



# Journal of the Senate

Number 6

Tuesday, April 11, 1978

The Senate was called to order by Senator Poston at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Jon Thomas—

**SB 668**—A bill to be entitled An act relating to automobile inspection and warranty associations; amending s. 634.011(1) and (3), Florida Statutes, and adding subsections, modifying and providing definitions; amending s. 634.031(2), Florida Statutes, requiring licensure to conduct certain business; amending s. 634.041, Florida Statutes; modifying present, and providing additional, qualifications for licensure; requiring maintenance of unearned premium reserves; providing exceptions; providing further requirements relative thereto; amending s. 634.052 (1), (2), and (5), Florida Statutes, removing certain bonding requirements and requiring deposit of additional securities; creating s. 634.053, Florida Statutes, requiring that certain records be kept; creating s. 634.062, Florida Statutes, providing a penalty for selling warranty of nonlicensed association; adding subsection (5) to s. 634.081, Florida Statutes, providing an additional ground for revocation or suspension of license; adding subsection (4) to s. 634.121, Florida Statutes, providing for cancellation provisions in warranty contracts; adding subsections (3) and (4) to s. 634.131, Florida Statutes; providing that warranty premiums shall not be subject to the sales tax; providing a daily penalty for failure to timely file annual statements; amending s. 634.171, Florida Statutes, providing a fee for annual registration of salesmen; creating s. 634.252, Florida Statutes, relating to acquisition of controlling stock; creating s. 634.253, Florida Statutes, relating to dissolution or liquidation of a corporation; providing an effective date.

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

By Senator Jon Thomas—

**SB 669**—A bill to be entitled An act relating to the elderly; providing for the establishment, operation, and maintenance of a Data Bank on Older Floridians by the Multidisciplinary Center on Gerontology at FSU; providing for an initial phase; providing functions; providing an appropriation; providing an effective date.

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

By Senator Jon Thomas—

**SB 670**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.0841(1), Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to issue, free of charge, a certain number of license plates each year to members of the Seminole and Miccosukee Indian Tribes; providing circumstances for the annual increase in the number of license plates so issued; providing an effective date.

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

By Senator W. D. Childers—

**SB 671**—A bill to be entitled An act relating to railroad safety; requiring the Department of Transportation to provide for the inspection of and adopt rules relating to the construction and maintenance of certain railroad fixtures and equipment, wires, and switches; repealing ss. 350.25-350.27, Florida Statutes, which currently vest such authority in the Florida Public Service Commission; providing an effective date.

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

By Senator Glisson—

**SB 672**—A bill to be entitled An act relating to mental health; amending s. 394.453, Florida Statutes; providing legislative intent; amending s. 394.455(10), Florida Statutes; revising the definition of the term "receiving facility" to exclude a county jail except under certain conditions; amending s. 394.459(1), Florida Statutes; providing that in an emergency and subject to specified conditions, a jail may be used to house a certain mentally ill person for a specified period of time; deleting the provision permitting the use, in certain criminal cases, of a jail to house a mentally ill person for up to 45 days; amending s. 394.461(1); permitting the Department of Health and Rehabilitative Services, subject to specified provisions, to designate any community facility as a receiving facility for emergency, short term treatment and evaluation; creating s. 394.462, Florida Statutes, prohibiting the use of county jails as receiving facilities or as detention centers for the mentally ill except when an emergency exists and the jail has adequate facilities to house such persons and the sheriff has approved the receipt of such persons; providing procedure to be followed when a jail is used to house such persons; providing procedure to be followed when the sheriff determines that a person already in custody is mentally ill; requiring the mental health board or governing body of the county to remove such person from a jail within a specified period of time after notice from the sheriff that such a person is being held; providing for indemnification by the county for any financial losses incurred by the sheriff as a result of housing a mentally ill person; providing that the guarantee of indemnification shall not be offset or barred by any insurance obtained by the sheriff; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; Judiciary-Civil; and Appropriations.

By Senator Spicola—

**SB 673**—A bill to be entitled An act relating to medical liability mediation panels; amending s. 768.44(3), Florida Statutes, to provide for holding of hearing within 120 days of the date the panel was selected, rather than the date the claim was filed; providing an effective date.

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

By Senator Myers—

**SB 674**—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.13(1)(f), Florida Statutes; providing a penalty for possession or delivery of not more than 1 avoirdupois ounce of cannabis; amending s. 893.14(1), Florida Statutes; conforming provisions; amending s. 893.15, Florida Statutes; excluding persons convicted under s. 893.13(1)(f), Florida Statutes, from the provision allowing judge to require a rehabilitation program; providing severability; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal; Judiciary-Civil; and Health and Rehabilitative Services.

By Senator Gordon—

**SB 675**—A bill to be entitled An act relating to collective bargaining for public employees; amending s. 447.303, Florida Statutes; providing that authorization by any public employee for the deduction from his salary of dues and assessments of a collective bargaining organization shall not be irrevocable after 1 year from the authorization or after the termination of the collective bargaining agreement; deleting provision allowing

revocation by employees of such authorization upon written notice; providing an effective date.

