



Journal of the Senate

Number 2-Special Session

Thursday, June 23, 1977

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

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

Excused: Senators Gallen, Lewis and Plante at 2:45 p.m. until 3:15 p.m. for the purpose of setting a special order calendar; Senator Gordon

Prayer by the Rev. Ralph E. McCaskill, Jr., pastor, First Presbyterian Church, Quincy:

Eternal God, Our Heavenly Father, grant to the members of this body a sacred moment of quiet before they take up the duties of the day. Turn their thoughts to you and open their hearts to your Spirit so that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgments.

We are deeply aware of the problems that face this body and the consequences that may result from actions taken. Let no person here shrink from his or her responsibility to debate the issues or fail to take action when it is appropriate. Let no one here be frightened by those problems that confront the Senate, but rather may each give thanks that you have matched his talents and abilities with the opportunities of this day. May each receive your blessing in all that is right and your correction in all that is wrong.

Our Father, we understand that there is a time for all things, and surely there is a time to debate and discuss. Let us also remember that there is a time to take action which will flesh out our good intentions. Lead us to understand when one should end and the other begin.

Hear our prayer, O Lord, and bestow your wisdom upon us and offer your guidance to us, for it is only as we receive both that we can be better than we are, wiser than we know, and stronger than we dream. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, June 23, 1977:

- SB 34-B—Subject to being introduced and withdrawn from committee
- SB 5-B—Subject to being withdrawn from committee
- SB 7-B—Subject to being withdrawn from committee
- SB 6-B
- SB 10-B
- SB 11-B
- SB 27-B—Subject to being withdrawn from committee
- SB 14-B
- SB 15-B
- SB 23-B—Subject to being withdrawn from committee
- SB 12-B—Subject to being withdrawn from committee
- SB 24-B—Subject to being withdrawn from committee

Respectfully submitted,
Tom Gallen, Chairman

The Honorable Lew Brantley
President
The Florida Senate

Dear Mr. President:

The designees of your Committee on Rules and Calendar advise that the following bills are within the purview of the call of the Governor:

| | | |
|---------|---------|---------|
| SB 32-B | SB 35-B | HB 10-B |
| SB 34-B | SB 36-B | HB 12-B |

Respectfully submitted,
Tom Gallen, Chairman

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

| | | |
|---------|--------------|---------|
| SB 10-B | SB 15-B with | SB 21-B |
| SB 11-B | 1 amendment | SB 22-B |
| SB 14-B | | |

The bills were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 6-B

The bill with Committee Substitute attached was placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Lewis, by two-thirds vote Senate Bills 5-B, 7-B, 27-B, 23-B, 12-B and 24-B were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, by two-thirds vote SB 8-B was withdrawn from the Committee on Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar following SB 6-B.

INTRODUCTION

On motion by Senator W. D. Childers, SB 37-B was admitted for introduction and consideration by the required constitutional two-thirds vote of the Senate.

By Senators W. D. Childers, Tobiassen, Scott, Zinkil, Renick, Poston, Gallen, Vogt and Williamson—

SB 37-B—A bill to be entitled An act relating to purchases made by political subdivisions; authorizing counties, municipalities, school districts, and other political subdivisions of the state to award contracts for the purchase of personal property to businesses in Florida which are not the lowest bidder under certain conditions; providing an effective date.

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

On motions by Senator Childers, by two-thirds vote SB 37-B was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

On motions by Senator Childers, by unanimous consent SB 37-B was taken up out of order and by two-thirds vote read the second time by title.

On motion by Senator Graham, consideration of SB 37-B was deferred.

By Senators Castor, Firestone, Glisson, MacKay, Zinkil, Poston, Graham, Peterson, Johnston, Don Childers, Myers, Dunn and Pat Thomas—

SB 34-B—A bill to be entitled An act relating to educational funding; providing legislative intent; requiring a minimum level of funding for the compensatory education program in certain budget proposals for the 1978-79 fiscal year; 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 Education.

On motions by Senator Castor, by two-thirds vote SB 34-B was withdrawn from the Committee on Education and by two-thirds vote placed first on the special order calendar.

SPECIAL ORDER

On motions by Senator Castor, by two-thirds vote SB 34-B 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

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

Nays—None

Votes after roll call:

Yeas—Renick, Jon Thomas

SB 5-B—A bill to be entitled An act relating to the tax on the severance of solid minerals; amending s. 211.31(1), Florida Statutes, and adding subsections (3) and (4) to said section; increasing the excise tax on the severance of phosphate rock; changing the percentages on the distribution of the proceeds of such tax; amending s. 211.32 (3)(d), Florida Statutes, and adding paragraphs (m) and (n) to said subsection; conforming refund provisions to the change in distribution of the taxes; creating the Phosphate Land Reclamation Study Commission; requiring the Department of Natural Resources to provide staff; providing for assistance by the Division of Budget of the Department of Administration; providing duties of the commission; providing for a report; providing for the appropriation of certain trust funds to the Department of Natural Resources; limiting the availability of tax refunds; amending s. 211.33, Florida Statutes; providing for the administration of the tax and the confidentiality of returns; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendment which was adopted:

Amendment 1—On page 5, strike lines 11-22 and insert: 4. On or before March 1, 1978, the Phosphate Land Reclamation Study Commission shall report the results of its study to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At that time, it may also recommend: (a) legislation designed to promote and assure the restoration and reclamation of land disturbed by the severance of solid minerals which in the absence of incentives provided by law might not be restored or reclaimed; and (b) whether Paragraph (n) of Subsection (3) of Section 211.32, Florida Statutes, as adopted herein, be amended, modified, or repealed.

Senator MacKay moved the following amendment:

Amendment 2—On page 5 strike lines 28-31, and on page 6 strike lines 1-13 and insert: (n) Notwithstanding any other provision in this part, refunds from the taxes levied under this

part based upon the severance of solid minerals on or after July 1, 1978, shall be paid from the Land Reclamation Trust Fund only for the cost of restoration and reclamation of land:

1. Disturbed by the severance of solid minerals prior to July 1, 1975; or

2. Included within a site of severance on or before the effective date of this act with a restoration and reclamation program theretofore filed with the Department of Natural Resources.

Senators Plante, Peterson and Trask offered the following substitute amendment which was moved by Senator Trask and failed:

Amendment 3—On page 5 strike lines 28-31, and on page 6 strike lines 1-13

Amendment 2 was adopted by the following vote:

Yeas—23

| | | | |
|---------------|----------|-------------|------------|
| Castor | Graham | Myers | Ware |
| Chamberlin | Hair | Renick | Williamson |
| Childers, Don | Holloway | Sayler | Wilson |
| Dunn | Johnston | Spicola | Winn |
| Firestone | Lewis | Thomas, Pat | Zinkil |
| Gorman | MacKay | Vogt | |

Nays—13

| | | | |
|-----------------|-------------|-------------|-------|
| Barron | McClain | Scott | Trask |
| Childers, W. D. | Peterson | Skinner | |
| Gallen | Poston | Thomas, Jon | |
| Glisson | Scarborough | Tobiassen | |

Vote after roll call:

Nay to Yea—Poston

On motion by Senator MacKay, by two-thirds vote SB 5-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

| | | | |
|-----------------|----------|---------|-------------|
| Castor | Gallen | Lewis | Thomas, Pat |
| Chamberlin | Glisson | MacKay | Vogt |
| Childers, Don | Graham | Myers | Ware |
| Childers, W. D. | Hair | Poston | Williamson |
| Dunn | Holloway | Renick | Winn |
| Firestone | Johnston | Spicola | |

Nays—12

| | | | |
|-----------|-------------|-------------|--------|
| Barron | McClain | Skinner | Trask |
| Gorman | Peterson | Thomas, Jon | Wilson |
| Henderson | Scarborough | Tobiassen | Zinkil |

Vote after roll call:

Nay to yea—Jon Thomas

SB 7-B—A bill to be entitled An act relating to the oil and gas production tax; amending s. 211.02(1), Florida Statutes; increasing the rate of taxation on oil production; changing the percentage distribution under the first and second oil tax; excluding from the value of oil or gas production, wellhead or other production taxes imposed by the United States; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, between lines 12 and 13, insert: Section 2. All wells producing less than 100 barrels of oil per day or oil produced by tertiary methods shall be taxed at the rate of five (5) percent of the gross value at the point of production. The proceeds from this tax shall be distributed in the same manner as the first and second gas tax.

(Renumber subsequent sections.)

On motion by Senator Myers, by two-thirds vote SB 7-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—22

| | | | |
|---------------|----------|-------------|-------------|
| Castor | Glisson | MacKay | Spicola |
| Chamberlin | Graham | Myers | Thomas, Jon |
| Childers, Don | Hair | Peterson | Williamson |
| Dunn | Holloway | Poston | Winn |
| Firestone | Johnston | Renick | |
| Gallen | Lewis | Scarborough | |

Nays—12

| | | | |
|-----------------|-----------|-------------|--------|
| Barron | Henderson | Thomas, Pat | Vogt |
| Childers, W. D. | McClain | Tobiassen | Wilson |
| Gorman | Skinner | Trask | Zinkil |

Votes after roll call:

Yea—Ware

Nay—Scott

By the Committee on Finance, Taxation and Claims—

CS for SB 6-B—A bill to be entitled An act relating to beverage taxation; amending s. 563.05, Florida Statutes; increasing the excise tax on malt beverages; amending s. 564.06(1)-(4), Florida Statutes, and adding subsection (7) to said section; providing a dealer's credit; increasing the excise tax on wines and beverages; amending s. 565.12(1), (2), Florida Statutes; increasing the excise tax on liquors and beverages; creating s. 561.501, Florida Statutes; providing for applicability of tax increases; providing an effective date.

—was read the first time by title and SB 6-B was laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB 6-B was read the second time by title.

