



# Journal of the Senate

Number 3

Thursday, April 6, 1978

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Excused: Senator Pat Thomas at 10:30 a.m.; Senator Lewis

Prayer by Senator Peterson:

Let us pray. Gracious Father, as we humble ourselves before thee and acknowledge Thy presence, we ask that you will enter our lives and enter in the deliberations today. Give us the strength to do the things that are right. Give us the knowledge to know what is right and keep us always mindful of thy will and what is best for the people. We ask in Christ's name. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following be placed on Special Order Calendar on Thursday, April 6, 1978:

SB 171	SB 84	SB 175	SB 299
SB 343	SB 112	SB 264	SB 49
SB 73	SB 113	SB 247	SB 67
SB 227	SB 117	SB 250	
SB 22	SB 157	SB 232	
SB 52	SB 172	SB 216	

Respectfully submitted,  
*W. D. Childers, Chairman*

The Committee on Agriculture recommends the following pass: SB 406

The Committee on Commerce recommends the following pass:

SB 326                      SB 400                      SB 473 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 152, SB 301

The Committee on Health and Rehabilitative Services recommends the following pass: SB 248

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

SB 107                                      SB 437 with 2 amendments  
SB 181 with 4 amendments              SB 470 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 278

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

The Committee on Governmental Operations recommends the following pass: SB 426

The Committee on Health and Rehabilitative Services recommends the following pass: SB 319

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

The Committee on Judiciary-Criminal recommends the following pass: SB 58, SB 103 with 3 amendments

The bills were referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 292 with 1 amendment

The bill was referred to the Committee on Education under the original reference.

The Committee on Commerce recommends the following pass: SB 137

The Committee on Agriculture recommends the following pass: SB 384

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

The Committee on Executive Business recommends the following pass: SB 93 with 1 amendment

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 96 with 1 amendment

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

The Committee on Judiciary-Criminal recommends the following pass: SB 204

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

The Committee on Agriculture recommends the following pass: SB 410, SB 461

The Committee on Corrections, Probation and Parole recommends the following pass: SB 420

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

The Committee on Agriculture recommends the following pass: SB 385

The Committee on Commerce recommends the following pass:

CS for SB 169 (by the Committee on Health and Rehabilitative Services)  
SB 143                                      SB 340 with 1 amendment  
SB 277 with 1 amendment              SB 392  
SB 320

The Committee on Corrections, Probation and Parole recommends the following pass: SB 419

The Committee on Governmental Operations recommends the following pass:

SB 147 with 3 amendments	SB 300 SB 354	SB 405 SB 414
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The Committee on Judiciary-Criminal recommends the following pass:

CS for SB 101 (by the Committee on Commerce) with 2 amendments	SB 125	SB 134	SB 195
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The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 192

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 193

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

The Committee on Commerce recommends the following not pass: SB 279

The Committee on Governmental Operations recommends the following not pass: SB 291, SB 329

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

#### Bill Referred to Subcommittee

SB 150 has been referred to Economic, Community and Consumer Affairs select subcommittee composed of Senator Betty Castor, chairperson; Senators Tom Gallen and Richard Renick which will report to the full committee within 30 days:

#### Report of Subcommittee to Standing Committee

The Alcoholic Beverage Subcommittee of the Commerce Committee recommends to the standing committee 3 bills for consideration as committee bills:

1. Nudity and Sexual Conduct
2. Age identification, falsification and liability
3. Sales to Military Bases.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

##### Appointments Subject to Confirmation by the Senate

The Secretary of State on April 4, 1978 certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Ralph M. Williams, Jr., Merritt Island, Member of the Board of Trustees of the Brevard Community College, for term ending May 31, 1981

George Mayer, Fort Lauderdale, Member of the Board of Trustees of the Broward Community College, for term ending May 31, 1981

Linden K. Cannon, Jr., Crystal River, Member of the Board of Trustees of the Central Florida Community College, for term ending May 31, 1979

Theodore Scott Jordan, Holder, Member of the Board of Trustees of the Central Florida Community College, for term ending May 31, 1981

Robert P. Sandlin, Williston, Member of the Board of Trustees of the Central Florida Community College, for term ending May 31, 1981

Kenneth R. Yates, Bonifay, Member of the Board of Trustees of the Chipola Junior College, for term ending May 31, 1981

Elga B. White, Blountstown, Member of the Board of Trustees of the Chipola Junior College, for term ending May 31, 1981

George R. Williams, Sr., Deland, Member of the Board of Trustees of the Daytona Beach Community College, for term ending May 31, 1981

Noah C. McKinnon, Jr., Flagler Beach, Member of the Board of Trustees of the Daytona Beach Community College, for term ending May 31, 1981

Sally I. Gillespie, New Smyrna Beach, Member of the Board of Trustees of the Daytona Beach Community College, for term ending May 31, 1981

Kenton H. Haymans, Punta Gorda, Member of the Board of Trustees of the Edison Community College, for term ending May 31, 1981

Travis A. Gresham, Jr., Fort Myers, Member of the Board of Trustees of the Edison Community College, for term ending May 31, 1981

Henry B. Watkins, Jr., Naples, Member of the Board of Trustees of the Edison Community College, for term ending May 31, 1981

Walter G. Jarrell, Jacksonville, Member of the Board of Trustees of the Florida Junior College at Jacksonville, for term ending May 31, 1981

Albert H. Rumph, Fernandina Beach, Member of the Board of Trustees of the Florida Junior College at Jacksonville, for term ending May 31, 1981

Helen M. Sowell, Panama City, Member of the Board of Trustees of the Gulf Coast Community College, for term ending May 31, 1981

James A. Poyner, Panama City, Member of the Board of Trustees of the Gulf Coast Community College, for term ending May 31, 1978

Robert E. King, Port St. Joe, Member of the Board of Trustees of the Gulf Coast Community College, for term ending May 31, 1981

Frank C. Griffin, Panama City, Member of the Board of Trustees of the Gulf Coast Community College, for term ending May 31, 1981

B. Lee Elam, Brandon, Member of the Board of Trustees of the Hillsborough Community College, for term ending May 31, 1981

Jerry N. Harvey, Tampa, Member of the Board of Trustees of the Hillsborough Community College, for term ending May 31, 1981

Juanita DeBerry Geary, Stuart, Member of the Board of Trustees of the Indian River Community College, for term ending May 31, 1981

Ben L. Bryan, Sr., Fort Pierce, Member of the Board of Trustees of the Indian River Community College, for term ending May 31, 1981

Wilson S. Rivers, Lake Butler, Member of the Board of Trustees of the Lake City Community College, for term ending May 31, 1981

Norris McKinney, Cross City, Member of the Board of Trustees of the Lake City Community College, for term ending May 31, 1978

B. E. McRae, Jr., Lake City, Member of the Board of Trustees of the Lake City Community College, for term ending May 31, 1981

N. J. Johns, Macclenny, Member of the Board of Trustees of the Lake City Community College, for term ending May 31, 1981

Beulah M. Savage, Leesburg, Member of the Board of Trustees of the Lake-Sumter Community College, for term ending May 31, 1981

Freddie K. Thornton, Wildwood, Member of the Board of Trustees of the Lake-Sumter Community College, for term ending May 31, 1981

Philip D. Conant, Umatilla, Member of the Board of Trustees of the Lake-Sumter Community College, for term ending May 31, 1981

John R. Blue, Bradenton, Member of the Board of Trustees of the Manatee Junior College, for term ending May 31, 1981

