Statutes, 1976 Supplement, providing that the 5-year residency require-

ment shall not be applicable to certain nonprofit housing projects; amending s. 196.1976, Florida Statutes, 1976 Supplement, to provide for severability for ss. 196.1975 and 196.197; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Finance, Taxation and Claims.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 4-A and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Frank and others—

HB 4-A—A bill to be entitled An act relating to educational funding; creating s. 236.088, Florida Statutes, creating the "Florida Compensatory Education Act of 1977"; providing legislative intent; providing for fund allocation to school districts; providing criteria for distribution of funds to school districts; providing for administration of the program by the Department of Education; providing for the adoption of rules by the State Board of Education; providing for an annual report; repealing s. 236.081(2), Florida Statutes, relating to the compensatory education supplemental cost factor; providing an appropriation; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committees on Education and Appropriations.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 9-A and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Boyd and others—

HB 9-A—A bill to be entitled An act relating to taxation; amending s. 212.02(3)(c), Florida Statutes, 1976 Supplement, redefining the term "retail sales", etc.; amending s. 212.03(1), (3) and (6), Florida Statutes, increasing certain transient rental taxes; amending s. 212.031(1), Florida Statutes, increasing the tax on the lease or rental of certain real property; amending s. 212.04(1) and (5), Florida Statutes, increasing certain admissions taxes; amending s. 212.05(1)(a), (2), (3), (4), (5) and (6), Florida Statutes, 1976 Supplement, and the introductory paragraph thereof, increasing the sales, storage and use tax; amending s. 212.055(1), Florida Statutes, 1976 Supplement, conforming language to tax increases; amending s. 212.06(1)(a), Florida Statutes, increasing the sales, storage and use tax collectible from dealers; amending s. 212.08(3) and (4), Florida Statutes, increasing the tax on the rental of certain farm equipment, providing an exemption; amending s. 212.12(1), (10) and (11), Florida Statutes, 1976 Supplement, reducing the dealer's credit for collecting tax, amending and creating brackets applicable to taxable transactions; amending s. 125.0165(1), Florida Statutes, 1976 Supplement, relating to discretionary sales taxes; providing legislative intent; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Finance, Taxation and Claims.

SPECIAL ORDER

SB 30-A—A bill to be entitled An act relating to educational funding; creating s. 236.088, Florida Statutes, creating the "Florida Compensatory Education Act of 1977"; providing legislative intent; providing for fund allocation to school districts; providing criteria for distribution of funds to school districts; providing for administration of the program by the Department of Education; providing for the adoption of rules by the State Board of Education; providing for an annual report; repealing s. 236.081(2), Florida Statutes, relating to the compensatory education supplemental cost factor; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 18-22 and insert: (3) Allocation of Funds.—The funds appropriated annually for this act shall be allocated

Amendment 2—On page 5, strike all of lines 19-23 and insert: (a) The Division of

Amendment 3—On page 6 between lines 7 and 8, insert: (c) Beginning with the 1978-1979 school year, the Commissioner shall evaluate the cost effectiveness of the district compensatory education programs. Of the district programs which have been in operation for two or more years, state funding shall be terminated for the five programs which are determined to be the least cost effective each year.

Amendment 4—On page 1 in title, line 12, insert after the semi-colon (;): providing for evaluation of program cost effectiveness

Senators Gallen, Plante, Ware and Renick offered the following amendment which was moved by Senator Gallen:

Amendment 5—On page 2, strike lines 8 through 30 and strike all of pages 3, 4, 5 and lines 1 through 7 of page 6 and insert: WHEREAS, the accomplishment of this goal will require the increase of vocational and technical training for those students who do not possess the abilities to achieve an academic diploma, and

WHEREAS, provision of these vocational and technical programs should be accomplished within the expenditure of funds generated and allocated through the basic cost factors in the Florida Education Finance Program, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 236.088, Florida Statutes, is created to read:

(1) **SHORT TITLE**.—This act shall be known and may be cited as the "Florida Vocational and Technical Training Act of 1977."

(2) The State Board of Education shall adopt rules which in its opinion are necessary to assure that the vocational and technical programs in each school district are carried out in a manner consistent with the purpose and intent of this act together with a plan to implement such programs and shall submit the rules and plan to the legislature by April 1, 1978.