Senator Scarborough moved the following amendment:

Amendment 1—On page 1, strike "40" on line 21 and "5" on line 24 and insert: 36 on line 21 and 4½ on line 24

Amendment 1 failed by the following vote:

Yeas—17

| | | | |
|-----------|-------------|-------------|--------|
| Barron | McClain | Spicola | Wilson |
| Castor | Peterson | Thomas, Jon | Zinkil |
| Glisson | Scarborough | Tobiassen | |
| Gorman | Scott | Trask | |
| Henderson | Skinner | Williamson | |

Nays—17

| | | | |
|-----------------|----------|-------------|------|
| Chamberlin | Graham | MacKay | Ware |
| Childers, Don | Hair | Myers | Winn |
| Childers, W. D. | Holloway | Poston | |
| Dunn | Johnston | Renick | |
| Firestone | Lewis | Thomas, Pat | |

Senator Graham moved the following amendments which failed:

Amendment 2—Strike everything after the enacting clause and insert: Section 1. Subsection (12) is added to section 561.01, Florida Statutes, to read:

561.01 Definitions.—As used in the Beverage Law:

(12) "Net purchase price" means the gross price charged each distributor computed on a free on board point of origin basis less any allowances or discounts in cash or merchandise or any other consideration or anything of intrinsic value received by the distributor.

Section 2. Section 561.50, Florida Statutes, is amended to read:

561.50 One state tax payment and reports.—There shall be only one state tax paid, as a percentage of the net purchase price, on as to each gallon or fraction thereof of beverages purchased beverage sold under the Beverage Law, and no other excise tax shall be levied directly or indirectly. Said tax shall be computed from the reports, books, and records of manufacturers and distributors, and the amount so computed shall be remitted with the report required by s. 561.55 to the division at intervals of 1 month, on or before the tenth of each month, for all beverages purchased sold during the previous calendar month, and such payment of tax shall accompany the report required by s. 561.55. If the monthly tax liability of a manufacturer or distributor exceeds the amount of the bond furnished for payment of taxes, the division may require payment each Monday of the tax on the purchases sales for the previous week.

Section 3. Subsection (1) of section 561.55, Florida Statutes, is amended to read:

561.55 Manufacturers', distributors', and exporters' records and reports.—

(1) Manufacturers, distributors, and exporters shall each keep a complete and accurate record and make reports showing the amount of beverages manufactured, purchased, or sold within the state and from whom purchased and to whom sold; also, of all beverages imported from beyond the limits of the state and to whom sold; also, all beverages exported beyond the limits of the state, to whom sold, the place where sold and the address of the person to whom sold; also, the monthly reports of manufacturers and distributors shall be accompanied by copies of all invoices for the month, such invoices stating the net purchase price paid by each distributor. Manufacturers, distributors, and exporters shall make full and complete report by the 10th day of each month for the previous calendar month. Said report shall be made out in triplicate, two copies of which shall be sent to the division, the third copy retained for the manufacturer's, distributor's, or exporter's record. Reports shall be made on forms prepared and furnished by the division.

Section 4. Section 563.05, Florida Statutes, is amended to read:

563.05 Excise taxes on malt beverages.—As to malt beverages containing more than 1 percent of alcohol by weight, there shall be paid by all manufacturers and distributors, and vendors, as herein defined, a tax of 34 percent of the net purchase price 32 cents per gallon upon all such beverages in bulk or in kegs or barrels, and, when sold in containers of less than 1 gallon, the tax shall be 4 cents on each pint or fraction thereof in said container. However, the excise taxes required to be paid by this section upon malt beverages containing alcohol of not more than 3.2 percent by weight shall not be required to be paid upon such beverages when the same are sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 5. Section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages; exemptions.—

(1) As to beverages including wines, except natural sparkling wines and malt beverages, containing more than 1 percent alcohol by weight and less than 14 percent alcohol by weight, there shall be paid by all manufacturers and distributors a tax at the rate of 34 percent of the net purchase price \$1.15 per gallon.

(2) As to all wines, except natural sparkling wines, containing more than 1 percent alcohol by weight and less than 14 percent alcohol by weight, manufactured in Florida from Florida-grown fresh fruits, berries, or grapes and not from concentrates thereof, except concentrates of fruits, berries, or grapes grown and concentrated in Florida and bottled in Florida and upon all other such beverages except malt beverages, containing more than 1 percent alcohol by weight and less than 14 percent alcohol by weight manufactured and bottled in Florida from Florida-grown citrus products, citrus byproducts, honey, fresh fruits, berries, grapes, sugar cane, guavas, potatoes, peaches, papayas, strawberries, and mangoes, and not from concentrates thereof except concentrates grown and concentrated in the state, there shall be paid a tax at the rate of 17 percent of the net purchase price. the tax imposed by subsection (1) hereof shall not apply provided, however, that in lieu thereof there shall be paid by all manufacturers

and distributors a tax of 23 cents per gallon upon such beverages. The rate of tax imposed by this subsection shall be increased by the following schedule: October 1, 1971, 7 cents; October 1, 1972, 7 cents; October 1, 1973, 7 cents; October 1, 1974, 7 cents; and October 1, 1975, 6½ cents.

(3) As to all wines, except natural sparkling wines containing 14 percent or more alcohol by weight, there shall be paid by manufacturers and distributors a tax at the rate of 34 percent of the net purchase price \$1.60 per gallon; provided, however, that there shall be paid by all manufacturers and distributors a tax at the rate of 17 percent of the net purchase price of 25 cents per gallon and no more, upon all wines manufactured in Florida from fresh fruits, berries, or grapes and not from concentrates thereof, except concentrates of fruits, berries, or grapes grown and concentrated in the state, bottled within this state and containing 14 percent or more of alcohol by weight. The rate of tax imposed on beverages made from Florida products by this subsection shall be increased by the following schedule: October 1, 1971, 9 cents; October 1, 1972, 9 cents; October 1, 1973, 9 cents; October 1, 1974, 9 cents and October 1, 1975, 9 cents.

(4) As to natural sparkling wines there shall be paid by all manufacturers and distributors a tax at the rate of 34 percent of the net purchase price \$2.30 per gallon; provided, however, that there shall be paid by all manufacturers and distributors a tax at the rate of 17 percent of the net purchase price of 46 cents per gallon and no more, upon all natural sparkling wines manufactured in Florida from fruits, berries, or grapes and not from concentrates thereof, except concentrates of fruits, berries, or grapes grown and concentrated in this state and bottled within this state. The rate of tax imposed on beverages made from Florida products by this subsection shall be increased by the following schedule: October 1, 1971, 13 cents; October 1, 1972, 12 cents; October 1, 1973, 12 cents; October 1, 1974, 12 cents; and October 1, 1975, 12 cents.

(5) As to all beverages taxed under this section which are manufactured or bottled in Florida, there shall be a 2 percent discount allowed to the manufacturer or bottler on the amount of taxes assessed against wine for his losses from shrinkage, in filtering, breakage, and waste in bottling, said 2 percent to be computed on the taxable amount assessed by the state when sold taxpaid, and said 2 percent shall be deducted by the manufacturer or bottler on his monthly report.

(6) Wine purchased from a Florida distributor for use used by an ~~any~~ established church as sacramental wine or in connection with religious services is hereby expressly exempted from the provisions of this section.

Section 6. Section 565.12, Florida Statutes, is amended to read:

565.12 Excise tax on liquors and beverages.—

(1)(a) As to beverages containing 14 percent or more of alcohol by weight and not more than 48 percent of alcohol by weight, except wines, there shall be paid by all manufacturers and distributors and vendors a tax at the rate of 34 percent of the net purchase price \$2.75 per gallon.

(b) ~~As to~~ All such beverages manufactured and bottled in Florida from Florida-grown citrus products, citrus byproducts, honey, fresh fruits, berries, grapes, sugarcane, guavas, potatoes, peaches, papayas, strawberries and mangoes, and not from concentrates thereof, except concentrates grown and concentrated in the state shall be taxed at the rate of 17 percent of the net purchase price the tax imposed by paragraph (a) shall not apply; provided, however, that in lieu thereof there shall be paid by all manufacturers and distributors a tax at the rate of 95.8 cents per gallon. The rate of tax imposed by this paragraph shall be increased by the following schedule: October 1, 1971 18.7 cents; October 1, 1972 18.5 cents; October 1, 1973 18.5 cents; October 1, 1974 18.5 cents; and October 1, 1975 18.5 cents.

(2)(a) As to beverages containing more than 48 percent of alcohol by weight, there shall be paid by all manufacturers and distributors and vendors a tax at the rate of 34 percent of the net purchase price \$7.52 per gallon.

(b) ~~As to~~ All such beverages manufactured and bottled in Florida from Florida-grown citrus products, citrus byproducts, honey, fresh fruits, berries, grapes, sugarcane, guavas, potatoes, peaches, papayas, strawberries and mangoes, and not from

concentrates thereof except concentrates grown and concentrated in the state shall be taxed at the rate of 17 percent of the net purchase price the tax imposed by paragraph (a) shall not apply; provided, however, that in lieu thereof there shall be paid by all manufacturers and distributors a tax at the rate of one dollar eighty-nine and six-tenths cents per gallon. The difference between the rate of tax imposed by this paragraph and the rate of tax imposed by paragraph (a) shall be reduced and eliminated by the following schedule: October 1, 1971 37.4 cents; October 1, 1972 37 cents; October 1, 1973 37 cents; October 1, 1974 37 cents; and October 1, 1975 37 cents.

(2) The use of the words "and vendors" in subsections (1)(a) and (2)(a) shall not be construed as imposing a new excise tax based upon sale at retail, but shall only be construed as applying the increase in tax rates to vendors' inventories of stock on June 1, 1968.

Section 7. A tax of 34 percent of the net purchase price is levied on all alcoholic beverages in the possession of each distributor on October 1, 1977, except that the levy of tax on those beverages qualifying as Florida products, as provided in the Beverage Law, shall be 17 percent of the net purchase price. The tax shall be paid to the Division of Beverage of the Department of Business Regulation in six equal monthly payments payable on or before the tenth of the month commencing November 10, 1977.

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

Amendment 3—On page 5, between lines 15 and 16, insert: Section 4. Section 565.13, Florida Statutes, is amended to read:

565.13 Monthly payment of tax by distributor.—Every distributor selling spirituous beverages within the state shall pay the tax to the division monthly on or before the tenth day of the following month, less 1.1 1.4 percent of the tax due, which shall be withheld by the distributor for the keeping of prescribed records, furnishing bond, and properly accounting for and remitting taxes due to the state. However, no allowance shall be granted or permitted when the tax is delinquent at the time of the payment.

(Renumber subsequent sections.)