Florine J. Abel, Bradenton, Member of the Board of Trustees of the Manatee Junior College, for term ending May 31, 1981

Mitchell Wolfson, Miami Beach, Member of the Board of Trustees of the Miami-Dade Community College, for term ending May 31, 1981

Edwin B. Browning, Jr., Madison, Member of the Board of Trustees of the North Florida Junior College, for term ending May 31, 1979

Harold L. Smith, Mayo, Member of the Board of Trustees of the North Florida Junior College, for term ending May 31, 1981

Mildred Parrish, Madison, Member of the Board of Trustees of the North Florida Junior College, for term ending May 31, 1981

William Meigs, Niceville, Member of the Board of Trustees of the Okaloosa-Walton Junior College, for term ending May 31, 1981

Brady Lea McDonald, DeFuniak Springs, Member of the Board of Trustees of the Okaloosa-Walton Junior College, for term ending May 31, 1981

Nancy Ann Connors, Fort Walton Beach, Member of the Board of Trustees of the Okaloosa-Walton Junior College, for term ending May 31, 1981

Frances R. Hand, Belle Glade, Member of the Board of Trustees of the Palm Beach Junior College, for term ending May 31, 1981

Philip O. Lichtblau, West Palm Beach, Member of the Board of Trustees of the Palm Beach Junior College, for term ending May 31, 1981

Robert Williams, Dade City, Member of the Board of Trustees of the Pasco-Hernando Community College, for term ending May 31, 1981

Murray R. Grubbs, Brooksville, Member of the Board of Trustees of the Pasco-Hernando Community College, for term ending May 31, 1981

Alice R. Slayden, Brooksville, Member of the Board of Trustees of the Pasco-Hernando Community College, for term ending May 31, 1981

Samuel S. Dixon, Milton, Member of the Board of Trustees of the Pensacola Junior College, for term ending May 31, 1981

S. W. Boyd, Pensacola, Member of the Board of Trustees of the Pensacola Junior College, for term ending May 31, 1981

James E. Stephens, Bartow, Member of the Board of Trustees of the Polk Community College, for term ending May 31, 1981

Joseph H. Lang, St. Petersburg, Member of the Board of Trustees of the St. Petersburg Junior College, for term ending May 31, 1981

Hazel Hardy, Starke, Member of the Board of Trustees of the Santa Fe Community College, for term ending May 31, 1981

Elizabeth N. Jones, Gainesville, Member of the Board of Trustees of the Santa Fe Community College, for term ending May 31, 1981

W. Vincent Roberts, Sanford, Member of the Board of Trustees of the Seminole Community College, for term ending May 31, 1981

Ernest P. Palmer, Bowling Green, Member of the Board of Trustees of the South Florida Junior College, for term ending May 31, 1981

W. G. Kirk, Wauchula, Member of the Board of Trustees of the South Florida Junior College, for term ending May 31, 1981

Richard W. D'Alemberte, Chattahoochee, Member of the Board of Trustees of the Tallahassee Community College, for term ending May 31, 1981

Frank M. Lawhon, Sr., Sopchoppy, Member of the Board of Trustees of the Tallahassee Community College, for term ending May 31, 1981

Sarah Cawthon Shaw, Tallahassee, Member of the Board of Trustees of the Tallahassee Community College, for term ending May 31, 1981

Andrew N. Serros, Orlando, Member of the Board of Trustees of the Valencia Community College, for term ending May 31, 1981

Robert C. Scott, Orlando, Member of the Board of Trustees of the Valencia Community College, for term ending May 31, 1981

Barbara G. Lupfer, Kissimmee, Member of the Board of Trustees of the Valencia Community College, for term ending May 31, 1981

Joseph H. Stafford, Tallahassee, Member of the State Board of Independent Colleges and Universities, for term ending August 17, 1980

Grace H. Dansby, Tallahassee, Member of the State Board of Independent Colleges and Universities, for term ending August 31, 1978

Kenneth O. Gangel, Miami Springs, Member of the State Board of Independent Colleges and Universities, for term ending August 25, 1980

Oswald P. Bronson, Daytona Beach, Member of the State Board of Independent Colleges and Universities, for term ending August 24, 1978

Calvin Mabry Edwards, St. Augustine, Brigadier General, Florida Air National Guard, to serve at the Pleasure of the Governor

W. W. Henderson, Tallahassee, Secretary of Administration, to serve at the Pleasure of the Governor

Robert J. Callaway, Jupiter, Member of the Assessment Administration Review Commission, for a term ending first Tuesday after first Monday in January, A. D., 1979.

Ralph Bradley, Tallahassee, Member of the Assessment Administration Review Commission, for a term ending first Tuesday after first Monday in January, A. D., 1979

William Lamar Barton, Naples, Member of the Big Cypress Basin Board, for term ending June 30, 1980

Luther Sparkman, Dania, Member of the Historic Broward County Preservation Board of Trustees, for term ending November 1, 1979

Cathleen Anderson, Hollywood, Member of the Historic Broward County Preservation Board of Trustees, for term ending November 1, 1980

James H. Lane, Pensacola, Member of the State Board of Building Codes and Standards, for term ending January 13, 1981

C. R. Stephens, Daytona Beach, Member of the State Board of Building Codes and Standards, for term ending January 9, 1981

William R. Samples, Gainesville, Member of the State Board of Building Codes and Standards, for term ending January 30, 1979

Thomas A. Sechler, Tallahassee, Member of the State Board of Building Codes and Standards, for term ending March 11, 1981

Betty Harley, Tallahassee, Member of the State Board of Building Codes and Standards, for term ending February 11, 1981

[Referred to the Committee on Executive Business]

Joseph Robbie, Miami Shores, Member of the Board of Business Regulation to serve during the Pleasure of the Governor

Leon G. van Wert, Ormond Beach, Member of the Board of Business Regulation, to serve during the Pleasure of the Governor

John C. Betz, Sarasota, Member of the Board of Business Regulation, to serve during the Pleasure of the Governor

[Referred to the Committees on Commerce and Executive Business]

Dana Dorsey Chapman, Miami, Member of the Career Service Commission, for term ending November 22, 1978

Charles D. Brooks, Jacksonville, Member of the Career Service Commission, for term ending November 22, 1980

Edward Thomas Quigley, Fort Lauderdale, Member of the Career Service Commission, for term ending November 22, 1977 (Term ended)

Edward Thomas Quigley, Fort Lauderdale, Member of the Career Service Commission, for term ending November 22, 1981

Clare C. Leiby, Ocala, Member of the Career Service Commission, for term ending December 1, 1981

Ronald F. Toft, Inverness, Member of the Board of Trustees of Citrus County Hospital Board, for term ending July 11, 1981

Charles Phillip Kofmehl, Crystal River, member of the Board of Trustees of the Citrus County Hospital Board, for term ending July 5, 1981

[Referred to the Committee on Executive Business]

David Oliver Hamrick, Bradenton, Member of the Florida Citrus Commission, for term ending May 31, 1980

Charles Milton Shinn, Jr., Winter Haven, Member of the Florida Citrus Commission for term ending May 31, 1980

Margaret E. Lowry, Tampa, Member of the Florida Citrus Commission, for term ending May 31, 1980

Danforth K. Richardson, Vero Beach, Member of the Florida Citrus Commission, for term ending May 31, 1980

[Referred to the Committees on Agriculture and Executive Business]

Philip F. Ashler, Tallahassee, Secretary of Commerce, to serve at the Pleasure of the Governor

[Referred to the Committees on Commerce and Executive Business]