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

By Senator McClain—

SB 676—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(8)(b), Florida Statutes; providing and clarifying legislative intent relating to application of the sales and use tax to certain vessels; providing an effective date.

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

By Senator Glisson—

SB 677—A bill to be entitled An act relating to correctional officer training; creating ss. 944.594 and 944.595, Florida Statutes; providing definitions; providing for eligibility of correctional officers for salary incentive payments for certain advanced training and college credits completed; creating a Correctional Officer Salary Incentive Trust Fund; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senators Pat Thomas, Renick, Lewis, Poston, Don Childers, Firestone, Barron, Zinkil, Scott, Peterson, MacKay, Chamberlin, W. D. Childers, Tobiasen, Skinner, Castor, Glisson, Gorman, Trask, Jon Thomas, Gallen, Spicola, Dunn, Holloway and Winn—

SB 678—A bill to be entitled An act relating to the old Florida Capitol; providing a short title; directing the Division of Building Construction and Property Management of the Department of General Services to restore and preserve the old Capitol in its 1902 form; providing an appropriation; providing for a structural investigation and analysis; providing an effective date.

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

By Senator Glisson—

SB 679—A bill to be entitled An act relating to mental health; amending s. 394.459(9)(a), Florida Statutes; requiring a medical summary of the clinical record of certain mentally ill patients to be released without charge to the Department of Offender Rehabilitation under certain conditions; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Governmental Operations.

By Senator Glisson—

SB 680—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.03(1), (3), Florida Statutes; requiring tax collectors to deliver and account for mobile home stickers; amending s. 320.031, Florida Statutes; providing for the mailing of mobile home stickers and for the collection of a service charge for such mailing; amending s. 320.04(1), Florida Statutes; providing a service charge for applications for such stickers; amending s. 320.06(2)(a), Florida Statutes, and adding s. 320.06(2)(g), (4)(c), Florida Statutes; deleting a reference to mobile home license plates; providing for exchange of mobile home stickers; prohibiting the giving of credit or refunds in connection with such exchange; providing for size, coloring, and numbering of mobile home stickers; providing for the annual issuance of such stickers; amending s. 320.081(1), Florida Statutes; providing for issuance of an RV license plate or mobile home sticker to evidence payment of certain fees; amending s. 320.0815, Florida Statutes; requiring issuance of RV license plates to certain vehicles; requiring issuance of mobile home stickers to certain recreational vehicles and mobile homes; requiring issuance of RP stickers to recreational vehicles or mobile homes which are taxed as real property; providing for the display of such plates or stickers; amending s. 320.35, Florida Statutes; exempting a mobile home bearing the appropriate sticker from

certain license plate display requirements; providing that the operation over the public streets or the use for housing of a vehicle without the plate or sticker assigned to that vehicle be deemed operation or use without proper license; amending s. 320.37, Florida Statutes; limiting, with respect to certain vehicles owned by nonresidents, the exemption from certain registration requirements; providing an effective date.

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

By Senator Glisson—

SB 681—A bill to be entitled An act relating to the Real Estate License Law; adding s. 475.01(14), Florida Statutes; providing that certain terms relating to the employment relationship include an independent contractor relationship under certain circumstances; amending s. 475.21, Florida Statutes; providing for renewal fees for the certificates of certain non-active salesmen and brokers; amending s. 475.23, Florida Statutes; requiring certain real estate schools to notify the real estate commission of any change of address; requiring real estate instructors to notify the real estate commission of any change of employer; amending s. 475.24, Florida Statutes; providing for annual registration fees for branch offices; amending s. 475.25(1)(c), (i), Florida Statutes; adding s. 475.25(1)(j), Florida Statutes; requiring registrants to take certain action when in doubt as to the person entitled to accounting and delivery of escrowed property or when conflicting demands are made for such property; providing that failure to account for or deliver certain property is grounds for suspension of registration; providing exceptions; providing that failure to inform the commission of a guilty plea, plea of nolo contendere, conviction, or finding of guilt of certain felonies is grounds for suspension of registration; amending s. 475.451(2), Florida Statutes; requiring an applicant for a permit to teach in a real estate school to pass an examination as a real estate instructor or be a registered broker; providing an effective date.

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

By Senator W. D. Childers—

SB 682—A bill to be entitled An act relating to corneal transplant; amending s. 732.9185, Florida Statutes, adding a condition to provisions permitting medical examiners to provide the cornea of a decedent for purposes of a corneal transplant under certain circumstances; providing an effective date.

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

By Senator Poston—

SB 683—A bill to be entitled An act relating to elections; adding subsection (6) to s. 103.091, Florida Statutes, prohibiting state or county executive committee endorsements in any primary election; providing an effective date.

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

By Senator Gordon—

SB 684—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321(1), Florida Statutes; providing for the membership of the commission; repealing, effective at a future date, s. 112.321, Florida Statutes, which section prescribes the membership of the Commission on Ethics; providing an effective date.