On motion by Senator Graham, the Senate reconsidered the vote by which Amendment 3 failed. The question recurred on Amendment 3 which was adopted.

Senator Graham moved the following amendments which were adopted:

Amendment 4—On page 2, before line 1 insert: Section 2. Section 563.07, Florida Statutes, is amended to read:

563.07 Beer distributors' collection credit.—For the purpose of allowing credit to licensed distribution of malt beverages or beer for the keeping of prescribed records, furnishing bond, properly accounting for and remitting taxes due to the state, such licensed distributors shall be allowed 2.4 3 percent of the amount of the tax due, accounted for and remitted to the division, in the form of a deduction from such remittance. However, no allowance shall be granted or permitted when the tax due is delinquent at the time of payment.

(Renumber subsequent subsections.)

Amendment 5—On page 3, line 31, strike "3" and insert: 2.4

Senator Graham moved the following amendment:

Amendment 6—On page 5, between lines 15 and 16, insert a new section 4: Section 4. Licensees' Floor Tax—On the effective date of this act, before opening for business, each licensee licensed in this state shall take an inventory of the alcoholic beverage on hand for sale and report said inventory on forms prepared and furnished by the Division of Beverage of the Department of Business Regulation, which report shall be certified and signed by the licensee or his authorized employee and mailed by Aug. 10, 1977, to the division, accompanied by payment for the amount of the increased tax as indicated on the report. The director of the Division of Beverage is authorized to deduct from this payment the expense of collection up to

\$25,000, the remainder to be deposited in the general revenue fund.

Renumber subsequent sections.

Amendment 6 failed by the following vote:

Yeas—10

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|---------------|----------|--------|------|
| Chamberlin | Graham | Lewis | Vogt |
| Childers, Don | Holloway | MacKay | |
| Dunn | Johnston | Renick | |

Nays—26

| | | | |
|-----------------|-------------|-------------|------------|
| Mr. President | McClain | Scott | Ware |
| Barron | Myers | Skinner | Williamson |
| Childers, W. D. | Peterson | Spicola | Wilson |
| Gallen | Plante | Thomas, Jon | Winn |
| Glisson | Poston | Thomas, Pat | Zinkil |
| Gorman | Sayler | Tobiassen | |
| Henderson | Scarborough | Trask | |

Vote after roll call:

Nay—Castor

Senator Williamson moved the following amendment which failed:

Amendment 7—On page 1, line 24, after "thereof" insert: in excess of 12 ounces and 4 cents for any fraction thereof equal to 12 ounces or less

Senator Graham moved the following amendments which were adopted:

Amendment 8—On page 1 in title, line 10, after the semicolon insert: amending s. 565.13, Florida Statutes; decreasing the percentage of the tax credit allowed to distributors of spirituous beverages

Amendment 9—On page 1 in title, line 4, after the semicolon insert: amending s. 563.07, Florida Statutes; decreasing the percentage of the tax credit allowed to distributors of malt beverages

Senator Pat Thomas moved that the Senate reconsider the vote by which Amendment 1 failed. The motion failed by the following vote:

Yeas—16

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|---------|-------------|-------------|------------|
| Barron | Henderson | Scott | Tobiassen |
| Gallen | McClain | Skinner | Trask |
| Glisson | Peterson | Spicola | Williamson |
| Gorman | Scarborough | Thomas, Pat | Wilson |

Nays—19

| | | | |
|-----------------|-----------|--------|--------|
| Castor | Firestone | Lewis | Vogt |
| Chamberlin | Graham | MacKay | Ware |
| Childers, Don | Hair | Myers | Winn |
| Childers, W. D. | Holloway | Plante | Zinkil |
| Dunn | Johnston | Poston | |

On motion by Senator MacKay, by two-thirds vote CS for SB 6-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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|-----------------|----------|----------|-------------|
| Castor | Glisson | McClain | Spicola |
| Chamberlin | Graham | Myers | Thomas, Jon |
| Childers, Don | Hair | Peterson | Thomas, Pat |
| Childers, W. D. | Holloway | Plante | Vogt |
| Dunn | Johnston | Poston | Williamson |
| Firestone | Lewis | Renick | Winn |
| Gallen | MacKay | Skinner | Zinkil |

Nays—9

| | | | |
|-----------|-------------|-----------|--------|
| Barron | Sayler | Tobiassen | Wilson |
| Gorman | Scarborough | Trask | |
| Henderson | Scott | | |

Vote after roll call:

Yea—Ware

The Senate resumed consideration of—

SB 37-B—A bill to be entitled An act relating to purchases made by political subdivisions; authorizing counties, municipalities, school districts, and other political subdivisions of the state to award contracts for the purchase of personal property to businesses in Florida which are not the lowest bidder under certain conditions; providing an effective date.

Senator Scarborough presiding

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

Amendment 1—On page 1, strike all of lines 16 through 21 and insert: competitive bidding, and the lowest responsible bid is by a bidder whose principal place of business is in a state or political subdivision thereof which grants a preference to persons whose principal place of business is in such state, then the county, municipality, school district, or other political subdivision of this state may award a preference to the lowest responsible bidder having a principal place of business within this state, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible bidder has his principal place of business.

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

Amendment 1-A—On page 1, line 4, after the word "state" insert: for such personal property

Amendment 1 as amended was adopted.

Senators Scott, Williamson, Zinkil, and Jon Thomas offered the following amendment which was moved by Senator Scott and adopted:

Amendment 2—On page 1, line 22, insert new section 2 and renumber subsequent sections:

Section 2. Section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—The board of county commissioners is expressly authorized to sell and convey any property, real or personal, and to lease real property, belonging to the county whenever such board shall determine that it is to the best interest of the county to do so, to the highest and best bidder for the particular use it deems to be the highest and best, or, *alternatively, in the case of an airport operation or facility lease, after negotiation without bids*, for such length of term and such conditions as the governing body may in its discretion determine. No sale or lease of any real property shall be made unless notice thereof shall be published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase or lease of the real estate so advertised to be sold or leased. The bid of the highest bidder, in the case of a sale, or, in case of lease, the bid serving the highest public interest as authorized herein, complying with the terms and conditions set forth in such notice, shall be accepted unless the board of county commissioners shall reject all bids because the same are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board shall determine, with each bid submitted.

Senator Scott moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 8, insert after the semi-colon: specifying airport leasing after negotiation;

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

Amendment 4—On page 1 in title, line 5, after "award" insert: preferences with respect to

Senator McClain moved that further consideration of SB 37-B be deferred.

Senator Spicola moved as a substitute motion that the Senate reconsider the vote by which Amendments 2 and 3 were adopted. The motion was adopted and by permission, Senator Scott withdrew Amendments 2 and 3.

Senator Myers moved the following amendment which was adopted.

Amendment 5—On page 1, line 21, strike the period and insert: provided, however, this act shall not apply to transportation projects where federal aid funds are available.

On motion by Senator W. D. Childers, by two-thirds vote SB 37-B 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

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

Nays—1

Plante

Votes after roll call:

- Yea—Glisson
- Yea to Nay—Myers
- Yea to Nay—Trask

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

INTRODUCTION

By Senators Holloway, Poston and Renick—

SB 36-B—A bill to be entitled An act relating to the Department of Transportation; amending s. 338.19(1), Florida Statutes; requiring the department to reimburse certain utility owners for the cost of removing or relocating certain utility facilities; providing for certain deductions from reimbursement; authorizing expenditure of both restricted and unrestricted state roads moneys and gas tax revenues for such reimbursement; providing an effective date.

On motion by Senator Holloway, SB 36-B was admitted for introduction and consideration by the required constitutional two-thirds vote of the Senate. SB 36-B was read the first time by title and referred to the Committee on Rules and Calendar.

SPECIAL ORDER, continued

SB 8-B—A bill to be entitled An act relating to taxation; amending ss. 210.02(1), (3)-(5), 210.20(2)(a), Florida Statutes; increasing the excise or privilege tax on cigarettes; changing the distribution of funds received from such taxes; providing an effective date.

—was read the second time by title.

The President presiding

Senators Myers and Graham offered the following amendment which was moved by Senator Myers and adopted:

Amendment 1—On page 2, line 19, insert: new section 2, as follows:

Section 2. Subsection (1) of section 200.132, Florida Statutes, is amended to read:

200.132 Municipal Financial Assistance Trust Fund; administration of grant program.—

(1) The Department of Revenue shall administer a program of grants to municipalities within the amount appropriated each fiscal year for this purpose to the Municipal Financial Assistance Trust Fund. Each municipality which has qualified under the provisions of paragraph 218.23(1)(c) shall receive a pro rata distribution from the Municipal Financial Assistance Trust Fund created under s. 210.20(2)(a), to be distributed to the municipality in such proportion as the population of the municipality is to the total population of the other municipalities in the county qualified to receive distributions under this section. Counties which, under the constitution, exercise powers conferred by general law upon municipalities shall receive a share of that county's revenue in a ratio of the population of the unincorporated area of that county to the entire population of the county. Amounts distributed hereunder shall be considered general revenues of the municipality and shall be subject to expenditure for any public purpose. Payment shall be made monthly during each fiscal year. During the fiscal year 1971-1972, the first payment shall be made in October. Municipalities levying more than 10 mills on October 1, 1972, except for debt service or other special millages authorized by the voters, are hereby required to reduce their operating millages for the fiscal year 1972-1973 by the number of mills and fraction thereof that would have been necessary to raise 80 percent of the revenues hereby replaced for the period October 1, 1972 to October 1, 1973. This shall not require a reduction or rollback below 10 mills. For purposes of this rollback requirement, the term "municipalities" shall not include a consolidated city-county form of government levying a millage not identifiable by millage for county government and for city government. *For the purposes of this section, "population" means the latest official state estimate of population certified pursuant to s. 23.019. If there is no such annual certification of population for any urban service district, the population of such district shall be estimated by using the most current available data.*

(Renumber subsequent sections.)