Colman Brez Stein, Palm Beach, Member of the Condominium Advisory Board, to serve at the Pleasure of the Chairman of the Board of Business Regulation (Term Ended)

James H. MacPherson, North Palm Beach, Member of the Condominium Advisory Board, to serve at the Pleasure of the Chairman of the Board of Business Regulation (Term Ended)

Robert Rosen, Miami, Member of the Condominium Advisory Board, to serve at the Pleasure of the Chairman of the Board of Business Regulation (Term Ended)

Vincent C. Reno, Miami, Member of the State Board of Cosmetology, for term ending June 27, 1981

Dola P. Hall, Branford, Member of the State Board of Cosmetology, for term ending June 27, 1981 (*Resigned Effective February 7, 1978*)

[Referred to the Committee on Executive Business]

C. Bette Wimbish, Tallahassee, Chairman of the Florida Crimes Compensation Commission, for term ending January 1, 1982

William H. Bevis, Tallahassee, Member of the Florida Crimes Compensation Commission, for term ending January 1, 1981

A. Morris Busbia, Jacksonville Beach, Member of the Florida Crimes Compensation Commission, for term ending January 1, 1980

[Referred to the Committees on Corrections, Probation and Parole and Executive Business]

Raymond E. Bellamy, II, Tallahassee, Member of the Environmental Regulation Commission, for term ending July 1, 1981

A. Sterling Hall, Bradenton, Member of the Environmental Regulation Commission, for term ending July 1, 1979

Mark D. Hollis, Lakeland, Member of the Environmental Regulation Commission, for term ending July 1, 1981

George A. Belleau, Pensacola, Member of the Civil Service Board of the County of Escambia, for term ending February 9, 1981

Omega S. Gardner, Cantonment, Member of the Civil Service Board of the County of Escambia, for term ending February 13, 1981

Fred Johnson, Pensacola, Member of the Civil Service Board of the County of Escambia, for term ending February 13, 1981

[Referred to the Committee on Executive Business]

Spurgeon W. McWilliams, Tallahassee, Member of the Commission on Ethics, for term ending July 1, 1979

Paul R. Brown, Fort Myers, Member of the Commission on Ethics, for term ending July 1, 1979

Thomas H. Gregory, St. Petersburg, Member of the Commission on Ethics, for term ending July 1, 1979

Joel K. Gustafson, Fort Lauderdale, Member of the Commission on Ethics for term ending July 1, 1979

[Referred to the Committees on Governmental Operations and Executive Business]

John Reed, Jr., Pensacola, Member of the Board of Funeral Directors and Embalmers, for term ending July 17, 1981

J. Ray Southerland, Panama City, Member of the Board of Funeral Directors and Embalmers, for term ending July 23, 1981

Betty S. Holzendorf, Jacksonville, Member of the Florida Commission on Human Relations, for term ending September 30, 1981

Marjorie Mackey Hart, Pensacola, Member of the Florida Commission on Human Relations, for term ending September 30, 1980

T. H. Poole, Sr., Eustis, Member of the Florida Commission on Human Relations, for term ending September 30, 1980

Melvin L. Levitt, Key West, Member of the Florida Commission on Human Relations, for term ending September 30, 1978

Jack L. McLean, Jr., Tallahassee, Member of the Florida Commission on Human Relations, for term ending September 30, 1979

John Edward Smith, Miami, Member of the Florida Commission on Human Relations, for term ending September 30, 1981

Mary Anne Sherman, Gainesville, Member of the Florida Commission on Human Relations, for term ending September 30, 1978

Yolanda V. Bryan, Sarasota, Member of the Florida Commission on Human Relations, for term ending September 30, 1979

David Batelaan, Boynton Beach, Member of the Florida Commission on Human Relations, for term ending September 30, 1978

Robert L. Billingslea, Orlando, Member of the Florida Commission on Human Relations, for term ending September 30, 1981

Jack H. Jones, Jacksonville, Member of the State Board of Independent Post-Secondary Vocational Technical, Trade and Business Schools, for term ending July 1, 1980

D. John Benanti, Tampa, Member of the State Board of Independent Post-Secondary Vocational Technical, Trade and Business Schools, for term ending July 1, 1980

Grayce M. Williamson, Jacksonville Beach, Member of the State Board of Independent Post-Secondary Vocational Technical, Trade and Business Schools, for term ending July 1, 1980

Ann Morey, Sunrise, Member of the State Board of Independent Colleges and Universities, for term ending August 13, 1979

Thomas J. Carroll, Tallahassee, Member of the Industrial Relations Commission, to serve during the Pleasure of the Governor

Winifred L. Wentworth, Tallahassee, Member of the Industrial Relations Commission, to serve during the Pleasure of the Governor

C. Herman Terry, Jacksonville, Member of the Jacksonville Port Authority, for term ending October 1, 1981

James E. Deaton, Jacksonville, Member of the Jacksonville Transportation Authority, for term ending June 1, 1979

Young Edward Hall, Jacksonville, Member of the Jacksonville Transportation Authority, for term ending August 4, 1979

Alfred L. Saunders, Sr., Key West, Member of the Board of Trustees of the Florida Keys Community College, for term ending May 31, 1981

Fred A. Bee, Marathon, Member of the Board of Trustees of the Florida Keys Community College, for term ending May 31, 1981

John Worthen Higgins, Jr., Key West, Member of the Historic Key West Preservation Board of Trustees, for term ending November 21, 1979

Bill Cockcroft, Clermont, Member of the South Lake County Hospital District Board of Trustees for term ending July 5, 1981

Millard Coggshall, Minneola, Member of the South Lake County Hospital District Board of Trustees, for term ending July 5, 1981

Charles David Anderson, Clermont, Member of the South Lake County Hospital District Board of Trustees, for term ending July 5, 1981

Dorothy F. Amateis, Clermont, Member of the South Lake County Hospital District Board of Trustees, for term ending July 5, 1981

Oakley Seaver, Clermont, Member of the South Lake County Hospital District Board of Trustees, for term ending July 5, 1981

W. Carey Johnson, Boca Grande, Harbor Master for the Port of Boca Grande, in and for Lee County, for term ending November 21, 1979

J. Randolph Snell, Palmetto, Member of the Manasota Basin Board, for term ending June 30, 1979

Rubin E. Padgett, Tampa, Member of the Board of Examiners of Nursing Home Administrators, for term ending January 10, 1982

Samuel A. Thompson, Havana, Member of the Board of Examiners of Nursing Home Administrators, for term ending December 28, 1981

Rowena Rogers, Clermont, Member of the Board of Examiners of Nursing Home Administrators, for term ending July 7, 1980 (*Resigned Dec. 6, 1977*)

Rowena E. Rogers, Clermont, Member of the Board of Examiners of Nursing Home Administrators, for term ending December 28, 1981

Armond R. Cross, Monticello, Member of the Parole and Probation Commission, for term ending October 6, 1983

Jack V. Blanton, Tallahassee, Member of the Florida Parole and Probation Commission, for term ending October 1, 1983

Leonard A. Carson, Tallahassee, Chairman of the Public Employees Relations Commission, for term ending July 1, 1978

Douglas Stowell, Tallahassee, Member of the Public Employees Relations Commission, for term ending July 1, 1981 (*Resigned August 15, 1977*)

Michael M. Parrish, Tallahassee, Member of the Public Employees Relations Commission, for term ending July 1, 1980

Jean K. Parker, Tallahassee, Member of the Public Employees Relations Commission, for term ending July 1, 1979