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

By Senator Gordon—

SB 685—A bill to be entitled An act relating to the sales tax; amending s. 212.08(7)(c), Florida Statutes; prescribing requirements for determining the eligibility of hospitals for exemption from sales tax as a charitable institution; providing procedures including the posting of notice that the hospital provides services without cost to those unable to pay; providing powers and duties of the Department of Revenue;

providing for reports to the department by hospitals; adding s. 212.13(5), Florida Statutes, requiring exempt hospitals to allow department inspection of books, records, and documents at reasonable hours; adding s. 213.072(3), Florida Statutes, requiring such reports to be open to public inspection; requiring hospitals which are exempt from such tax to reapply for the exemption; providing an effective date.

—was read the first time by title and referred to the Committees on Finance, Taxation and Claims; Health and Rehabilitative Services; and Appropriations.

By Senators W. D. Childers, Barron, Trask, Peterson, Pat Thomas, Tobiassen, MacKay, Skinner, Williamson, Zinkil, Glisson and Vogt—

**SB 686**—A bill to be entitled An act relating to resource recovery; amending s. 403.706(4), Florida Statutes; prohibiting any requirement for any county or municipality to participate in any resource recovery program prior to a feasibility determination by the local government; adding s. 403.706(6), Florida Statutes; prohibiting any requirement for any person to subscribe to any private solid waste collection service; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; and Commerce.

By Senators Johnston and Don Childers—

**SB 687**—A bill to be entitled An act relating to fisheries and fishing equipment; adding s. 370.08(11), Florida Statutes; prohibiting the taking of food fish with certain gill nets; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators W. D. Childers, Castor, Gallen, Pat Thomas, Ware, Scarborough, Brantley, Scott, Henderson, Barron and Tobiassen—

**SB 688**—A bill to be entitled An act relating to the Florida Human Rights Act; amending s. 13.261(8)(b), Florida Statutes, and adding a paragraph; clarifying an exception to unlawful employment practices; creating s. 13.271, Florida Statutes, specifying persons protected under said act; providing an effective date.

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

By Senator Plante—

**SB 689**—A bill to be entitled An act relating to the Florida Public Service Commission; creating s. 364.185, Florida Statutes, empowering the commission to audit telephone companies and to direct the companies to implement resulting recommendations; adding subsection (9) to s. 366.05, Florida Statutes, empowering the commission to audit gas and electric utilities and to direct the utilities to implement resulting recommendations; providing an effective date.

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

By Senator Poston—

**SB 690**—A bill to be entitled An act relating to instruction in public secondary schools in driver education and traffic safety education; creating s. 233.0635, Florida Statutes; providing that each district school board shall annually provide to students who have reached the age of 16 an opportunity to enroll in a driver education course, and shall provide traffic safety education at other grade levels; providing that each district school board prescribe requirements and standards for such courses and instruction; prescribing minimum standards for such courses and instruction; providing for financing of such courses and instruction through the Florida Education Finance Program and by the continuation of the current levy of an additional driver's license fee; authorizing district school boards to contract with commercial driving schools and certi-

fied instructors for certain purposes; repealing s. 233.063, Florida Statutes, which requires each school district to provide instruction in operation of motor vehicles to secondary school students pursuant to certain procedures and which provides for financing such driver education program; providing an effective date.

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

By Senator Don Childers—

**SB 691**—A bill to be entitled An act relating to legal holidays and special observances; creating s. 683.115, Florida Statutes, designating May 15 of each year as "Law Enforcement Memorial Day" and providing for its observance; providing an effective date.

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

By Senators Glisson and Brantley—

**SB 692**—A bill to be entitled An act relating to legal holidays; adding s. 683.01(1)(s), Florida Statutes; providing that the birthday of Martin Luther King, Jr., is a legal holiday; providing an effective date.

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

By Senators Tobiassen and Brantley—

**SB 693**—A bill to be entitled An act relating to persons who suffer from cystic fibrosis; amending s. 391.05, Florida Statutes; requiring the Department of Health and Rehabilitative Services to select and designate hospitals and other facilities for the economic and efficient treatment of persons, regardless of age, who suffer from cystic fibrosis; requiring the department to pay the cost of care and treatment of such persons placed in such facilities by the department; amending s. 391.06, Florida Statutes; authorizing the department to employ personnel for the care or treatment of such persons; amending s. 391.07, Florida Statutes; authorizing the department to provide for the care or treatment of certain such persons; requiring the department to make certain investigations; requiring the department to continue to provide such care or treatment after the adoption of such a person; amending s. 391.08, Florida Statutes; authorizing the department to assist in surveys concerning such persons; authorizing the department to organize and supervise diagnostic clinics; requiring the department to cooperate with the Department of Education in the development of a legislative program relating to the education of such persons; amending s. 391.11, Florida Statutes; prohibiting the denial for certain reasons of claims for the treatment of such persons under policies of disability insurance; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senators Castor and Graham—

**SB 694**—A bill to be entitled An act relating to the Student Loan Trust Fund; amending s. 239.671, Florida Statutes; deleting the requirement that excess funds only be used to assist in funding the scholarship loan program for state university and public community college students; providing that certain student fees shall not be collected if the Division of Bond Finance of the Department of General Services and the Commissioner of Education determine that such fees are not required as security for revenue bonds; providing for disposition of moneys collected in such event; providing an effective date.