On motion by Senator Myers, by two-thirds vote SB 8-B as amended was read the third time by title and failed to pass. The vote was:

Yeas—19

| | | | |
|-----------------|-----------|----------|-------------|
| Mr. President | Firestone | Johnston | Thomas, Jon |
| Castor | Gallen | Lewis | Vogt |
| Chamberlin | Graham | MacKay | Winn |
| Childers, Don | Hair | Myers | Zinkil |
| Childers, W. D. | Holloway | Renick | |

Nays—20

| | | | |
|-----------|----------|-------------|------------|
| Barron | McClain | Scarborough | Tobiassen |
| Dunn | Peterson | Scott | Trask |
| Glisson | Plante | Skinner | Ware |
| Gorman | Poston | Spicola | Williamson |
| Henderson | Sayler | Thomas, Pat | Wilson |

On motion by Senator Gallen, the Senate recessed at 11:58 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

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

| | | | |
|----------|-------------|-------------|------------|
| Lewis | Poston | Spicola | Ware |
| MacKay | Renick | Thomas, Jon | Williamson |
| McClain | Sayler | Thomas, Pat | Wilson |
| Myers | Scarborough | Tobiassen | Winn |
| Peterson | Scott | Trask | Zinkil |
| Plante | Skinner | Vogt | |

Committee of the Whole

On motion by Senator Gallen, pursuant to Rule 4.4, the Senate resolved itself into a Committee of the Whole at 2:00 p.m.

On motion by Senator Lewis, Howard Walton was appointed staff director for the Committee of the Whole and all staff members of the Senate were invited into the chamber to participate as members of the Committee of the Whole.

At the request of the staff director, the following resolution was read the first time in full:

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

SR 44-B—A resolution in commendation of Senator Kenneth A. Plante, Senate Minority Leader, The Florida Senate.

WHEREAS, in faithfulness to public trust, with forthrightness of character and persistent pursuit of right and truth, no record exceeds that of Senator Kenneth A. Plante during the ten years of his outstanding service and devotion to the Florida Senate and to the State of Florida, and

WHEREAS, during his ten years of service in the Florida Senate, Senator Plante has devoted his time and energies in developing a nonpartisan, professional staff within the Florida Senate, and

WHEREAS, we, his contemporaries, and the staff of the Florida Senate, along with the staff of the Joint Auditing Committee and the Joint Legislative Management Committee, would express and permanently record our respect, gratitude, and love for one of Florida's most outstanding political figures, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this Senate Resolution be spread upon the Journal of the Florida Senate:

In Commendation
Senator Kenneth A. Plante
Senate Minority Leader, The Florida Senate

Who was born December 17, 1939, in Orlando, Florida. After completing high school in Winter Park, he attended the University of Florida. Happily married to the former Sandra Lee Crawford of Winter Park, their children are Kenny, Jimmy, Melanie, Jon, Mark, Colleen, and Michelle.

In 1967, believing that the tide was turning and people were looking to the Republican Party for new leadership, he ran for the 16th District of the Florida Senate. In March of 1967, at the age of 27, he was sworn in as the second youngest Senator in the history of the state. When the Florida Senate convened on April 4, 1967, the freshman Senator found himself serving on the Agriculture and Livestock Committee, the Anti-Crime, Citrus, Game and Fish, and Governmental Reorganization Committees. With 3 special sessions in that year, he endured a very hectic freshman year.

In November of 1967, under section 67.479, Florida Statutes, he was obliged to face election for the 16th District for the second time in that year. The 1968 revision of the Constitution became effective on January 7, 1969, and after his successful election in November of 1968, he sat as a member of the first special session of the Senate called on February 17, 1969, for the consideration of executive suspensions. The April 8-June 6 Regular Session of 1969 found him serving on the Governmental Organization and Ways and Means Committees. The 1969 Regular Session was followed by the December 1-December 10 Spe-

cial Session called to fund and implement the 16-year road building program for the state and to select a 1970 primary election date.

In 1970, following the adoption of the 1968 Constitution, the Florida Legislature began sitting in annual session. During the 1970 Regular Session, he served on the Ethics, Governmental Organization, and Ways and Means Committees. In 1970, Governor Kirk vetoed the General Appropriations Act, thereby forcing the Legislature into a Special Session on June 10 followed by four additional special sessions of the Legislature that year.

In 1971, a Special Session of the Legislature was called by the Governor for January 27-February 4, and the Regular Session was convened on April 6. On November 29 a Special Session was called for the enactment of legislation to implement a tax on the net income of corporations and to set a special election for submission to the voters of Articles V and VII of the State Constitution.

In 1972, the Regular Session convened on February 1 to reappoint the Legislature. On April 8, a special session was called for implementation of Article V. At the Organizational Session, November 21, 1972, he was sworn in as the Senator from the 14th. Again on November 28, a special session was called. During 1972-74, he served on the Commerce, Education, Rules and Calendar, and Ways and Means Committees, and served as Chairman of Subcommittee A of Ways and Means.

In 1974, he ran unopposed for the Florida Senate. On January 29, 1974, a Special Session to consider legislation concerning Daylight Saving Time was convened, and on April 2, 1974, the Regular Session of the Legislature was convened.

For the Legislative Sessions of 1974-1976, he served on the Commerce, Education, Governmental Operations, Rules and Calendar, and Ways and Means Committees, serving as chairman of Subcommittee C of the Ways and Means Committee, on the Joint Legislative Management and the Joint Legislative Auditing Committees, and on the Joint Select Committee on Judicial Personnel.

In 1975 the regular session convened April 8-June 5.

In 1976 the Legislature was convened on April 6 and in November of 1976, the Senate convened for the purpose of reorganization, at which time he assumed the office of Senate Minority Leader. For the year of 1977, he is serving as Chairman of Subcommittee C of the Appropriations Committee; Commerce, Education, Finance, Taxation, and Claims Committees; Vice-Chairman of the Rules and Calendar Committee; and as a member of the Joint Auditing and Joint Legislative Management Committees.

In addition to the time he has devoted to the Florida Legislature and to the state as a whole, he has also served on the Executive Board of the National Conference of State Legislatures, as President of Central Florida Drum, Inc., as Vice-President of L. D. Plante, Inc., as a member of the Central Florida Hotel and Restaurant Association, the Orlando Chamber of Commerce, the Winter Park Chamber of Commerce, the Orlando Track Club, and the Orange County Young Republicans.

He has received the South Seminole Jaycee Good Government Award for 1968 and the Orlando Jaycee Good Government Award for 1972, and was named Honorary Chairman in 1973 for the Seminole County Association for Retarded Children's Special Olympics. He was chosen in 1973 as "Outstanding Legislator from the Senate in the field of Education" by the County School Boards Association. The only Floridian on a 12-member team, he was chosen from throughout the United States by the American Council of Young Political Leaders to participate in a 20-day exchange program to five major cities in the U.S.S.R. in November, 1973. In the same year, he received the Good Guys Award from Orlando Central Business District, Inc. He was selected for the Allen Morris Award in 1974 and in 1975 as the "Most Effective in Committee" and, in 1975, as the "Second Most Effective Member of the Senate." In 1975, he received the Annual Tiger Award, the Dade Professional Educators "Golden Apple" Award, the Central Florida Pediatric Society Award, and the Florida Farm Bureau Federation Award. This year, 1977, he has received the Allen Morris Award as "Most Effective in Debate" and the Florida Agriculture Annual Award for outstanding leadership.

BE IT FURTHER RESOLVED that the members of the Florida Senate, together with staff, respectfully request that Senator Plante reconsider his resignation and continue in the capacity of Senator from the 14th District and continue to

represent the people of this state as a member of the Florida Senate, to which he has contributed so much, and

BE IT FURTHER RESOLVED that a duly attested copy of this resolution be presented to our most esteemed colleague and friend, Senator Kenneth A. Plante, whom we have come to love and respect, together with our wishes for Godspeed in his future endeavors.

On motion by Senator Sayler, SR 44-B was read the second time in full and unanimously adopted.

On motion by Senator Henderson, the following remarks were printed in the Journal:

Senator Lewis: We have all come to love Ken, and it's like a wake today with his leaving. I sure hope he changes his mind. Governor, I hope you are listening, because the reason he is leaving is a matter of principle with him—it's a matter of principle with a lot of us. Maybe if all of us had enough courage to do what he is proposing to do, the thing would get straightened out. From the time I got here in 1970, Kenneth was one of the first persons who addressed me. When you come into this body as a freshman, it's like a mullet coming into a school of sharks. He got up and said I was taking over his position as the most productive in the Senate. He had seven children and I had nine. We figured out what birth control was—we stay up here. With both of us being Catholic, we all know what that means, don't we Ken? Ken, you have done an outstanding job for all the people of Florida and we are going to miss you. God bless you and your family and I just hope that you will reconsider before you go.

Senator Gallen: Mr. President and Senators, I had some reservation about this resolution because I was afraid it might place Senator Plante in a position where he had made an irrevocable decision because he might feel with all these honors that he couldn't change his mind. But I hope that he will look at it from the standpoint that if there is this much strong feeling among his colleagues and the staff, this is strong support for him to change his mind and we wouldn't mind at all. If he would, we would withdraw this resolution right now.

Senator Poston: Mr. President, the other day I stepped out of Committee Room A and I heard one of the highest tributes anyone has ever paid the Senator. There were two workmen down there working around the boilers and one of them said to the other one, "You know this capitol plant is one of the finest buildings of its kind in the United States." And I thought that that was a great tribute to name this capitol after Senator Plante.

Senator Peterson: As a seatmate of Senator Plante, I think it would be appropriate for me to say a few words. When I first arrived here in March of 1972 my district was the 28th. At that time I got advice from the little winemaker from Tampa, Louis de la Parte, and that year I had to run twice. My district became the 12th and I moved up here where Senator Pope was and have sat here ever since. I think I got a different kind of advice from Senator Plante than what I got from Senator de la Parte. Although I think you can listen to one and listen to the other and you come out pretty good on balance. I think the State of Florida owes this young man a great debt because he has shaped things in immeasurable ways and I think we should remember that things are better because he has been here. I deem it an honor to have sat by him nearly five years.

Senator Henderson: Mr. President and Senators, I've got to tell you something about Kenny. He came to me back in 1972 and we discussed the Minority Leader post. I advised him he ought to seek that post and I offered to run his campaign. He was defeated that year by Senator Lane. I told him that was a fluke and we should take another shot at it. So we did two years later in 1974 and he was defeated. Senator Ware was elected Minority Leader. Ken got himself a new chairman for his campaign in 1976 and it came off pretty good. He was elected. It came off pretty well for Kenny, for the Senate, and for the State of Florida. We are so proud to have had the opportunity to serve with Ken Plante. We hope that our service together will not end anytime soon.