Thomas F. Lang, Orlando, Alternate Member of the Public Employees Relations Commission for term ending July 1, 1981

Murray H. Dubbin, Miami, Member of the Board of Regents, for term ending January 1, 1984

Lesley James Miller, Jr., St. Petersburg, Student Member of the Board of Regents, for term ending September 1, 1978

William L. Maloy, Pensacola, Member of the Board of Regents, for term ending January 1, 1987

[Referred to the Committee on Executive Business]

L. K. Ireland, Jr., Tallahassee, Member of the State Retirement Commission, for term ending December 31, 1981

Howard Jay Friedman, Tallahassee, Member of the State Retirement Commission, for term ending December 31, 1981

[Referred to the Committees on Personnel, Retirement and Collective Bargaining and Executive Business]

R. Carson Dyal, Tallahassee, Chairman of the Board of Review, for term ending July 1, 1981

Charlie Harris, Tallahassee, Member of the Board of Review, for term ending July 1, 1980

James A. Hammond, Tampa, Member of the Board of Review, for term ending July 1, 1979

Lawrence Lewis, Jr., Richmond, Virginia, Member of the Historic St. Augustine Preservation Board, for term ending August 4, 1981

Grace C. Park, Winter Park, Member of the Board of Trustees of the Florida School for the Deaf and the Blind, for term ending November 13, 1981

Richard J. Tugg, Miami, Member of the Board of Trustees of the Florida School for the Deaf and the Blind, for term ending November 20, 1981

Walter B. Arnold, Jr., Miami, Member of the Florida State Fair Authority, for term ending July 1, 1981

Jerry Chicone, Jr., Orlando, Member of the Florida State Fair Authority, for term ending July 1, 1981

Peter R. Gindl, Cantonment, Member of the Florida State Fair Authority, for term ending July 1, 1981

Russell J. Godwin, Jacksonville, Member of the Florida State Fair Authority, for term ending July 1, 1981

Robert M. Johnson, Sarasota, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1979

Carl M. Kuttler, Jr., St. Petersburg, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1980

Thomas D. McLaughlin, Tampa, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1980

Paul C. Perkins, Orlando, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1978

Carolyn D. Williams, Pensacola, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1979

William R. Butler, Miami, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1978

Clanzel T. Brown, Jacksonville, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1978

John L. Cody, III, Fort Lauderdale, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1979

William E. Elmore, Gainesville, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1980

J. R. Miller, Jasper, Member of the Suwannee River Water Management District, for term ending July 1, 1981

Douglas A. Thomas, Chiefland, Member of the Suwannee River Water Management District, for term ending July 1, 1981

Theodore C. Taub, Tampa, Member of the Tampa-Hillsborough County Expressway Authority, for term ending July 1, 1981

Hampton Dunn, Tampa, Member of the Historic Tampa/Hillsborough County Preservation Board of Trustees, for term ending November 1, 1978

Dan F. Farley, Tallahassee, Member of the Northwest Florida Water Management District, for term ending July 1, 1981

Tom S. Coldewey, Port St. Joe, Member of the Northwest Florida Water Management District, for term ending July 1, 1981

Davage Runnels, Jr., Destin, Member of the Northwest Florida Water Management District, for term ending July 1, 1979

Howard Odum, Marianna, Member of the Northwest Florida Water Management District, for term ending July 1, 1981

W. H. Williams, Pensacola, Member of the Northwest Florida Water Management District, for term ending July 1, 1981

Frank X. Friedmann, Jr., Jacksonville, Member of the St. Johns River Water Management District, for term ending July 1, 1981

John R. Tripson, Vero Beach, Member of the St. Johns River Water Management District, for term ending July 1, 1979

R. T. Clay, Palatka, Member of the St. Johns River Water Management District, for term ending July 1, 1981

Arthur Ray Beville, Fernandina Beach, Member of the St. Johns River Water Management District, for term ending July 1, 1981

James Michael Braddock, DeLand, Member of the St. Johns River Water Management District, for term ending July 1, 1981

Joseph A. Wilson, Ocala, Member of the St. Johns River Water Management District, for term ending July 1, 1979

Jonathan F. Wershow, Alachua, Member of the Suwannee River Water Management District, for term ending July 1, 1981

William Auley Rowell, Shady Grove, Member of the Suwannee River Water Management District, for term ending July 1, 1981

Edwin B. Browning, Jr., Madison, Member of the Environmental Regulation Commission, for term ending July 1, 1979

James R. Edwards, Wildwood, Member of the Board of the Sumter County Recreation and Water Conservation and Control Authority, for term ending December 3, 1981

Glenn Franklin Wade, Bushnell, Member of the Board of the Sumter County Recreation and Water Conservation and Control Authority, for term ending October 9, 1981

Reginald D. Kurfiss, Groveland, Member of the South Lake County Hospital District Board of Trustees, for term ending July 5, 1981

Genevieve M. Ryan, Dania, Member of the Historic Broward County Preservation Board of Trustees, for term ending November 1, 1981

Martha W. Barnett, Plant City, Member of the Florida Commission on Human Relations, for term ending September 30, 1979

Thomas F. Lang, Orlando, Member of the Public Employees Relations Commission, for term ending July 1, 1979 (*Resigned August 15, 1977*)

Lorin T. Bice, Haines City, Member of the Board of Trustees of the Polk Community College, for term ending May 31, 1981

Richard C. Brown, Ormond Beach, Member of the Ponce de Leon Port Authority in and for Volusia County, for term ending February 1, 1981

[Referred to the Committee on Executive Business]

Sara F. Heatherly, Florida City, Member of the State Retirement Commission, for term ending December 31, 1979

[Referred to the Committees on Personnel, Retirement and Collective Bargaining and Executive Business]

George R. Springer, Hollywood, Member of the Historic Broward County Preservation Board of Trustees, for term ending November 1, 1979

[Referred to the Committee on Executive Business]

Charles Eric LeDoyen, Jacksonville, Member of the State Retirement Commission, for term ending December 31, 1979

[Referred to the Committees on Personnel, Retirement and Collective Bargaining and Executive Business]

Daniel W. Masters, Temple Terrace, Member of the Historic Tampa/Hillsborough County Preservation Board of Trustees, for term ending November 1, 1978

Leonard A. Carson, Tallahassee, Chairman of the Public Relations Commission, for term ending June 30, 1982

Roy D. Grant, Key West, Member of the Historic Key West Preservation Board of Trustees, for term ending October 18, 1980

Henry V. Haskins, Key West, Harbor Master for the Port of Key West, for term ending February 8, 1980

William A. Wynn, Jr., Miami, Member of the Florida Commission on Human Relations, for term ending September 30, 1980

Charles F. Wilson, Tampa, Member of the State Board of Independent Colleges and Universities, for term ending August 18, 1980

Denny R. Wood, Miami, Member of the State Board of Building Codes and Standards, for term ending February 7, 1981

James W. Veal, Lake Panasoffkee, Member of the Board of the Sumter County Recreation and Water Conservation and Control Authority, for term ending November 16, 1981

Sally Ann McPherson, Fort Lauderdale, Member of the Historic Broward County Preservation Board of Trustees, for term ending November 1, 1981

[Referred to the Committee on Executive Business]

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has adopted SCR 619.

*Allen Morris, Clerk*

The resolution was ordered enrolled.