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

By Senators Peterson and Trask—

**SB 695**—A bill to be entitled An act relating to water management districts; amending s. 373.069(2)(d) and (e),

Florida Statutes, changing the boundaries of the Southwest Florida Water Management District and the South Florida Water Management District; providing an effective date.

Statutes, providing penalties for violation; providing an effective date.

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

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Senate recessed at 8:45 a.m.

By Senator Scott—

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

SB 696—A bill to be entitled An act relating to the regulation of stone crabs; amending s. 370.13(1)(c), Florida Statutes; allowing the removal of the left claw from any stone crab only in odd-numbered years; allowing the removal of the right claw from any stone crab only in even-numbered years; providing a penalty; providing an effective date.

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	Lewis	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Gordon—

SB 697—A bill to be entitled An act relating to itemized bills for professional medical service; amending s. 395.20(4), Florida Statutes; providing for recovery of damages equal to three times the charges for certain prohibited charges to patients; providing for recovery of legal expenses; requiring courts to notify appropriate licensing boards in the event of recovery; providing an effective date.

Excused: Senator Johnston at 10:30 a.m. and Senator Zinkil

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; and Judiciary-Civil.

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

By Senator Barron—

SB 698—A bill to be entitled An act relating to venue; creating s. 47.123, Florida Statutes; authorizing the stay or dismissal of an action when a court finds that in the interest of justice the action should be heard in a forum outside the state; providing that domicile or residence in this state of any defendant shall not preclude such stay or dismissal; providing exceptions; providing an effective date.

Our Father, we bow before you as the all wise God and beseech you that you give us wisdom as we face the problems of life. Grant us the courage of our convictions. Give us an awareness of thy guiding hand and presence in our lives.

Make these senators great men, big men. Give them big hearts that they will not be intimidated by little issues and caring hearts that they love the little man. Give them strength, health and vision that our state and nation can be blessed by thy sovereign hand. In Jesus' name, amen.

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

The Senate pledged allegiance to the flag of the United States of America.

By Senator Barron—

SB 699—A bill to be entitled An act relating to prescription and administration of dimethyl sulfoxide (DMSO); prohibiting hospitals and health facilities from interfering with the physician-patient relationship by restricting use of dimethyl sulfoxide (DMSO); providing conditions; providing for written release; providing for disclosure by the physician; providing an effective date.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following be placed on Special Order Calendar for Tuesday, April 11, 1978:

CS for SB 71	SB 135	SB 253	SB 245
SB 266	SB 144	SB 419	SB 203
SB 80	SB 160	SB 257	SB 105
SB 114	SB 337	SB 226	

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

Respectfully submitted,  
W. D. Childers, Chairman

The Committee on Education recommends the following pass:

SB 297 with 1 amendment      SB 312 with 3 amendments

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 200 and HB 975 and requests the concurrence of the Senate.

Allen Morris, Clerk

The Committee on Finance, Taxation and Claims recommends the following pass: SB 224 with 4 amendments

The Committee on Natural Resources and Conservation recommends the following pass:

SB 403                      SB 488                      SJR 546

By Representative Robinson and others—

HB 200—A bill to be entitled An act relating to marriage; amending s. 741.07, Florida Statutes, to provide that ordained clergy may perform marriage ceremonies; providing an effective date.

The Committee on Transportation recommends the following pass: SB 355, SB 361

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

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 276

By Representative Kershaw and others—

HB 975—A bill to be entitled An act relating to elections; adding subsection (6) to s. 103.091, Florida Statutes, prohibiting state or county executive committee endorsements in any primary election; adding subsection (7) to s. 103.091, Florida

The Committee on Natural Resources and Conservation recommends the following pass: SB 462 with 5 amendments

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 350, SB 351

The bills were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 383 with 1 amendment

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

The Committee on Transportation recommends the following pass: SB 244

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 547 with 1 amendment

The Committee on Transportation recommends the following pass: SB 416

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

The Committee on Education recommends the following pass: SB 480

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 445

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Appropriations recommends the following pass:

SB 17	SB 235	SB 323
SB 86	SB 308	
SB 146 with 1 amendment		

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 362 with 2 amendments, SB 447

The Committee on Education recommends the following pass: SB 316 with 5 amendments SB 132 SB 176

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

SB 269 SB 31 with 1 amendment SB 228

The Committee on Judiciary-Civil recommends the following pass:

SB 371 with 2 amendments	SB 455 with 1 amendment
SB 430	SB 517
SB 454 with 3 amendments	SB 545

The Committee on Natural Resources and Conservation recommends the following pass: SB 398, SB 401 with 1 amendment

The Committee on Transportation recommends the following pass: SB 364 with 2 amendments, SB 433

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 185

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following:

CS for SB 165 (by the Committee on Corrections, Probation and Parole)

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 128

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 215

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 37

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

The Committee on Judiciary-Civil recommends the following not pass: SB 413

The bill was laid on the table.