Senator Pat Thomas: Mr. President, I rise to apologize. It was about the time that Ken Plante wanted to come to the Senate that we spent a lot of Democratic dollars to keep him from coming here. About two weeks ago, back home, somebody asked "what in the world did you vote for that thing for?" I said, "Plante told me to." I could not ask for a guy who exercises more fairness than he does. I don't think he sees any partisan issues in good government, I think I have been a better Senator, all of us have, because of his service here.

Senator Myers: Mr. President and Senators, I guess about the closest any person ever comes to immortality on earth is to carve a little piece of himself or herself in the granite of time by making some kind of contribution that lasts long after they are gone. An author writes a book, a painter paints a picture, a legislator carves his ideas into the destiny of a state or nation. I think all of us will agree that no person comes closer to that concept of being part of something that's going to go on and on and having contributed a substantial piece of himself to the betterment of people in Florida than has Kenny.

I want to tell you, Kenny, that as an individual I have grown to love and respect you probably as much if not more than any other person in this Senate and I, as a legislator, feel closer to Kenny Plante than just about anyone here, other than that little wine-maker that came along, who also was a strong part of me when he was serving here in the Senate.

I am going to miss him terribly, and I would submit my little plaintive plea along with everyone else to the effect that hopefully —although I am very sensitized to and understand his deep reasons for the decision he made—that he will change his mind and continue a little longer, at least until the end of the term, to give of himself as he has done so well because there is going to be an awfully big vacuum there if he goes.

Senator Wilson: As the Independent's independent Senator, I think I would like to just underscore the fact that if ever I have worked with a Senator that is non-partisan—which I hold to be a special type of attitude that we should all have when we are on the floor of the Senate—it is certainly Senator Plante. We have talked about this personal reason for his decision and I know he is not alone in his thoughts on this. There are many on the floor that share them. I hope the people of Florida, the newspapers of Florida, and most of all, the Governor of Florida, will listen and look and search their hearts, because if you continue to make second-class citizens out of elected officials, you are going to have second-class citizens as elected officials. This is a beginning. Others who are rather well thought of gubernatorial appointments, are saying I don't want to be a second-class citizen. It's too much to ask, and I think the symbolism involved here is important for the future of this state and the quality of elected officials that will inherit all of these seats, not just the seat of the 14th. So, Senator Plante, I hope you could reconsider, but most of all, you are one of the greatest public servants I know and I regret your decision.

Mr. President: Let me tell you, Senator Plante, the Senator from the 24th was reluctant to ask the staff to come because he felt it might put you in a position of not changing your mind. Let me tell you, this is a staff you and I, and the other 38 Senators, have learned to love and respect for their professionalism. You have worked with this staff probably as close as any member of the entire Senate. This staff did something the other evening when my wife and I had a little tea over in Jacksonville. They sent to my wife and family a telegram that was about three sentences long but it had 159 signatures on it. What they were saying was that they have respect for us as we have respect for them.

Senator Plante, I can represent to you members of our staff and Senators feel the same way. We wish you would change your mind and find a way to keep doing the job for the people of Florida that you have been doing since 1967. If, however, you do not do it, I can assure you that as President, I am going to miss you tremendously because I have depended on you greatly as did Senator Barron before me.

Senator Barron: I think that we would all be less than honest if we really in good faith ask Senator Plante to go against his conscience because that's what this whole thing has been about. Senator Wilson, Senator Lewis, and I, probably as much as any

other member of the Senate, have reflected on the wisdom of what has been done in Florida by people who certainly could not have known the importance of their vote. I visited with the Governor for about two hours the other day, and contrary to what a lot of you might think, he and I talk rather freely together and I have great admiration for him. But no one is beyond the error of reaching the wrong conclusion, and I think the Governor reached the wrong conclusion in this particular area. I think that the people of Florida who voted for this abominable, terrible thing were doing so in protest of a government that they feel is too big and too expensive, and too far-reaching into their personal lives. When you start talking about your personal life, you are talking about the thing that Ken Plante has labored with so long. No one knows better than the members of this Senate that of all people, Kenny Plante has less to hide from the standpoint of wrong-doing or nothing to hide. The reason we came to this country was to have the right under the law to have privacy in our personal dealings and our personal homes. This law invades that privacy to the greatest extent. I would be glad to serve without pay and I am sure Ken Plante would. The members of the Legislature receive less money than the members of the staff and that should be the case because it is service, but to serve at the expense of the deep intrusion into your personal affairs, the affairs of your associates, the monetary accumulation of your children, and your wife, is a terrible thing to cast upon public service. This question, Mr. President and members of the Senate, transverses all philosophy. Senator Jack Gordon, known as the liberal of the Senate, with whom I have frequently found myself aligned, and I, somewhat known as a conservative member of the Senate, feel just as strongly about this issue as any other member of the Senate, as does Senator Lewis who has struggled and struggled with it. It's going to reduce the quality of government at all levels. I hope the Governor is listening, because even today as we review the Constitution of Florida, the Governor is having difficulty in finding men of high integrity, such as Ed Price, Sandy D'Alemberte and Jack Mathews, former President of the Senate, to serve on the Constitution Revision Commission. They feel, as many of us do, that the price of public service, not money-wise but the right of privacy that our forefathers sought hundreds of years ago, is too much to pay. The Port Authority in Jacksonville is thinking about resigning, hospital boards, people everywhere are saying that the price is too high. And if Senator Plante feels the price is too high, he is merely doing what he has done so well so long, he is leading the way of the exodus of people from public service brought about by this terrible wrong that the Governor conceived and which was ill-accepted to some extent by the public who was voting for another reason. Therefore, Ken, if you leave, my friend, it will be sad for us all but I will be the first to understand. I might even be close behind you. In any event, look around you, because many people you see here with whom you have served, that you respect and have loved, will not be back.

Senator Plante: Mr. President and Senators, I am about speechless but I feel embarrassed that you took-up this much time of the Senate to do something like this. Although I am very proud. I think that we all have to do what we think is right and I am glad you didn't put the vote on the board. Mr. President, I thank all of you very much. I will miss it, there's no doubt about that, but you really didn't need to do this. I would have changed my vote on the cigarette tax and helped to pass it. Thank you.

Following the foregoing remarks, Senator Plante received a standing ovation.

Senator Gallen moved that the Committee of the Whole rise. The motion was adopted and the Senate was called to order by the President at 2:40 p.m. A quorum present—39:

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, June 23, 1977:

| | | | |
|---------|---------|----------|---------|
| SB 38-B | SB 40-B | SB 36-B | SB 43-B |
| SB 1-B | SB 32-B | SCR 42-B | |

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 admitted for introduction by the required Constitutional two-thirds vote and passed HB 12-B and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Gallen, HB 12-B was admitted for introduction and consideration by the required constitutional two-thirds vote of the Senate.

By Representative Culbreath—

HB 12-B—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.162(2), Florida Statutes, 1973, conforming the number of days authorized for the daily operation expense allowance at dog tracks to the total number of days authorized in a racing season; providing an effective date.

HB 12-B was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Gallen, by two-thirds vote HB 12-B was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed first on the Special Order Calendar.

SPECIAL ORDER, continued

On motions by Senator Gallen, by two-thirds vote HB 12-B 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—31

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

Nays—None

Vote after roll call:

Yea—Holloway

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

INTRODUCTION

By Senators Johnston, Poston, Vogt, Hair, Winn, Henderson, Gorman, Williamson, Zinkil and Trask—

SB 40-B—A bill to be entitled An act relating to ethics in government; adding s. 112.311(7), (8), (9), Florida Statutes; providing legislative intent; amending s. 112.3145, Florida Statutes, 1976 Supplement; providing for full financial disclosure to be filed by certain persons; defining full financial disclosure; providing for disclosure of interests in entities which have been provided a grant or privilege to operate; providing time and place for filing full financial disclosure; providing for

limited financial disclosure to be filed by certain specified persons; providing definition of limited financial disclosure; providing time for filing limited financial disclosure; providing for disclosure of gifts; providing for Florida Commission on Ethics and the Secretary of State to distribute disclosure forms; creating s. 112.3148, Florida Statutes; providing for disclosure of representation before agencies; providing exceptions; amending s. 112.3147, Florida Statutes, 1976 Supplement; requiring the commission to prescribe certain forms; providing an effective date.

On motion by Senator Johnston, SB 40-B was admitted for introduction and consideration by the required constitutional two-thirds vote of the Senate. SB 40-B was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Glisson, the Senate reconsidered the vote by which—

SB 8-B—A bill to be entitled An act relating to taxation; amending ss. 210.02(1), (3)-(5), 210.20(2)(a), Florida Statutes; increasing the excise or privilege tax on cigarettes; changing the distribution of funds received from such taxes; providing an effective date.

—as amended failed to pass this day.

Senator Myers moved the following title amendment which was adopted:

Amendment 2—On page 1, line 6, insert after the word "taxes;": amending s. 200.132(1), Florida Statutes, providing the method for determining population for purposes of distributing such funds;

Senator Poston requested a quorum roll call. A quorum present—35:

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

SB 8-B as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—20

| | | | |
|-----------------|----------|----------|-------------|
| Mr. President | Gallen | Johnston | Poston |
| Castor | Glisson | Lewis | Renick |
| Chamberlin | Graham | MacKay | Thomas, Jon |
| Childers, Don | Hair | Myers | Vogt |
| Childers, W. D. | Holloway | Plante | Winn |

Nays—16

| | | | |
|---------|-------------|-------------|------------|
| Barron | Peterson | Spicola | Ware |
| Dunn | Scarborough | Thomas, Pat | Williamson |
| Gorman | Scott | Tobiassen | Wilson |
| McClain | Skinner | Trask | Zinkil |

Votes after roll call:

Nays—Henderson, Sayler

SPECIAL ORDER, continued

Senator Scarborough presiding

SB 10-B—A bill to be entitled An act relating to corporations; amending s. 607.361(2), Florida Statutes, 1976 Supplement; to increase the fee for filing an annual report; providing an effective date.