#### SPECIAL ORDER

SB 171—A bill to be entitled An act relating to the real estate brokers and salesmen; creating s. 475.453, Florida Statutes; requiring real estate brokers or salesmen who attempt to negotiate a rental, or who furnish rental information to prospective tenants, for a fee to furnish a contract or receipt containing certain provisions; providing for the refund of a prospective tenant's fee under certain circumstances; authorizing the commission to adopt rules relating to the form of contracts and receipts; providing a penalty; authorizing suspension or revocation of the registration of a broker or salesman who participates in a rental information transaction which is in violation of the act; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 3, after the word "accurate" insert: in any material respect

On motion by Senator Gorman, by two-thirds vote SB 171 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Glisson, MacKay

SB 343—A bill to be entitled An act relating to the district school system; amending s. 230.03, Florida Statutes, specifying the power of district school boards to control, operate, and supervise schools in the district; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 12-16 and insert: (4) PRINCIPAL OR HEAD OF SCHOOL.—Limited Responsibility for the administration of any school or schools at a given school center and for the supervision of instruction therein shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

On motion by Senator Sayler, by two-thirds vote SB 343 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Glisson, MacKay, Myers

SB 73—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding s. 212.02(19), Florida Statutes; defining "solar energy system"; renumbering s. 212.08(11), Florida Statutes, and adding a new subsection (11) to said section; exempting the sale, rental, use, consumption, distribution, or storage of solar energy systems and components thereof from said tax; providing for repeal of such exemption; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 73 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Glisson, MacKay

SB 227—A bill to be entitled An act relating to highway safety; amending s. 316.159(1), Florida Statutes; requiring only commercial and school buses and vehicles carrying explosive substances or flammable liquids as cargo to stop at railroad crossings; providing an effective date.

—was read the second time by title.

Senator Poston moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, insert: (2) No stop need be made at any such crossing where a police officer, or a traffic control signal or sign directs traffic to proceed.

Amendment 2—On page 1, line 15, strike "bus motor vehicle" and insert: motor vehicle, excluding taxi-cabs,

Amendment 3—On page 1, line 11, strike "Subsection (1) of"

On motion by Senator Poston, by two-thirds vote SB 227 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Wilson

Votes after roll call:

Yeas—Glisson, MacKay

By the Committee on Governmental Operations and Senators Sayler and Wilson—

CS for SB 22—A bill to be entitled An act relating to statutory boards, committees, commissions, and councils adjunct to executive agencies; creating the Sundown Act; providing legislative intent; repealing provisions of law relating to boards, committees, commissions, and councils which have held no official meetings subsequent to January 1, 1975; repealing provisions of law relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975 and providing for the Legislature to review, 2 years prior to the date of repeal, such boards, committees, commissions, and councils; providing that subsequent reestablishment of such boards, committees, commissions, and councils be for a period not to exceed 6 years; providing that the procedural provisions of s. 11.61(3), (8), Florida Statutes, apply to this act; providing for this act to be supplemental to s. 11.61, Florida Statutes; providing an effective date.

—was read the first time by title and SB 22 was laid on the table.

On motion by Senator Sayler, by two-thirds vote CS for SB 22 was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 21 through and including line 30; and on page 3, strike all of lines 3 through 15; all of lines 20 through and including line 23 and insert on page 11 between lines 17 and 18: (gggg) Section 559.69, Florida Statutes, relating to the Collection Agency Advisory Council.

(hhhh) Section 601.9914(6), Florida Statutes, relating to the Chilled Juice Quality Council.

(iii) Sections 13.998, 13.9981, 13.9982, 13.9984, and 13.9987, Florida Statutes, relating to the State Manpower Services Council and to the authority of comprehensive regional planning councils.

(jjjj) Section 20.18(4), Florida Statutes, relating to the Council of Community Affairs.

(kkkk) Sections 633.30(4), 633.31, 633.32, and 633.33, Florida Statutes, relating to the Firefighters Standards and Training Council.

(llll) Sections 13.201, 13.211, 13.221, 13.231, 13.241 and 13.251, Florida Statutes, relating to the Florida Commission on Human Relations.

(mmmm) Section 420.005(3), Florida Statutes, relating to the Florida Council on State Housing Goals.

(nnnn) Section 20.18(5), Florida Statutes, relating to the Interdepartmental Coordinating Council on Community Services.

(oooo) Section 292.04, Florida Statutes, relating to the Advisory Council on Veterans' Affairs.

(pppp) Section 272.18, Florida Statutes, relating to the Governor's Mansion Advisory Council.

(qqqq) Sections 406.02, 406.03, 406.04, and 406.05, Florida Statutes, relating to the Medical Examiners Commission.

(rrrr) Section 396.171, Florida Statutes, relating to the State Alcoholism Advisory Council.

(ssss) Section 267.031(2), Florida Statutes, relating to the Religious Heritage Advisory Council.

(tttt) Section 241.68, Florida Statutes, relating to the Board of Trustees of the State Theater of Florida.

(uuuu) Sections 265.13, 265.14, 265.15, 265.151, Florida Statutes, relating to the Stephen Foster Memorial Board of Trustees.

(vvvv) Sections 265.26, 265.261, 265.27, Florida Statutes, relating to the Board of Trustees of the John and Mable Ringling Museum of Art.

(wwww) Sections 265.28, 265.29, Florida Statutes, relating to the Fine Arts Council.

(xxxx) Sections 266.01-266.07, Florida Statutes, relating to the St. Augustine Preservation Board of Trustees.

(yyyy) Sections 266.101-266.106, Florida Statutes, relating to the Historic Pensacola Preservation Board of Trustees.

(zzzz) Sections 266.201-266.206, Florida Statutes, relating to the Key West Preservation Board of Trustees.

(aaaa) Sections 266.110-266.115, Florida Statutes, relating to the Historic Tallahassee Preservation Board of Trustees.

(bbbb) Section 267.031(2), Florida Statutes, relating to the authority of the Secretary of State to appoint advisory councils.

**Amendment 2**—On page 5, strike all of lines 4 and 5; On page 6, strike all of lines 17 and 18 On page 7, strike all of lines 1 and 2 On page 11, strike all of lines 11 and 12 and insert: On page 4 between lines 15 and 16 (z) Section 616.21(2), Florida Statutes, relating to the Agricultural and Livestock Fair Council.

(aa) Sections 589.01, 589.02, 589.03, Florida Statutes, relating to the Florida Forestry Council.

**Amendment 3**—On page 11, strike all of lines 25 through 29 and insert: on line 25

(3) Any new board, committee, commission, or council adjunct to executive agencies which are created by statute after the effective date of this act shall not be established for a period of time longer than 6 years, at which time such board, committee, commission or council shall undergo legislative review as required by subsections (2) and (4).

(4) The Select Joint Committee appointed pursuant to s. 11.61(8), Florida Statutes, shall establish the criteria and the procedures for the review required by this act.

On motion by Senator Saylor, by two-thirds vote CS for SB 22 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yeas—Glisson, MacKay, Spicola, Williamson, Holloway

SB 52—A bill to be entitled An act relating to city and county quadricentennial commissions; repealing part III of chapter 13, consisting of sections 13.61, 13.62, 13.63, 13.64, 13.65, 13.66, 13.67, 13.68, 13.69, 13.70, 13.71, 13.72 and 13.73, Florida Statutes; abolishing said quadricentennial commissions; providing for the transfer of property, assets, and liabilities to the governing board of the county or municipality for which said commission was created; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Saylor and adopted:

**Amendment 1**—On page 1, line 23, after the period insert: However, nothing contained herein shall be construed to repeal, amend or modify Chapters 75-481 or 75-482, Laws of Florida.