Amendment 5 failed by the following vote:

Yeas—14

Mr. President	Gorman	Plante	Trask
Barron	Hair	Poston	Ware
Childers, W. D.	Henderson	Renick	
Gallen	Peterson	Tobiassen	

Nays—19

Castor	Graham	Myers	Thomas, Pat
Chamberlin	Holloway	Scarborough	Williamson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

On motion by Senator Castor, by two-thirds vote SB 30-A as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Nay—Gallen

SB 29-A—A bill to be entitled An act relating to educational facilities; amending various sections of chapters 235 and 236 and s. 230.776, Florida Statutes; providing definitions; clarifying existing terminology; deleting obsolete provisions; making current provisions applicable to school boards also apply to community college boards of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind and in certain portions the Board of Regents; providing intent and purpose; providing that the State Board of Education adopt rules for the administration of the Office of Educational Facilities Construction; providing that the respective boards be within the jurisdiction of the Office of Educational Facilities Construction; providing for interdepartmental cooperation; providing that said office administer the Public Education Capital Outlay and Debt Service Trust Fund, update the uniform building code for facilities construction and capital improvement, and shall delegate its inspection process to the respective boards; providing that such boards may permit use of educational facilities for other purposes and may dispose of unnecessary property; requiring a survey for suitable space; authorizing the exercise of the right of eminent domain by boards of trustees; authorizing the construction or location of educational facilities on leased private property under certain conditions; providing that the respective boards establish comprehensive programs of safety and sanitation, provide for periodic inspection of educational plants, and correct deficiencies; providing for inspection of plants by other public agencies; authorizing rules prescribing standards for maintenance and operation of educational plants; providing criminal penalties for defacing educational buildings or vehicles; providing for emergency drills for all education facilities; providing for educational plant surveys and for the adoption, submission, review, and approval of proposed educational facilities programs based on the surveys; providing for exceptions to recommendations in educational plant survey; providing for adoption of capital outlay budgets by the respective boards, for site planning, selection of sites, and renovation of sites; providing for coordination with local governments; providing for cooperative development and use of educational facilities and allocation of funds to construct such facilities; providing for the use of relocatable facilities, for provision and use of prototype design criteria, for the lease of facilities, and for construction procedures; providing for facilities construction; requiring that educational facilities be constructed in compliance with the State Uniform Building Code for Public Educational Facilities Construction and that the applicable board supervise and inspect construction; providing for approval of construction, alteration, renovation, repair, purchasing, or leasing of an educational plant over a certain cost by the Office of Educational Facilities Construction; providing for legal effect of the Uniform Building Code; providing requirements with respect to advertising and awarding of and entering into contracts for construction, repair, or alteration of educational facilities; providing for substance of contracts, contractors' bonds, penalties for not adhering to plans, contract changes, payments, and expenditures for improvements to educational facilities; providing for submission of comprehensive budget requests by the Commissioner of Education for all levels of education and the elements to be included in the request; providing for transfer, distribution, and allocation of appropriations and moneys for capital outlay projects and for records maintained by the office identifying advances, transfers, investments, sinking funds and revenue receipts by source; providing for a 5 year appropriation and cash management program; providing that the Public Education Capital Outlay and Debt Service Trust Fund includes premiums and accrued interest from the sale of public education bonds; appropriating such premiums and interest to such fund; providing for advance funding; providing for financing of approved capital outlay projects; providing for educational plant and annual debt service needs; providing for allocation of funds; providing for expenditure of funds allocated for such purpose; authorizing the acquisition of radio and television facilities by boards of trustees; providing an appropriation; repealing s. 235.30, Florida Statutes, relating to a school board providing for inspection and supervision of building construction; repealing s. 236.013(2), (4)-(9), (11), (12), (14), Florida Statutes, relating to definitions reenacted elsewhere by the act; repealing ss. 236.612-236.617, Florida Statutes, relating to revenue bonds; providing an effective date.

— was read the second time by title.

Senator Chamberlin moved the following amendment which failed:

Amendment 1—On page 14, strike lines 24-31 and on page 15 strike lines 1-8

(Striking all of 235.045)

Senators Peterson, Pat Thomas, Johnston and Don Childers offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 2—On page 72, line 19, insert: (e) For the planning and construction of a security lighting system at Florida State University, \$85,000.

Senator Peterson moved the following amendment:

Amendment 3—On page 72, after (e), insert: Section 28. Section 1 of chapter 76-280, Laws of Florida, is amended to read: Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and § 240.141, Florida Statutes, and any other law. In accordance therewith, the moneys in following items are authorized to be expended for the enumerated authorized fixed capital outlay projects:

(1) From the moneys becoming available pursuant to the provisions of § 9(a)(2), Article XII of the State Constitution, as amended, the State Board of Education through the Office of Educational Facilities Construction shall allocate:

(a) Fifty-seven million, one hundred eleven thousand nine hundred sixteen ~~Eighty one million, one hundred thirty three thousand nine hundred ninety~~ dollars to the school boards of the 67 school districts. The office shall determine each district's allocation of the amount appropriated, pursuant to the formula set forth in §§ 235.42(13) and 236.084, Florida Statutes, and the list of projects for the school districts included in the integrated comprehensive budget request as required by § 235.41, Florida Statutes, as approved or amended by the Legislature. The allocation made to each district shall be considered a part of the annual appropriation from the Florida Education Finance Program for the Comprehensive School Construction and Debt Service Program. Of the amount appropriated in this paragraph to the 67 school districts, two million, one hundred eleven thousand seven hundred sixty-three ~~three million~~ dollars shall be allocated by the office to those districts which provided multi-district programs for exceptional students pursuant to the list of projects included in the integrated comprehensive budget request as required by § 235.41, Florida Statutes; provided however, that fifty thousand dollars of the amount appropriated herein shall be expended for the renovation of existing facilities to initiate a program in 1976-77 for students who are both deaf and blind.