—was read the second time by title. On motion by Senator Myers by two-thirds vote SB 10-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 11-B—A bill to be entitled An act relating to estate taxes; creating s. 198.015, Florida Statutes, providing that, for purposes of estate taxes, persons who have dwelt or lodged in Florida for a certain time prior to their demise shall be presumed domiciliaries of the state; amending s. 198.15, Florida Statutes, 1976 Supplement, extending to 10 years the aggregate of extensions allowed on the payment of estate taxes which are due; amending s. 198.16, Florida Statutes, 1976 Supplement, increasing the interest rate charged on deficient estate taxes; amending s. 198.22, Florida Statutes; increasing to 12 years the amount of time for which a lien for unpaid taxes is valid upon an estate; removing the waiver fee for waivers releasing property from such lien; amending s. 198.35, Florida Statutes, providing that the interpretation and construction of Florida's estate tax laws shall, where applicable, be based on the inheritance tax laws of the United States effective January 1, 1978; providing an effective date.

—was read the second time by title. On motion by Senator MacKay by two-thirds vote SB 11-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Sayler

SB 27-B—A bill to be entitled An act relating to ad valorem tax exemptions; creating s. 196.1985, Florida Statutes; granting an exemption with respect to real property owned and used by labor organizations for educational purposes; amending s. 196.2001(1)(d), Florida Statutes, 1976 Supplement; granting an exemption with respect to property owned by certain non-profit sewer and water companies whose rates for services are established by the Farmers Home Administration; providing an effective date.

—was read the second time by title.

Senators MacKay and Sayler offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 2, on line 3 after "amended" insert: and subsection (e) is added and on line 22 insert: (e) Notwithstanding anything above, no exemption shall be granted until the property appraiser has considered the proposed exemption and has made a specific finding that the water and sewer company in question performs a public purpose, in the absence of which the expenditure of public funds would be required.

Senators MacKay and Sayler offered the following title amendment which was moved by Senator MacKay and adopted:

Amendment 2—On page 1, line 7, after "(d)" insert: and adding a new subsection (e),

On motion by Senator Spicola, by two-thirds vote SB 27-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 14-B—A bill to be entitled An act relating to intangible personal property tax; amending s. 199.112, Florida Statutes; providing that for purposes of assessment of said tax sales of tangible personal property are considered to be in this state if delivered to a purchaser in this state regardless of the f.o.b. point or other conditions of sale; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 14-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Spicola

SB 15-B—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.01, Florida Statutes; providing that the tax is applicable to documents recorded in the state; deleting language with respect to notations on certain mortgages of the amount of tax paid; requiring notation on certain notes and certificates of tax paid on mortgages and deeds of trust; amending s. 201.08(1), Florida Statutes; providing for application of the tax with respect to certain mortgages, trust deeds, security agreements, or other evidences of indebtedness; creating s. 201.205, Florida Statutes; providing that certain documents upon which the tax has not been paid are unenforceable; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 10-20, strike all of Section 3 and renumber Section 4.

On motion by Senator MacKay, by two-thirds vote SB 15-B as amended was read the third time by title and passed. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which SB 15-B passed.

Senator MacKay moved the following title amendment which was adopted:

Amendment 2—On page 1, lines 13-16, strike “creating s. 201.205, Florida Statutes; providing that certain documents upon which the tax has not been paid are unenforceable;”

SB 15-B as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Glisson

SB 23-B—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 320.06(2), 320.0805(7), Florida Statutes; removing the transfer fee and refunds on certain vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 23-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The President presiding

SB 12-B—A bill to be entitled An act relating to the sales tax; amending s. 212.02(2)(a), Florida Statutes, 1976 Supplement; redefining “sale” to include sales of motor vehicles to residents of other states for use and registration in such other states; renumbering s. 212.08(10), Florida Statutes, and adding a new subsection (10) to said section; providing for the amount of sales tax imposed upon the sale of a new or used motor vehicle to a resident of another state; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 12-B 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 |
| Chamberlin | Henderson | Renick | Trask |
| Childers, Don | Holloway | Sayler | Vogt |
| Childers, W. D. | Johnston | Scarborough | Ware |
| Dunn | Lewis | Scott | Wilson |
| Firestone | MacKay | Skinner | Winn |
| Glisson | McClain | Spicola | Zinkil |
| Gorman | Myers | Thomas, Jon | |
| Graham | Peterson | Thomas, Pat | |

Nays—None

SB 24-B—A bill to be entitled An act relating to public school funding; amending s. 236.081(3), Florida Statutes, 1976 Supplement; changing the method of determining the differentials used in calculating the Florida Education Finance Program in any year; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 28 through 30 and insert: shall be the computed 3-year average using the differential for the current year and the differentials for the 2 years immediately preceding; providing however, that for each district in which the 3-year average is less than 1.00, that district's differential shall be 1.00 computed as prescribed herein.

Senator Williamson presiding

The President presiding

On motion by Senator Peterson, by two-thirds vote SB 24-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Barron Spicola

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

INTRODUCTION

By Senators Peterson and Lewis—

SB 38-B—A bill to be entitled An act relating to education and education funding; amending ss. 230.23(4)(n), 236.081(1)(c), (3), (6), (7), Florida Statutes, 1976 Supplement, and adding paragraph (d) to subsection (5) of said section; requiring each school board to provide a program of special instruction for profoundly handicapped children rather than severely and profoundly retarded children; prescribing the cost factor for a basic program for the profoundly handicapped; abolishing a special adult general education program for community service; deleting the cost factor for socially maladjusted; etc prescribing the district cost differential to be used in calculating the Florida Education Finance Program; amending the required local effort to add required post-secondary vocational fees; deleting certain selected categorical programs; adding student development services; deleting provision authorizing the Department of Education to increase the base student allocation to school districts if available funds exceed allocated amounts; providing that the Commissioner of Education in administering adjustments for prior years shall not use net amounts reclaimed as overpayments to increase the amount contained in the general appropriation act for funding the Florida Education Finance Program; prescribing the manner of determining the guaranteed minimum level of funding; 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 Education.

On motion by Senator Peterson, by two-thirds vote SB 38-B was withdrawn from the Committee on Education.

SPECIAL ORDER, continued

On motion by Senator Peterson, by two-thirds vote SB 38-B was read the second time by title.

Senator Peterson moved the following title amendment which was adopted:

Amendment 1—On page 1, lines 13 and 14, strike "deleting the cost factor for socially maladjusted;"

On motion by Senator Peterson, by two-thirds vote SB 38-B as amended was read the third time by title.

Senator Castor moved the following amendment which failed:

Amendment 2—On page 8, after "." lines 20-26 strike the strike overs.

(Reinsert current language.)

Senator Graham moved that the Senate reconsider the vote by which SB 38-B was placed on third reading. The motion was adopted by the following vote:

Yeas—21

| | | | |
|------------|----------|-------------|--------|
| Castor | Holloway | Sayler | Wilson |
| Chamberlin | Johnston | Scott | Winn |
| Dunn | MacKay | Spicola | Zinkil |
| Firestone | Myers | Thomas, Jon | |
| Glisson | Poston | Thomas, Pat | |
| Graham | Renick | Ware | |

Nays—12

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Hair | Peterson | Tobiassen |
| Childers, W. D. | Henderson | Scarborough | Vogt |
| Gallen | Lewis | Skinner | Williamson |

Vote after roll call:

Nay—Gorman

Senator Plante presiding

Senators Graham and Pat Thomas offered the following amendment which was moved by Senator Graham and adopted:

Amendment 3—On page 5, lines 28-31, and on page 6, lines 1-5 strike all of said lines

Senator Ware moved the following amendment which was adopted:

Amendment 4—On page 8, line 10 insert: The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts; provided, however, when the base student allocation is increased beyond that value established in the appropriations act any such additional funds received by the district shall be carried forward to the next fiscal year as cash balances forward.

Senator Pat Thomas moved the following amendments which were adopted:

Amendment 5—On page 3, lines 5 and 6, strike "Paragraph (d) is added to subsection (5) and paragraph" and insert: Paragraph

Amendment 6—On page 1 in title, lines 5 and 6, strike ", and adding paragraph (d) to subsection (5) of said section" and on lines 17 through 19, strike "amending the required local effort to add required post-secondary vocational fees;

On motion by Senator Peterson, by two-thirds vote SB 38-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Chamberlin

Vote after roll call:

Yea—Wilson

Senator Zinkil moved that the rules be waived and the Senate revert to the order of introduction for the purpose of introducing Senate Bills 39-B and 45-B. The motion failed.

On motion by Senator Vogt, by two-thirds vote SB 1-B was withdrawn from the Committee on Finance, Taxation and Claims.

SB 1-B—A bill to be entitled An act relating to assessments of special classes of property; amending s. 193.511, Florida Statutes; changing the assessment on items of inventory from 25 percent to 10 percent; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 1, line 14, Before the “.” insert: , except that goods in the process of manufacture and raw materials held for physical incorporation into the goods to be sold shall be assessed for the purpose of taxation at one percent of just valuation

Senator Graham moved the following amendment:

Amendment 2—On page 1, strike all after line 17 and insert: Section 3. Section 196.032 Florida Statutes, is amended to read:

196.032 Replacement funds; trust funds; annual payments.—

(1) There is created the Local Government Additional Homestead Exemption and Inventory Assessment Trust Fund, to be administered by the Department of Revenue.

(2) Each qualified county, municipality, school district, or special district is entitled to receive an annual payment from the fund in an amount equal to the revenue lost as a result of the additional exemptions provided in S. 196.031 (3) - and the reduction in the assessment of inventory from 25 percent to 10 per cent of just value. Revenue lost shall be calculated by multiplying 96 percent of the additional exemption granted in S. 196.031(3) and the difference in taxable value when inventory is assessed at 15 percent of just value rather than 25 percent by the applicable millage, except that for school districts the millage rate used shall not include the millage required to participate in the Florida Education Finance Program.

A qualified local government is one which either:

(a) Made application to the department not later than December 1; or

(b) Participated in the distribution from the trust fund for the preceding year and levied an ad valorem tax for the current year.

(3) Not later than 30 days after the application deadline of each year, the department shall authorize payment to qualified local governments from the trust fund as follows:

(a) Qualified local governments for which the department has received the data necessary to compute the amount of revenue lost in the current fiscal year's ad valorem tax levy

as a result of the additional exemptions shall receive payment in the amount of that loss. The department is authorized to make payments on a prorated basis if it deems the balance in the trust fund insufficient to make projected payments.