#### Bills Referred to Select Subcommittees

SB 187 has been referred to the Intrastate air carrier regulation select subcommittee composed of Senators Gallen, Chairman, Scarborough, and Williamson, which will report to the full committee within 30 days.

SB 200 has been referred to the Vehicle Exhaust Emission Standards select subcommittee composed of Senators Holloway, Chairman; Gorman and Pat Thomas, which will report to the full committee within 30 days.

#### ENROLLING REPORTS

SCR 619 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 7, 1978.

*Joe Brown, Secretary*

Senators Wilson and Vogt introduced a choral group, "The Peacemakers" from Astronaut High School, Titusville. Directed by Delores Jean Ellis, the group presented a selection of music and choreography.

#### Committee Appointments

The President announced the appointments of Senator Scarborough to the Committee on Governmental Operations; and Senators Vogt, Scott and Skinner to a Joint Select Subcommittee on Punishment and Parole.

Senator Lewis, chairman of the Committee on Appropriations, announced the appointment of an Appropriations Select Subcommittee on Salary Policies composed of Senator Lewis, Chairman; Senators W. D. Childers, Gordon, Peterson and Plante. The assignment of the select subcommittee will be to hear the impasse in salary bargaining positions under the Collective Bargaining Law between the Board of Regents and the United Faculty of Florida. The subcommittee will function during the remainder of this session and will be discharged at the end of the session.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Peterson, the rules were waived and Appropriations Subcommittee B and the Committee on Education were granted permission to meet jointly on Wednesday, April 12, at 5:00 p.m., for the purpose of considering compensatory education requirements.

On motions by Senator Scarborough, by two-thirds vote Senate Bills 318 and 259 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Lewis, the rules were waived and by two-thirds vote CS for SB 261 was also referred to the Committee on Appropriations.

On motion by Senator Gordon, by two-thirds vote SB 441 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Glisson, by two-thirds vote SB 65 was withdrawn from the committees of reference and indefinitely postponed.

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

By direction of the President, the following executive orders were read:

**EXECUTIVE ORDER NUMBER 77-30**

**Suspension**

WHEREAS, Governor Claude R. Kirk appointed and commissioned on May 12, 1969 GORDON D. WARD, now of 2901 East Las Olas Boulevard, Fort Lauderdale, Florida, Notary Public, that appointment having been renewed by Governor Reubin O'D. Askew on September 9, 1974; and

WHEREAS, GORDON D. WARD failed to provide any proof of United States citizenship in response to requests on February 15, 1977, March 2, 1977, April 18, 1977, and May 11, 1977 from the Office of the Governor; and

WHEREAS, Section 117.01, Florida Statutes, requires Notaries Public to be citizens of the United States; and

WHEREAS, it appears that it is in the best interest of the citizens of the State of Florida that GORDON D. WARD be suspended from the public office which he now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, pursuant to the Constitution and Laws of the State of Florida, do hereby find, determine, and allege, pursuant to Section 112.41, Florida Statutes:

(A) That GORDON D. WARD was appointed as a Notary Public of the State of Florida on or about May 12, 1969 which appointment was renewed on or about September 9, 1974 which office he has held continuously since the date of renewal.

(B) That GORDON D. WARD is, and at all times material hereto, was a "state officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to wit: Notary Public of the State of Florida.

(C) That Section 117.01, Florida Statutes, requires Notaries Public to be citizens of the United States.

(D) That the said GORDON D. WARD falsely stated in an application for appointment on or about May 12, 1969 that he was a United States citizen.

(E) That GORDON D. WARD failed to respond to requests on February 15, 1977, March 2, 1977, April 18, 1977, and May 11, 1977 to submit proof of United States citizenship.

(F) That the aforesaid acts constitute malfeasance, misfeasance, neglect of duty, and commission of a felony.

BEING FULLY ADVISED in the premises and in accordance with the Constitution and Law of the State of Florida, the following Executive Order is hereby promulgated, effective immediately:

(1) That GORDON D. WARD be, and he is hereby suspended from the public office which he now holds, to wit: Notary Public of the State of Florida.

(2) That GORDON D. WARD is hereby prohibited from performing any official act, duty, or function of said office and from receiving any compensation, emoluments, or privileges of public office during the period of this suspension, which period shall be from the effective date of this Order until further Executive Order as provided by law.



ATTEST:  
Bruce A. Smathers  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 3rd day of June, 1977.