On motion by Senator Saylor, by two-thirds vote SB 52 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—MacKay, Peterson, Renick

SB 84—A bill to be entitled An act relating to marriage; amending s. 741.07, Florida Statutes; authorizing ordained or licensed rabbis and invested cantors of the Jewish faith to solemnize matrimony; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 18, after the word "law." insert: *Nothing in this section shall make invalid a marriage which was solemnized, as prescribed by law, by an ordained or licensed rabbi or invested cantor prior to July 1, 1978.*

Senator Myers moved the following substitute amendment which was adopted:

**Amendment 2**—On page 1, line 18, after the word "law." insert: *Nothing in this section shall make invalid a marriage which was solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978.*

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

Amendment 3—On page 1, line 18, strike "Provided that any" and insert: (2) Any ~~Provided that any~~

Amendment 4—On page 1, line 12, between the words "maturity.—" and "All" insert: (1)

Senator Myers moved the following amendment which was adopted:

Amendment 5—On page 1, strike all of lines 13 through 15 and insert: regularly ordained members of the clergy ministers of the gospel or elders in communion with some church and all judicial

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

Amendment 6—On page 1 in title, line 5, after the word "matrimony;" insert: recognizing marriages performed by such individuals prior to July 1, 1978;

Senator Myers moved the following substitute amendment which was adopted:

Amendment 7—On page 1 in title, lines 3, 4, 5 and 6, strike on line 3 the word "ordained" and strike completely all of lines 4, 5 and 6 and insert: certain members of the clergy to solemnize marriages; recognizing marriages performed by any member of the clergy prior to July 1, 1978; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote SB 84 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

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

SB 112—A bill to be entitled An act relating to the Board of Regents; repealing s. 240.046, Florida Statutes, which section authorizes said board to permit free courses for certain university employees; providing an effective date.

—was read the second time by title.

Senators Graham, Castor, Pat Thomas, MacKay, Vogt and Spicola offered the following amendment which was moved by Senator Graham:

Amendment 1—On page 1, strike lines 10 and 11 and insert: Section 1. Subsection (1) of Section 240.046, F.S., is amended to read:

240.046. Free courses authorized for certain ~~university~~ state employees.—

(1) The Florida Board of Regents is authorized to permit permanent full time employees who have been employed for at least 6 months in the state university system by a state agency and meet academic requirements to enroll for up to 6 credit hours of on campus instruction per term in a job related course or program of instruction as determined by the employee and the supervisor of the employee without payment of the registration fee. Such student credit hours generated shall not be used

in calculating the student credit hours produced per full time equivalent ~~teacher~~ student. This employee fringe benefit shall be granted only on a space available basis.

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

Amendment 1A—On page 1, line 19, after "by a state agency" insert: or a district school board

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

Amendment 1B—On page 3, line 17, strike the period and insert: with no time off paid by the State.

Amendment 1 as amended was adopted.

Senator Graham moved the following amendments which were adopted:

Amendment 2—On page 1 in title, line 3, strike "repealing" and insert: amending

Amendment 3—On page 1 in the title, after the semicolon (;) on line 5 insert: to authorize free courses for certain state employees;

On motion by Senator Peterson, by two-thirds vote SB 112 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Barron	Plante	Scott	Williamson
Childers, Don			

Votes after roll call:

Nay—Sayler  
Nay to Yea—Scott

On motion by Senator Tobiassen, the rules were waived and SB 84 after being engrossed was ordered immediately certified to the House.

SB 113—A bill to be entitled An act relating to motor vehicles; adding s. 320.01(29), Florida Statutes; defining the term "golf cart"; creating s. 320.515, Florida Statutes; exempting golf carts from certain provisions of law with respect to motor vehicles and traffic control when operated and equipped in a specified manner; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—4

Myers	Thomas, Pat	Tobiassen	Williamson
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SB 117—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.13(2)(b), Florida Statutes, 1977, authorizing the court in a dissolution of marriage proceeding to award visitation rights to the grandparents of a minor child; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 27, insert: No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation for the grandparents.

On motion by Senator Holloway, by two-thirds vote SB 117 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Holloway, the rules were waived and SB 117 after being engrossed was ordered immediately certified to the House.

SB 157—A bill to be entitled An act relating to fishing licenses; adding s. 372.57(4)(f), Florida Statutes; excepting certain retarded persons from the payment of fees for fishing licenses; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike lines 6-19 and insert: *(f) No fishing license shall be required for any person who has been accepted as a client by the Department of Health and Rehabilitative Services for retardation services and who is either a resident of a Sunland Center, a resident of a residential habilitation center, or a client of a service facility that has contracted with the department to provide services for retarded clients of the department. The superintendent of the center at which the retarded person resides, or the administrator of the service facility of which the retarded person is a client, shall provide such person with a standard certificate as approved by the Department of Health and Rehabilitative Services attesting that the client meets the requirements of this paragraph.*

On motion by Senator MacKay, by two-thirds vote SB 157 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

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

Nays—None

Vote after roll call:

Yea—Henderson

SB 172—A bill to be entitled An act relating to identification cards issued by the Department of Highway Safety and Motor Vehicles; amending s. 322.051(1), Florida Statutes; deleting age requirement for obtaining an identification card; permitting a parent or legal guardian to complete the application for an identification card for a person incapable of completing such application; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, lines 18 and 19, strike “, regardless of age, 15 years of age or older” and insert: *12 15 years of age or older*

**Amendment 2**—On page 1, lines 21-24, strike “If the person for whom an identification card is sought is incapable of completing the application, then such person’s parent or legal guardian may complete the application for the person.”

**Amendment 3**—On page 1, in title, lines 6-10, strike everything after the semicolon on line 6, through the semicolon on line 10

**Amendment 4**—On page 1, in title, line 5, strike “deleting” and insert: lowering the

Senator Peterson moved the following amendment which was adopted:

**Amendment 5**—On page 1, in title, strike lines 6 through 10 and insert: obtaining an identification card; providing an effective date.

On motion by Senator Peterson, by two-thirds vote SB 172 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yeas—Gallen, Henderson

SB 175—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.283(2), Florida Statutes; authorizing the Division of Consumer Services to seek settlement of a consumer complaint under certain circumstances; repealing s. 570.283(9), Florida Statutes, which limits the authority of the department, the division, and the Florida Consumers’ Council; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 175 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Trask	Ware	Wilson	Zinkil
Vogt	Williamson	Winn	

Nays—None

Votes after roll call:

Yeas—Tobiassen, MacKay, Henderson

SB 264—A bill to be entitled An act relating to student assistance grants; amending s. 239.461(2)(a), Florida Statutes; providing that students at Florida institutions accredited by a member of the Council on Postsecondary Accreditation are eligible for such grants; providing an effective date.

—was read the second time by title.

Senators Peterson and Dunn offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 1, line 19, hyphen through the following: “educational expenses” and insert: *tuition and fees*

Amendment 2—On page 1, in title, line 4, insert: limiting grant award to include tuition and fees;

On motion by Senator Peterson, by two-thirds vote SB 264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Myers

Consideration of SB 247 was deferred.