(b) Qualified local governments for which the department has not received sufficient data to compute the amount of revenue so lost shall receive payment in an amount equivalent to 85 per cent of the replacement funds received the previous year from the trust fund. The department shall make full payment, or the proration if the fund is being prorated, upon receipt of sufficient data. For purpose of making payments to such local governments for losses incurred for the 1974 tax year, the department shall estimate the amounts to be paid on the basis of the best evidence available.

(4) Amounts by which actual payments to any qualified local government are less than the amount finally determined as the revenue lost from that year's ad valorem tax levy as the result of the additional homestead tax exemptions provided in s. 196.031(3) shall constitute a first priority charge against the following year's distribution from the trust fund. Such deficiency shall be made as soon as funds are available. At the end of each state fiscal year all funds not distributed from the Local Government Additional Homestead Exemption and Inventory Assessment Trust Fund shall revert to the General Revenue Fund.

Section 4. Section 199.292 (4) Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes; appropriations for expenses of assessment and collection; county sharing.—

(4) An amount equal to 55 percent of the total net intangible taxes collected shall be transferred to the Revenue Sharing Trust Fund for counties in the month following collection. However, net collections from the amounts assessed as of January 1, 1972, and collected prior to July 1, 1973 only, as provided in s. 199.032, shall be deposited in the General Revenue Fund. The remaining balance of net collections from this tax shall be transferred to the General Revenue Fund. Local Government Additional Homestead Exemption and Inventory Assessment Trust Fund provided for in s. 196.032.

Section 5. Sections 1 and 2 of this act shall take effect July 1, 1977. Sections 3 and 4 of this act shall take effect July 1, 1978.

Point of Order

Senator Vogt raised a point of order on the germanity of the amendment, stating it amends Chapter 196 while the bill amends Chapter 193. The President asked Senators Ware, Gallen and Barron to study the matter.

Senator Graham spoke as follows on the point: “It goes to a different chapter but if germanity is defined as meaning ‘does it relate to the same subject matter’ the basic bill talks about the issue of eroding local property tax base by reducing the assessed value of inventory from 25 to 10 percent and we have an estimate of what that's going to cost. We have an estimate that in 1977-78 that's going to have a revenue loss to local governments of \$23,400,000. This would provide a mechanism through which the state would be committed to fund that loss in revenue and also be a statement of our commitment to fund that loss in local revenue.”

Senator Gallen stated: “Even though this does go to a different chapter of the Florida Statutes it relates to a replacement of this inventory tax so it would be germane.”

The President ruled the point not well taken.

Amendment 2 failed by the following vote:

Yeas—9

| | | | |
|---------------|----------|--------|--------|
| Chamberlin | Graham | MacKay | Wilson |
| Childers, Don | Holloway | Myers | |
| Dunn | Johnston | | |

Nays—20

| | | | |
|-----------------|-----------|-------------|-------------|
| Barron | Henderson | Renick | Spicola |
| Brantley | Lewis | Sayler | Thomas, Jon |
| Childers, W. D. | Peterson | Scarborough | Tobiassen |
| Gallen | Plante | Scott | Vogt |
| Gorman | Poston | Skinner | Ware |

Vote after roll call:

Nay—Glisson

Senator Scarborough presiding

Senator MacKay moved that further consideration of SB 1-B be deferred. The motion failed.

Senator Gallen moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 6, after the word "percent" insert: , and to 1 percent for certain items;

On motion by Senator Vogt, by two-thirds vote SB 1-B as amended was read the third time by title.

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

Amendment 4—On page 1, between lines 17 and 18, insert: Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, 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.

(Renumber subsequent section.)

On motion by Senator Vogt, by two-thirds vote SB 1-B as further amended was read by title and passed. The vote on passage was:

Yeas—26

| | | | |
|-----------------|-----------|-------------|-----------|
| Barron | Hair | Renick | Tobiassen |
| Brantley | Henderson | Sayler | Trask |
| Castor | Holloway | Scott | Vogt |
| Childers, W. D. | Lewis | Skinner | Ware |
| Dunn | Myers | Spicola | Wilson |
| Gallen | Peterson | Thomas, Jon | |
| Gorman | Poston | Thomas, Pat | |

Nays—9

| | | | |
|---------------|----------|-------------|--------|
| Chamberlin | Graham | Scarborough | Zinkil |
| Childers, Don | Johnston | Williamson | |
| Firestone | MacKay | | |

Vote after roll call:

Yea—McClain

On motion by Senator Barron the Senate reconsidered the vote by which SB 1-B passed.

The question recurred on the passage of SB 1-B. The vote was:

Yeas—24

| | | | |
|-----------------|-----------|-------------|-------------|
| Barron | Glisson | Poston | Thomas, Pat |
| Brantley | Gorman | Scarborough | Tobiassen |
| Castor | Hair | Scott | Trask |
| Childers, W. D. | Henderson | Skinner | Vogt |
| Dunn | Holloway | Spicola | Ware |
| Gallen | Myers | Thomas, Jon | Wilson |

Nays—9

| | | | |
|---------------|----------|------------|--------|
| Chamberlin | Graham | Renick | Zinkil |
| Childers, Don | Johnston | Williamson | |
| Firestone | MacKay | | |

Vote after roll call:

Yea to Nay—Scarborough

The bill was ordered engrossed and then enrolled.

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

INTRODUCTION

By Senator Myers—

SB 32-B—A bill to be entitled An act relating to transportation; amending s. 320.20, Florida Statutes, relating to disposition of motor vehicle licensing moneys; amending s. 334.03 (26) (27), Florida Statutes, as amended; defining certain terms for purposes of the Transportation Code; adding s. 335.02(3), Florida Statutes, authorizing the Department of Transportation to purchase rights-of-way and 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(1), (2), Florida Statutes, as amended, relating to transfers of responsibility; amending s. 339.08(2)(b), Florida Statutes, as amended; requiring the department to match certain federal funds; amending s. 337.29(3), Florida Statutes, as amended; specifying municipal powers with respect to certain transferred roads or rights-of-way; 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 Rules and Calendar.

On motion by Senator Myers, by two-thirds vote SB 32-B was withdrawn from the Committee on Rules and Calendar.

Special Order, Continued

On motion by Senator Myers, by two-thirds vote SB 32-B was read the second time by title.

Senator Ware moved the following amendment which was adopted:

Amendment 1—Page 2, strike all of line 13 through and including line 16 Page 2, strike all of line 19 through and including line 31 Page 3, strike all of line 1 through and including line 10 and (Renumber subsequent sections and subsection accordingly.)

On motion by Senator Gallen, the rules were waived and time of adjournment was extended until 5:15 p.m.

Senator Ware moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike all of line 5 through and including line 7 and insert: adding s.

On motion by Senator Myers, by two-thirds vote SB 32-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-------------|-------------|
| Brantley | Gorman | Peterson | Thomas, Jon |
| Chamberlin | Hair | Poston | Thomas, Pat |
| Childers, Don | Henderson | Renick | Tobiassen |
| Childers, W. D. | Holloway | Sayler | Trask |
| Dunn | Johnston | Scarborough | Vogt |
| Firestone | Lewis | Scott | Ware |
| Gallen | MacKay | Skinner | Winn |
| Glisson | Myers | Spicola | Zinkil |

Nays—None

Vote after roll call:

Yea—Graham

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

INTRODUCTION

By Senators Zinkil, Winn, Gorman, Williamson, Saylor, McClain, Tobiasen, Plante, Scott, Dunn, Spicola, Castor, W. D. Childers, Graham, Johnston, Don Childers, Chamberlin, Holloway and Ware—

SB 39-B—A bill to be entitled An act relating to the Canal Authority Act; transferring the Canal Authority to the Division of Resource Management of the Department of Natural Resources as the Bureau of Waterways by a type three transfer; providing that funds be maintained in the Cross Florida Barge Canal Trust Fund; prohibiting the department from making expenditures for the purpose of acquiring land for constructing, operating, or promoting the canal; requiring the department to develop a management plan for the canal area; empowering the department to retain lands and acquire other lands, including the acquisition of lands acquired in less than fee simple by condemnation; providing for the sale of certain state lands and providing for the distribution of funds derived from such sale; providing for use of certain funds; providing for the vesting of title to acquire lands in the Board of Trustees of the Internal Improvement Trust Fund; providing a tax exemption; providing for annual reports by the department to the Legislature; authorizing the department to contract with and make assignments, transfers, and conveyances to the United States; amending s. 20.25(12), Florida Statutes, to conform to this act; requiring the public sale of property owned by the Cross Florida Canal Navigation District and providing for the return of certain funds of the Cross Florida Canal Navigation District to the counties in the district; repealing parts I and II of chapter 374, Florida Statutes, relating to the creation, duties, and powers of the Canal Authority and of the Cross Florida Canal Navigation District; 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 Rules and Calendar.

By Senator Saylor—

SB 45-B—A bill to be entitled An act relating to the Canal Authority Act; transferring the Canal Authority to the Division of Resource Management of the Department of Natural Resources as the Bureau of Waterways by a type three transfer; providing that funds be maintained in the Cross Florida Barge Canal Trust Fund; prohibiting the department from making expenditures for the purpose of acquiring land for constructing, operating, or promoting the canal; requiring the department to develop a management plan for the canal area; empowering the department to retain lands and acquire other lands, including the acquisition of lands acquired in less than fee simple by condemnation; providing for the sale of certain state lands and providing for the disposition of funds derived from such sale; providing for use of certain funds; providing for the vesting of title to acquire lands in the Board of Trustees of the Internal Improvement Trust Fund; providing a tax exemption; providing for annual reports by the department to the Legislature; authorizing the department to contract with and make assignments, transfers, and conveyances to the United States; amending s. 20.25(12), Florida Statutes, to conform to this act; requiring the public sale of property owned by the Cross Florida Canal Navigation District and providing for the return of certain funds of the Cross Florida Canal Navigation District to the counties in the district; repealing parts I and II of chapter 374, Florida Statutes, relating to the creation, duties, and powers of the Canal Authority and of the Cross Florida Canal Navigation District; 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 Rules and Calendar.