Reubin O'D. Askew  
Governor

**EXECUTIVE ORDER NUMBER 78-11**

**Executive Order of Reinstatement**

WHEREAS, GORDON D. WARD, was suspended as a Notary Public of the State of Florida, pursuant to Executive Order 77-30, dated June 3, 1977, and

WHEREAS, I have received a resignation from GORDON D. WARD, resigning as a Notary Public, dated September 8, 1977, and accepted by me on September 13, 1977;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor of the State of Florida, by the power vested in me by the Constitution and Laws of Florida, do hereby promulgate the following Executive Order, effective immediately:

**Section 1.**

That Executive Order of the Governor Number 77-30 is hereby revoked and the suspension of GORDON D. WARD is terminated, pursuant to Article IV, Section 7(a), Florida Constitution (1968).



ATTEST:  
Bruce A. Smathers  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 16th day of February, 1978.

Reubin O'D. Askew  
Governor

**EXECUTIVE ORDER NUMBER 77-32**

**Executive Order of Suspension**

WHEREAS, ALBERT W. TRESVANT, SR. is presently serving as a member of the City Commission of Opa-Locka, Dade County, Florida, and

WHEREAS, pursuant to the Constitution and laws of the State of Florida, an investigation has been made of the charges against the said ALBERT W. TRESVANT, SR., and

WHEREAS, on May 31, 1977, the Grand Jury of the County of Dade and State of Florida, returned a true bill charging the said ALBERT W. TRESVANT, SR. with criminal violations of the laws of Florida;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and laws of the State of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein occurred during the terms of office of ALBERT W. TRESVANT, SR., as an "elected municipal officer" within the meaning of Section 7, Article IV, Florida Constitution (1968), to-wit: City Commissioner, Opa-Locka, Dade County, Florida.

B. That the said ALBERT W. TRESVANT, SR., has been indicted for a crime as alleged in the Indictment attached hereto and hereby incorporated in this Executive Order constituting grounds for suspension under Article IV, Section 7(c), Florida Constitution.

C. That the interests of the residents of Opa-Locka, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of ALBERT W. TRESVANT, SR., from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated effective at

1. ALBERT W. TRESVANT, SR., is hereby suspended as and from the public office which he now holds, to-wit: City Commissioner, Opa-Locka, Dade County, Florida.

2. That ALBERT W. TRESVANT, SR., is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 6th day of June, 1977.

Reubin O'D. Askew  
Governor

ATTEST:  
Bruce A. Smathers  
Secretary of State

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR DADE COUNTY FALL TERM, 1976

STATE OF FLORIDA	)	INDICTMENT
—vs—	)	
CANDIDO GIARDINO,	)	I. CONSPIRACY TO COM-
ALBERT W. TRESVANT, SR.)	)	MIT A FELONY 777.04(3)
and DANTE DINO, JR.)	)	(MISDEMEANOR)
	)	II. BRIBERY 838.015 (FEL-
	)	ONY)
	)	III. UNAUTHORIZED COM-
	)	PENSATION FOR OFFI-
	)	CIAL BEHAVIOR 838.016
	)	(FELONY)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that beginning on the 1st day of November, 1975, and continuing through the 25th day of December, 1976, within the County of Dade, State of Florida, ALBERT W. TRESVANT, SR., CANDIDO GIARDINO and DANTE DINO, JR. did unlawfully agree, combine, conspire or confederate with each other and with other persons to commit one or more felonies, to wit: BRIBERY, in violation of Section 838.015, Florida Statutes, or UNLAWFUL COMPENSATION FOR OFFICIAL BEHAVIOR, in violation of Section 838.016, Florida Statutes, or both, and in furtherance of said conspiracy ALBERT W. TRESVANT, SR., CANDIDO GIARDINO, DANTE DINO, JR. did feloniously and corruptly request, solicit, accept or agree to accept for themselves or others a benefit, not authorized by law, to wit: money, good and lawful currency of the United States of America, from KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY or any of them for the performance of acts which the defendants CANDIDO GIARDINO, ALBERT W. TRESVANT, SR., and DANTE DINO, JR. represented as being or KOZICH AND KOZICH INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY or any of them believed to be within the official discretion of CANDIDO GIARDINO and ALBERT W. TRESVANT, SR., in their capacity as public servants, to wit: City Commissioners of the City of Opa-Locka, Florida, said act being the voting by the defendants CANDIDO GIARDINO and ALBERT W. TRESVANT, SR. in favor of awarding a contract for the construction of a public works building for the City of Opa-Locka to KOZICH AND KOZICH, INC. or for the voting by the defendants CANDIDO GIARDINO and ALBERT W. TRESVANT, SR. in favor of approving change orders submitted by KOZICH AND KOZICH, INC. in connection with the construction of said building, or both, said conspiracy being in violation of Section 777.04(3) of the Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