(b) Nineteen million, three hundred ninety-six thousand five hundred ~~Twenty seven million five hundred fifty four thousand nine hundred forty~~ dollars to the boards of trustees of the 28 community colleges. The office shall determine the allocation among the 28 boards of the amount appropriated. The allocation shall be made pursuant to the list of projects for the community colleges included in the integrated comprehensive budget request as required by § 235.41, Florida Statutes.

(c) Sixteen million, one hundred sixty-three thousand seven hundred fifty ~~Twenty-two million nine hundred sixty-two thousand four hundred fifty~~ dollars to the Board of Regents. The board shall determine each state university's allocation of the amount appropriated. The allocation shall be made pursuant to the list of projects for the state universities included in the integrated comprehensive budget request as required by § 235.41, Florida Statutes. Within the amount appropriated in this paragraph to the Board of Regents, there is allocated \$2,630,665 to the Board of Regents for allocation to the University of West Florida for an educational research and development center included in the list of projects in the integrated comprehensive budget request required by § 235.41, Florida Statutes.

(d) Fifteen million, eighty-six thousand one hundred sixty-six ~~Twenty-one million four hundred thirty-one thousand six hundred twenty~~ dollars to the district school boards which have designated area vocational technical centers. The office

shall determine each district's allocation pursuant to the list of projects included in the integrated comprehensive budget request as required by § 235.41, Florida Statutes.

(e) Seven hundred fifty thousand dollars to the Board of Trustees of the Florida School for the Deaf and the Blind to be used for needed capital outlay projects, including facilities repair and renovation, and included in the budget request presented to the Legislature pursuant to chapters 216 and 235, Florida Statutes.

(f) For facilities constructed pursuant to the provisions of § 235.211(2), \$2,667,000. The office shall allocate the funds as follows:

1. To South Florida Junior College, \$667,000.
2. To Broward Community College, \$2,000,000.

(g) 1. For public broadcasting facilities, \$4,600,000. The office shall allocate the funds as follows:

- a. To WEDU, Tampa, Florida \$2,250,000.
- b. To WJCT, Jacksonville, Florida, \$2,250,000.

c. For public broadcasting equipment in the new capitol building, \$100,000.

2. The Commissioner of Education shall approve building plans for the facilities to be constructed to assure that space is included in such plans for use by public schools, community colleges or universities. (Renumber subsequent sections.)

Amendment 3 failed by the following vote:

Yeas—14

Mr. President	Gorman	MacKay	Thomas, Pat
Barron	Hair	Peterson	Williamson
Dunn	Henderson	Plante	
Gallen	Holloway	Skinner	

Nays—15

Castor	Graham	Renick	Ware
Chamberlin	McClain	Scarborough	Winn
Firestone	Myers	Scott	Zinkil
Glisson	Poston	Spicola	

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

The question recurred on Amendment 3 which was adopted by the following vote:

Yeas—17

Mr. President	Gorman	Peterson	Tobiassen
Barron	Hair	Plante	Williamson
Childers, W. D.	Holloway	Poston	
Dunn	MacKay	Scarborough	
Gallen	McClain	Thomas, Pat	

Nays—14

Castor	Graham	Skinner	Winn
Chamberlin	Henderson	Spicola	Zinkil
Firestone	Myers	Trask	
Glisson	Renick	Ware	

Votes after roll call:

Yea to Nay—McClain
Nay to Yea—Trask

Senators Graham and Ware offered the following amendment which was moved by Senator Graham and failed:

Amendment 4—On page 71, line 19, strike "129,213,687" and insert: 171,000,000

Senator Graham moved the following amendment which failed:

Amendment 5—On page 72, lines 12 and 13, strike "the funds shall be allocated on an FTE basis."

On motion by Senator Peterson, by two-thirds vote SB 29-A as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Mr. President	Graham	Myers	Scott
Barron	Hair	Peterson	Skinner
Childers, W. D.	Henderson	Plante	Thomas, Pat
Firestone	Holloway	Poston	Tobiassen
Gallen	Lewis	Renick	Trask
Gorman	MacKay	Scarborough	Winn

Nays—6

Dunn	McClain	Ware	Zinkil
Glisson	Spicola		

Votes after roll call:

Yeas—Castor, Chamberlin, Williamson

CO-INTRODUCERS

Senator Ware—SB 9-A; Senator Zinkil—SB 27-A

CORRECTION AND APPROVAL OF THE JOURNAL

The Journal of June 9 was corrected and approved.

On motion by Senator Gallen, the Senate stood in recess from 11:13 a.m. until 5:00 p.m. On motion by Senator Gallen, the Senate adjourned at 5:00 p.m. to convene at 5:00 p.m., Monday, June 13, and thereafter to reconvene at 10:30 a.m. Tuesday, June 14.