By Senators Gallen, Saylor and Barron—

SB 46-B—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; providing for full financial disclosure to be filed with the Ethics Commission by certain persons; providing for limited financial disclosure to be filed by certain persons; providing for full or 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; providing the Governor by executive order may require members of certain boards or commissions to file full financial disclosure; amending s. 112.3146 providing for records, amending s. 112.3147 relating to promulgation of 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; providing opportunity for persons presently serving in office to resign without penalty, providing for severability; extending the filing deadline for the year 1977; providing an effective date.

On motion by Senator Gallen, SB 46-B was admitted for introduction and consideration by the required constitutional two-thirds vote of the Senate. SB 46-B was read the first time by title and referred to the Committee on Rules and Calendar.

SPECIAL ORDER, continued

On motions by Senator Johnston, by two-thirds vote SB 40-B was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Special Order Calendar.

SB 40-B—A bill to be entitled An act relating to ethics in government; adding s. 112.311(7), (8), (9), Florida Statutes; providing legislative intent; amending s. 112.3145, Florida Statutes, 1976 Supplement; providing for full financial disclosure to be filed by certain persons; defining full financial disclosure; providing for disclosure of interests in entities which have been provided a grant or privilege to operate; providing time and place for filing full financial disclosure; providing for limited financial disclosure to be filed by certain specified persons; providing definition of limited financial disclosure; providing time for filing limited financial disclosure; providing for disclosure of gifts; providing for Florida Commission on Ethics and the Secretary of State to distribute disclosure forms; creating s. 112.3148, Florida Statutes; providing for disclosure of representation before agencies; providing exceptions; amending s. 112.3147, Florida Statutes, 1976 Supplement; requiring the commission to prescribe certain forms; providing an effective date.

On motion by Senator Johnston, by two-thirds vote SB 40-B was read the second time by title.

The President presiding

Senator Dunn moved the following amendment:

Amendment 1—On page 1, line 29, strike everything after the enacting clause and insert: Section 1. Subsections (1), (4), and (8) of section 112.312, Florida Statutes, 1976 Supplement, are amended 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 interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021 or s. 105.031, 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 director, personnel officers, and grants coordinators

for any state agency, or persons having all powers 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 consultation 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 subsection (12) and (13) are added to said section, to read:

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

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

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

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

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

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

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

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

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

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

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

(d) *An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political 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; disclosure of 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 and place 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, as required herein, 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, as required herein, 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 con-

firmation 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, and specified employees, shall file their statements of full or limited public disclosure of financial interest, as required herein, with the Secretary of State. Nonconstitutional local officers shall file their statements of full or limited public disclosure of financial interests, as required herein, 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 and candidates for such office.
2. All elected state officers and candidates for such office.
3. Each appointed secretary or executive director of a state department.
4. Members of the Board of Business Regulation.
5. Members of a constitutional revision commission established under Article XI of the State Constitution.
6. Judges or commissioners of industrial claims.
7. All members of the judiciary, whether elected or appointed.
8. Any person appointed to fill a vacancy in any of the positions listed in subparagraph 1 through 7., 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 amounts 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. All sources of income shall be individually and specifically described, and the amount received from each source disclosed. However, disclosure of amounts received from each source shall be sufficient if each is individually disclosed as being within one of the categories enumerated in subparagraph 6. 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. Such assets shall be reported as tangible personal property, intangible personal property, or real estate and shown as follows:

a. Tangible personal property.—Items of household goods and personal effects may be generally described and their value shall be sufficiently disclosed if their aggregate value is disclosed as being within one of the categories enumerated in subparagraph 6. All personal vehicles owned by the reporting person may be generally described and their value shall be sufficiently disclosed if their aggregate value is disclosed as being within one of the categories enumerated in subparagraph 6. All other items of tangible personal property shall be separately described and its value disclosed. However, the value of each asset shall be sufficiently disclosed if each is disclosed as being within one of the categories enumerated in subparagraph 6.

b. Intangible personal property.—When disclosing intangible personal property all stocks and shares in incorporated or unincorporated companies or bonds shall be specifically described by name of each business entity to which the intangible personal property relates and the value of the property relating to each business entity disclosed. However, the value of such property shall be sufficiently disclosed if the value of the reporting person's interest in each separate business entity is disclosed as being within one of the categories enumerated in subparagraph 6. Items of intangible personal property consisting of money, certificates of deposit, cashiers and certified checks may be generally described, not to include the location of such property, and their value disclosed. Disclosure of the value of such assets shall be sufficient if their aggregate value is disclosed as being within one of the categories enumerated in subparagraph 6. All other items of intangible personal property shall be individually and specifically described and their value disclosed. Disclosure shall be sufficient if the value of each such asset is disclosed as being within one of the categories enumerated in subparagraph 6.

c. Real Estate.—Each real estate parcel shall be described by location, legal description, or property appraiser's tax item number. The assessed value of each parcel shall be sufficiently disclosed if disclosed as being within one of the categories enumerated in subparagraph 6. For the 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 of 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 address 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 each 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, assets or sources of income is authorized 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.

7. For purposes of this section disclosure of net worth, assets owned, income or gifts received, or liabilities owed shall include only those of the reporting person and shall not include those of the reporting person's spouse or minor child.

(3) (a) The following persons shall be required to file statements of limited public financial disclosure as provided in subsection (1):

1. All specified employees, except:

a. District administrators of the Department of Health and Rehabilitative Services, if required to file full public disclosure under paragraph (d) of this subsection.

b. 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 (d) if they so desire.

3. Members of any board or authority with jurisdiction in more than one county, other than an exempted body, unless required to file full financial disclosure under paragraphs (c) or (d) of this subsection.

4. Members of the Board of Regents, unless required to file full public financial disclosure under paragraph (d) of this subsection.

5. Members of the Citrus Commission, unless required to file full public financial disclosure under paragraph (d) of this subsection.

6. Members of the Public Employees Relations Commission, unless required to file full public financial disclosure under paragraph (d) of this subsection.

7. Members of the Industrial Relations Commission, unless required to file full public financial disclosure under paragraph (d) of this subsection.

8. Members of any occupational or professional licensing board under the Department of Professional and Occupational Regulation, unless required to file full public financial disclosure under paragraph (d) of this subsection.

9. Members of the Environmental Regulation Commission, unless required to file full public financial disclosure under paragraph (d) of this subsection.

10. Members of the Election Commission, unless required to file full public financial disclosure under paragraph (d) of this subsection.

11. Members of any board, authority or other body with water management powers or responsibilities under Chapters 373 or 298, unless required to file full public financial disclosure under paragraph (d) of this subsection.

12. Members of the Game and Fresh Water Fish Commission, unless required to file full financial disclosure under paragraph (d) of this subsection.

13. Members of the Parole and Probation Commission, unless required to file full financial disclosure under paragraph (d) of this subsection.

14. Members of the Commission on Ethics, unless required to file full financial disclosure under paragraph (d) of this subsection.

15. Members of any board or authority, other than an exempted body, with jurisdiction in only one municipality or with

jurisdiction within 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, unless required to file full public financial disclosure by the governing body of the municipality or municipal corporation under paragraph (c) of this subsection.

16. Members of any board or authority with jurisdiction in only one county or charter county, other than an exempted body, unless required to file full public financial disclosure by the governing body of the county or charter county under paragraph (c) of this subsection.

17. Members of land planning or zoning boards, unless required to file full public financial disclosure by the governing body of the county or charter county under paragraph (c) of this subsection.

18. Members of boards of adjustment, unless required to file full public financial disclosure by the governing body of the county or charter county under paragraph (c) of this subsection.

19. Any nonelected local officer not included within subparagraph 11, 12, 13, or 14 and not required to file full public financial disclosure under subsection (2) and not required to file full public financial disclosure by the municipal or county governing body with jurisdiction over such officer under paragraph (c) of this subsection.

(b) The statement of limited financial disclosure shall include:

1.a. A copy of the reporting person's most recent federal income tax return; or

b. 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 and the percentage of the reporting person's total income represented by each source. 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.

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

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

5. 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 percentage of the reporting person's total liabilities during the disclosure period represented by each such liability. Indebtedness on life insurance policies owed to the company of issuance shall not be counted.

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 municipality, municipal corporation, county or charter county may by ordinance require the filing of full public financial disclosure pursuant to subsection (2) by a person under its jurisdiction who is required to file a statement of limited public financial disclosure under this subsection. Such determination by a governing body 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.

(d) The Governor may by Executive Order require the filing of full public financial disclosure pursuant to subsection (2) by the members of any board or commission required to file limited public financial disclosure under subparagraph (a)-4., 5., 6., 7. or 8. Such order shall specifically state the name of the board or commission and shall be issued no later than September 1, 1978, and annually thereafter, and a report of such order 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.

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 Malfesance, misfesance, nonfesance; civil damages.—

(1) Whenever a public officer or employee is found in a civil action to have committed an act constituting malfesance in office, from which act such officer or employee benefited fi-

nancially, 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 malfesance 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 nonfesance or misfesance 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 nonfesance or misfesance 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. Any person subject to the full public disclosure of financial interests requirements of this act, whose term expires or employment terminates, or who resigns from the public office or employment necessitating such disclosure, prior to midnight on September 15, 1977, shall not be subject to the penalties of s. 112.317, Florida Statutes, for failure to file such disclosure; provided that such person complies with the limited public disclosure requirements of this act, including the filing for the July 15th following the last year he is in office. This section shall not apply to candidates or to persons who assume public office or employment subsequent to September 15, 1977.

Section 10. 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 11. 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 September 15, 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. Any person required to file full public disclosure of financial interests during the 1977 calendar year, in the manner prescribed by the provisions of this act, including those persons who have filed CE form 1 prior to the effective date of this act, shall file such full public financial disclosure on or before September 15, 1977, however, any such person who has filed CE form 6 prior to the effective date of this act shall not be required to refile full public financial disclosure before July 15, 1978. Any person required to file limited public disclosure

of financial interests by the provisions of this act who has already filed CE form 1 prior to the effective date of this act shall not be required to refile limited financial disclosure before July 15, 1978. All other persons required to file limited public financial disclosure under the provisions of this act shall file such disclosure on or before September 15, 1977.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 22 was corrected and approved.

On motion by Senator Gallen, the Senate adjourned at 5:12 p.m. to convene at 10:00 a.m., Friday, June 24, 1977.