COUNT II

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that between the 31st day of October, 1975, and the 26th day of December, 1976, within the County of Dade, State of Florida, ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO and DANTE DINO, JR. did feloniously and corruptly request, solicit, accept or agree to accept for themselves or others a pecuniary or other benefit, to wit: money, good and lawful currency of the United States of America, from KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY, or any of them, with an intent or purpose to influence the performance of acts or omissions which KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY, or any of them, believed to be or ALBERT W. TRESVANT, SR., CANDIDO GIARDINO and DANTE DINO, JR. represented as being within the official discretion or in violation of a public duty or in the performance of a public duty of the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in their capacity as public servants, to wit: City Commissioners of the City of Opa-Locka, Florida, said acts or omissions being the voting of the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in favor of awarding a contract for the construction of a public works building for the City of Opa-Locka to KOZICH AND KOZICH, INC. or the voting of the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in favor of approving change orders submitted by KOZICH AND KOZICH, INC. in connection with the construction of said building, or both, in violation of Section 838.015 of the Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

COUNT III

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that between the 31st day of October, 1975, and the 26th day of December, 1976, within the County of Dade, State of Florida, ALBERT W. TRESVANT, SR., CANDIDO GIARDINO and DANTE DINO, Jr. did feloniously and corruptly request, solicit, accept or agree to accept from KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY or any of them, a pecuniary or other benefit not authorized by law, to wit: money, good and lawful currency of the United States of America, for the past, present or future performance, non-performance or violation of any act or omission which KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH FLORY or any of them believed to be or which the defendants ALBERT W. TRESVANT, SR., CANDIDO GIARDINO and DANTE DINO, JR. represented as being within the official discretion or in violation of a public duty or in the performance of a public duty of ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in the capacity as public servants to wit: City Commissioners of the City of Opa-Locka, Florida, said acts or omissions being the voting by the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in favor of awarding a contract for the construction of a public works building for the City of Opa-Locka to KOZICH AND KOZICH, INC. or the voting by the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in favor of approving change orders submitted by KOZICH AND KOZICH, INC. in connection with the construction of said building, or both, in violation of Section 838.016 of the Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

MARSHALL PHILPITT  
FOREMAN OF THE GRAND JURY

EXECUTIVE ORDER NUMBER 77-33

Executive Order of Suspension

WHEREAS, CANDIDO GIARDINO is presently serving as a member of the City Commission of Opa-Locka, Dade County, Florida, and

WHEREAS, pursuant to the Constitution and laws of the State of Florida, an investigation has been made of the charges against the said CANDIDO GIARDINO, and

WHEREAS, on May 31, 1977 the Grand Jury of the County of Dade and the State of Florida, returned a true bill charging the said CANDIDO GIARDINO with criminal violations of the laws of Florida;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and laws of the State of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein occurred during the term of office of CANDIDO GIARDINO as an "elected municipal officer" within the meaning of Section 7, Article IV, Florida Constitution (1968), to-wit: City Commissioner, Opa-Locka, Dade County, Florida.

B. That said CANDIDO GIARDINO has been indicted for a crime as alleged in the Indictment attached hereto and hereby incorporated in this Executive Order constituting grounds for suspension under Article IV, Section 7(c), Florida Constitution.

C. That the interest of the residents of Opa-Locka, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of CANDIDO GIARDINO from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated effective at 12:00 noon, June 7, 1977.

1. CANDIDO GIARDINO is hereby suspended as and from the public office which he now holds, to-wit: City Commissioner, Opa-Locka, Dade County, Florida.

2. That CANDIDO GIARDINO is hereby prohibited from performing any official act, duty, or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 6th day of June, 1977.

Reubin O'D. Askew
Governor



ATTEST:
Bruce A. Smathers
Secretary of State

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA IN AND FOR DADE COUNTY
FALL TERM, 1976

STATE OF FLORIDA ) INDICTMENT
-vs- ) I. CONSPIRACY TO COM-
CANDIDO GIARDINO, ) MIT A FELONY 777.04(3)
ALBERT W. TRESVANT, SR.) (MISDEMEANOR)
and DANTE DINO, JR. ) II. BRIBERY 838.015 (FEL-
) ONY)
III. UNAUTHORIZED COM-
PENSATION FOR OFFI-
CIAL BEHAVIOR 838.016
(FELONY)

IN THE NAME AND BY THE AUTHORITY OF THE STATE
OF FLORIDA:

The Grand Jurors of the State of Florida, duly called, im-
paneled and sworn to inquire and true presentment make in
and for the body of the County of Dade, upon their oaths,
present that beginning on the 1st day of November, 1975,
and continuing through the 25th day of December, 1976, within
the County of Dade, State of Florida, ALBERT W. TRESVANT,
SR., CANDIDO GIARDINO and DANTE DINO, JR. did unlaw-
fully agree, combine, conspire or confederate with each other
and with other persons to commit one or more felonies, to wit:
BRIBERY, in violation of Section 838.015, Florida Statutes, or
UNLAWFUL COMPENSATION FOR OFFICIAL BEHAVIOR,
in violation of Section 838.016, Florida Statutes, or both, and
in furtherance of said conspiracy ALBERT W. TRESVANT,
SR., CANDIDO GIARDINO, DANTE DINO, JR. did feloniously