SB 250—A bill to be entitled An act relating to minors; amending s. 847.014(2), Florida Statutes; prohibiting any person from bringing or causing to be brought into this state or sending or causing to be sent from this state for sale or distribution any such material or presentation; providing a penalty; increasing penalties for knowingly exhibiting, for knowingly selling, lending, giving away, distributing, transmitting, or transmuting, for offering to sell, lend, give away, distribute, transmit, or transmute, for having in one's possession, custody, or control with intent to sell, lend, give away, distribute, transmit, or transmute, and for advertising, any such material or presentation; providing that the possession of three or more copies of any such material or presentation is prima facie evidence of intent to sell, lend, give away, distribute, transmit, or transmute such material or presentation; amending s. 450.151, Florida Statutes; prohibiting the taking, receiving, hiring, employing, use, exhibiting, or the selling, apprenticing, giving away, letting out, or disposing of a minor for the production of any such material or presentation or for any obscene, indecent, or immoral purpose; providing penalties; amending s. 827.07(1)(b), Florida Statutes, and adding paragraphs (j), (k), and (l) to said subsection; redefining “abuse” or “malpractice” for purpose of child abuse provisions to include the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in the production of any such material or presentation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 11, and on page 3, line 21, strike “and” and insert: or

Senator Dunn moved the following amendment which was adopted:

Amendment 2—On page 6, between lines 5 and 6, insert: Section 4. Disseminating obscene material.—

(1) It is unlawful for any person to disseminate obscene material to a minor.

(2) For purposes of this section:

(a) “Disseminate” means to transfer, distribute, dispense, lend, display, exhibit, send, or broadcast, whether for profit or otherwise, or to produce, transport, or possess with intent to do any of the foregoing.

(b) “Obscene material” means material that:

1. Sets forth in a patently offensive way:

a. An explicit representation, or a detailed written or verbal description, of an act of sexual intercourse, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal; of masturbation; or of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship; or

b. An explicit, close-up representation of a human genital organ;

2. Taken as a whole, appeals predominantly to the prurient interest of:

a. The average person, applying contemporary community standards; or

b. The average person within a sexually deviant class of persons, if such material is designed for, and is primarily disseminated to, such class of persons; and

3. Taken as a whole, lacks serious artistic, scientific, literary, or political value.

(3) Any person who violates the provisions of this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(Renumber subsequent section.)

Senator MacKay moved the following amendment which was adopted:

Amendment 3—On page 1, in title, strike lines 7 through 21 and insert: certain materials or presentations which depict sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor; providing a penalty; prohibiting persons from knowingly exhibiting, for knowingly selling, lending, giving away, distributing, transmitting, or transmuting, for offering to sell, lend, give away, distribute, transmit, or transmute, for having in one's possession, custody, or control with intent to sell, lend, give away, distribute, transmit, or transmute, and for advertising, certain materials or presentations which depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor or which is harmful to minors; providing a penalty; amending s.

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 2, line 5, after the semicolon insert: prohibiting the dissemination of obscene material to a minor; providing a penalty;

On motion by Senator Hair, the Senate reconsidered the vote by which Amendment 1 was adopted.

Amendment 1 failed.

On motions by Senator Dunn, the Senate reconsidered the votes by which Amendments 2, 3 and 4 were adopted. By permission Senator Dunn withdrew the amendments.

Senator Hair moved the following amendment which was adopted:

Amendment 5—On page 1, strike line 7 and insert: certain material or presentations which depict sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor; providing a

On motion by Senator MacKay, by two-thirds vote SB 250 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

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends the following be placed on Special Order Calendar on Thursday, April 6, 1978, as a supplemental calendar.

SB 14	SB 90	SB 178	SB 294
SB 47	SB 163	SB 211	

Respectfully submitted,  
W. D. Childers, Chairman

On motion by Senator W. D. Childers, the rules were waived and the bills contained in the foregoing report were placed on the special order calendar as a supplemental calendar.

SB 232—A bill to be entitled An act relating to state sponsorship of the programs of private organizations; providing that certain references to the sponsorship of such programs mention sponsorship by the state; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 232 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 216—A bill to be entitled An act relating to community college employee records; amending s. 230.7591, Florida Statutes; directing the State Board of Education to promulgate certain rules relating to limited access employee records; authorizing a community college president to release information contained in such records under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 216 was read the third time by title and passed. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Holloway

On motion by Senator Vogt, the rules were waived and SB 216 was ordered immediately certified to the House.

SB 299—A bill to be entitled An act relating to transportation furnished prisoners upon release from state correctional institutions; amending s. 944.54, Florida Statutes; removing the limitation on the payment of transportation expenses upon the release of a prisoner; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 23-30, and on page 2, strike lines 1-2 and insert: common carrier of the state, and such cost of transportation shall not exceed \$50 ~~\$25~~. The classification committee, may in its discretion, determine that the best interests of the state will be served by providing transportation for the prisoner to a place outside the State of Florida, in which instance transportation in excess of \$50 ~~\$25~~ may be authorized with the excess being paid only from surplus transportation funds available to the institution. Provided, however, that the transportation furnished shall be the most economical available, utilizing a common carrier.

Amendment 2—On page 1 in title, strike lines 2-8 and insert: An act relating to state prisoners; amending s. 944.54(1), Florida Statutes, to increase the limit on the amount of money authorized per inmate for transportation upon release; providing an effective date.

On motion by Senator Renick, by two-thirds vote SB 299 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Dunn

SB 49—A bill to be entitled An act relating to discrimination against persons because they have the sickle-cell trait; creating ss. 626.9554, 626.9555, Florida Statutes; prohibiting an insurer from refusing to issue and deliver a disability or life insurance policy solely because the person to be insured has the sickle-cell trait; prohibiting discrimination in the premium or rate charged for disability or life insurance policy solely because the person covered has such trait; prohibiting a hospital, medical, or surgical plan or a health maintenance organization from refusing to issue and deliver a contract solely because the person to be covered has the sickle-cell trait; prohibiting

discrimination in the rate charged for such a contract solely because the person covered has such trait; prohibiting discrimination in employment against any person solely because he has the sickle-cell trait; prohibiting mandatory screening and testing for the sickle-cell trait as a condition for employment, education, or adoption; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 49 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Dunn

SB 67—A bill to be entitled An act relating to grand jury commissions; repealing chapter 57-550, Laws of Florida, and chapter 70-1000, Laws of Florida, which create a grand jury commission in certain counties; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 67 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 14—A bill to be entitled An act relating to the protection of public employees retirement benefits; creating part VII, chapter 112, Florida Statutes; providing for the implementation of Section 14 of Article X, State Constitution, relating to governmental retirement systems; providing that this act is applicable to all state, county, special district, and municipal retirement systems and prevails over conflicting existing laws and ordinances; providing for actuarial reviews; providing for prompt deposit of employee and employer contributions, meeting of normal costs, and amortization of unfunded liabilities; providing limitations on retirement benefits; providing certain general administrative provisions relating to retirement systems; providing that provisions relieving a fiduciary from liability are void; providing for purchase of insurance to cover losses incurred by an act or omission of a fiduciary; providing for civil actions; providing that a retirement system or plan may sue or be sued as an entity; providing for notice and review of denials of benefits; prohibiting special laws or general laws of local application relating to the requirements of the act; providing severability; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 23, strike "The" and insert: *All employers and employees participating in the*

On motion by Senator Johnston, by two-thirds vote SB 14 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Hair, MacKay

SB 47—A bill to be entitled An act relating to law enforcement officers; amending s. 372.911, Florida Statutes; providing for rewards to be paid by the Game and Fresh Water Fish Commission to persons furnishing information leading to the arrest and conviction of a person for the murder of a wildlife officer; providing for rewards to be paid by the Department of Criminal Law Enforcement to persons furnishing information leading to the arrest and conviction of a person for an assault or battery against, or the murder of, a law enforcement officer; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 47 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 90—A bill to be entitled An act relating to mobile home parks; amending s. 83.765(1), Florida Statutes; prohibiting mobile home park owners from denying mobile home owners the right to place "For Sale" signs under a certain size on their mobile homes; providing an exception; providing grounds for denial of entry with respect to the purchase of a mobile home in a mobile home park; requiring that grounds for such denial be expressly prescribed in rules and regulations of the park or in the lease; removing limitation on the number of prospective purchasers with regard to whom a mobile home park owner may refuse permission to sell before the next offer may be accepted by the mobile home owner; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Gorman and adopted:

Amendment 1—On page 1, line 31, and on page 2, line 1, strike "not to exceed 11½ inches by 14 inches in size" and insert: the size, placement and character of which shall be subject to reasonable rules and regulations of the mobile home park

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Gorman:

Amendment 2—On page 2, strike lines 6 through 30, and on page 3, strike lines 1 and 2,

Senator Gorman moved the following substitute amendment which was adopted:

**Amendment 3**—On page 2, strike lines 6 through 30, and on page 3, strike lines 1 and 2, and insert: 3. ~~shall which shall~~ require the resident or owner to remove the mobile home from the park solely on the basis of the sale thereof. The purchaser of said mobile home, if said purchaser would otherwise qualify with the requirements of entry into the park under the park rules and regulations, may become a tenant of the park, subject to the approval of the park, but such approval may not be unreasonably withheld. The park shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home owner in the sale pursuant to a written contract. If for any reason the park refuses permission to any resident or owner to sell to a qualified buyer and prospective mobile home owner after three bona fide offers, then the next offer may be accepted as a matter of course.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Gorman:

**Amendment 4**—On page 1, strike lines 6 through 16 in title and insert: on their mobile homes; providing an exception; providing an

Senator Gorman moved the following substitute amendment which was adopted:

**Amendment 5**—On page 1, strike lines 7 through 16 in title and insert: providing an exception; providing an

On motion by Senator Graham, by two-thirds vote SB 90 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Firestone	Johnston	Spicola
Barron	Gordon	McClain	Thomas, Jon
Castor	Gorman	Myers	Tobiassen
Chamberlin	Graham	Plante	Vogt
Childers, Don	Hair	Poston	Winn
Childers, W. D.	Henderson	Renick	Zinkil
Dunn	Holloway	Scott	

Nays—1

Glisson

Votes after roll call:

Yeas—Trask, Ware, Williamson, Sayler, Gallen, MacKay  
 Nay—Wilson  
 Yea to Nay—Chamberlin

**SB 163**—A bill to be entitled An act relating to annuity contracts; amending s. 222.14, Florida Statutes, exempting from legal process of creditors the proceeds of certain annuity contracts; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Childers, Don Johnston

Votes after roll call:

Yeas—Henderson, Sayler

**SB 178**—A bill to be entitled An act relating to the State and County Officers and Employees' Retirement System; amending s. 122.07, Florida Statutes; permitting members who were entitled as seasonal state employees to purchase credit for time employed out-of-state, but who failed to do so within the time prescribed, to purchase such credit within a specified time; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, line 12, strike the period (.) and insert: ; *provided however, that members purchasing out-of-state service pursuant to this part, shall not claim such service in any other retirement system.*

On motion by Senator Peterson, by two-thirds vote SB 178 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Henderson, MacKay

**SB 211**—A bill to be entitled An act relating to capital cases; amending s. 922.09, Florida Statutes; requiring the clerk of the Supreme Court to forward certified copies of the certified copy of the record of the conviction and sentence and of the order affirming the conviction and sentence to the Governor when the death sentence has been affirmed upon review by the Supreme Court; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Dunn and adopted:

**Amendment 1**—On page 1, line 25, strike "warden" and insert: superintendent

On motion by Senator Dunn, by two-thirds vote SB 211 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

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

Nays—None

Senator Dunn moved that the Senate reconsider the vote by which SB 163 passed this day.

The motion was placed on the calendar for consideration April 11.

SB 247—A bill to be entitled An act relating to obscene literature; redesignating and amending s. 847.013(2)(e), Florida Statutes, and adding a new paragraph (e) to said subsection; prohibiting display of certain materials to minors in a retail establishment; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 2, after “*establishment.*” insert: *Such items may, however, be displayed behind an opaque covering which conceals the nudity provided such items are not within the convenient reach of minors who may frequent the retail establishment.*

Senator MacKay moved the following substitute amendment:

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

Section 1. Section 847.0125, Florida Statutes, is created to read:

847.0125 Prohibition of display of harmful materials to minors in a retail establishment.—

(1) DEFINITIONS.—As used in this section:

(a) “Minor” means any person under the age of 17 years.

(b) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.

(c) “Sexual conduct” means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast or any act or conduct which constitutes the commission of the abominable and detestable crime against nature or suggests that such crime is being or will be committed.

(d) “Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) “Sodomasochistic abuse” means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) “Harmful to minors” means that quality of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sodomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of minors, and

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

3. Is utterly without redeeming social importance for minors.

(g) “Knowingly” means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

1. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and

2. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(2) OFFENSES AND PENALTIES.—

(a) It is unlawful for anyone offering for sale in a retail establishment, open to the general public, any book, magazine or other printed material, the cover of which depicts nudity which is harmful to minors, to knowingly exhibit such book, magazine, or material in such establishment in such a way that it is on open display to, or within the convenient reach of, minors who may frequent the retail establishment. Such items may, however, be displayed behind an opaque covering which conceals the nudity provided such items are not within the convenient reach of minors who may frequent the retail establishment.

(b) A violation of any provision of this section shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect July 1, 1978.

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

Amendment 2A—On page 1, line 6, strike “17” and insert: 18

Amendment 2 as amended was adopted.

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

Amendment 3—On page 1, line 7 in title, after “*establishment;*” insert: *permitting display if certain conditions are satisfied;*

Senator MacKay moved the following substitute amendment which was adopted:

Amendment 4—On page 1, strike all of lines 3 through 7 in title and insert: creating s. 847.0125, Florida Statutes; prohibiting display of certain materials to minors in a retail establishment; permitting display if certain conditions are satisfied; providing an effective date.

On motion by Senator MacKay, by two-thirds vote SB 247 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

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

Nays—None

Vote after roll call:

Yea—Henderson

SB 294—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(8), Florida Statutes; providing clarifying language in regard to taxable status of certain vessels appropriate to carry out the purposes for which a vessel is designed or equipped and used; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote SB 294 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—35

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

## Nays—None

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Trask, by two-thirds vote SB 461 was re-referred to the Committee on Agriculture.

On motion by Senator Henderson, by two-thirds vote SB 348 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Henderson, by two-thirds vote SB 319 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Dunn, by two-thirds vote SB 234 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Gordon, by two-thirds vote SB 384 was withdrawn from the Committee on Finance, Taxation and Claims.

**CO-INTRODUCERS**

Senator Castor—Senate Bills 247, 525; Senator Tobiassen—SJR 546, SB 547; Senator Zinkil—Senate Bills 319, 320; Senators Brantley, MacKay, Ware, Plante—SB 525; Senators Poston and Renick—Senate Bills 250 and 247; Senator Saylor—Senate Bills 47, 90, 247, 250; Senator Ware—SB 343; Senator Wilson—SB 73, CS for SB 22; Senator McClain—SB 411

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of April 4 and 6 were corrected and approved.

On motion by Senator W. D. Childers, the Senate adjourned at 11:30 a.m. to convene at 8:30 a.m., April 7, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.