and corruptly request, solicit, accept or agree to accept for them-
selves or others a benefit, not authorized by law, to wit: money,
good and lawful currency of the United States of America, from
KOZICH AND KOZICH, INC., DON THOMAS KOZICH,
RONALD JOSEPH FLORY or any of them for the perfor-
mance of acts which the defendants CANDIDO GIARDINO,
ALBERT W. TRESVANT, SR. and DANTE DINO, JR. repre-
sented as being or KOZICH AND KOZICH, INC., DON
THOMAS KOZICH, RONALD JOSEPH FLORY or any of
them believed to be within the official discretion of CANDIDO
GIARDINO and ALBERT W. TRESVANT, SR. in their capa-
city as public servants, to wit: City Commissioners of the City
of Opa-Locka, Florida, said acts being the voting by the
defendants CANDIDO GIARDINO and ALBERT W. TRES-
VANT, SR. in favor of awarding a contract for the construc-
tion of a public works building for the City of Opa-Locka to
KOZICH AND KOZICH, INC. or for the voting by the defend-
ants CANDIDO GIARDINO and ALBERT W. TRESVANT, SR.
in favor of approving change orders submitted by KOZICH
AND KOZICH, INC. in connection with the construction of said
building, or both, said conspiracy being in violation of Section
777.04(3) of the Florida Statutes, to the evil example of all
others in like cases offending and against the peace and dignity
of the State of Florida.

COUNT II

The Grand Jurors of the State of Florida, duly called, im-
paneled and sworn to inquire and true presentment make in
and for the body of the County of Dade, upon their oaths,
present that between the 31st day of October, 1975, and the
26th day of December, 1976, within the County of Dade, State
of Florida, ALBERT W. TRESVANT, SR. and CANDIDO
GIARDINO and DANTE DINO, JR. did feloniously and cor-
ruptly request, solicit, accept or agree to accept for them-
selves or others a pecuniary or other benefit, to wit: money,
good and lawful currency of the United States of America, from
KOZICH AND KOZICH, INC., DON THOMAS KOZICH, RON-
ALD JOSEPH FLORY, or any of them, with an intent or
purpose to influence the performance of acts or omissions
which KOZICH AND KOZICH, INC., DON THOMAS KOZICH,
RONALD JOSEPH FLORY, or any of them, believed to be or
ALBERT W. TRESVANT, SR., CANDIDO GIARDINO and
DANTE DINO, JR. represented as being within the official
discretion or in violation of a public duty or in the performance
of a public duty of the defendants ALBERT W. TRESVANT,
SR., and CANDIDO GIARDINO in their capacity as public
servants, to wit: City Commissioners of the City of Opa-Locka,
Florida, said acts or omissions being the voting of the defend-
ants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO
in favor of awarding a contract for the construction of a public
works building for the City of Opa-Locka to KOZICH AND
KOZICH, INC. or the voting of the defendants ALBERT
W. TRESVANT, SR. and CANDIDO GIARDINO in favor of
approving change orders submitted by KOZICH AND KOZICH,
INC. in connection with the construction of said building, or
both, in violation of Section 838.015 of the Florida Statutes, to
the evil example of all others in like cases offending and
against the peace and dignity of the State of Florida.

COUNT III

The Grand Jurors of the State of Florida, duly called, im-
paneled and sworn to inquire and true presentment make in
and for the body of the County of Dade, upon their oaths, pre-
sent that between the 31st day of October, 1975, and the
26th day of December, 1976, within the County of Dade, State
of Florida, ALBERT W. TRESVANT, SR., CANDIDO GIAR-
DINO and DANTE DINO, JR. did feloniously and corruptly
request, solicit, accept or agree to accept from KOZICH AND
KOZICH, INC., DON THOMAS KOZICH, RONALD JOSEPH
FLORY or any of them, a pecuniary or other benefit not
authorized by law, to wit: money, good and lawful currency of
the United States of America, for the past, present or future
performance, nonperformance or violation of any act or omis-
sion which KOZICH AND KOZICH, INC., DON THOMAS
KOZICH, RONALD JOSEPH FLORY or any of them be-
lieved to be or which the defendants ALBERT W. TRESVANT,
SR., CANDIDO GIARDINO and DANTE DINO, JR. repre-
sented as being within the official discretion or in violation
of a public duty or in the performance of a public duty of
ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in
the capacity as public servants, to wit: City Commissioners of
the City of Opa-Locka, Florida, said acts or omissions being
the voting by the defendants ALBERT W. TRESVANT, SR.

and CANDIDO GIARDINO in favor of awarding a contract for the construction of a public works building for the City of Opa-Locka to KOZICH AND KOZICH, INC. or the voting by the defendants ALBERT W. TRESVANT, SR. and CANDIDO GIARDINO in favor of approving change orders submitted by KOZICH AND KOZICH, INC. in connection with the construction of said building, or both, in violation of Section 838.016 of the Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

**MARSHALL PHILPITT**  
FOREMAN OF THE GRAND JURY

EXECUTIVE ORDER NUMBER 77-47

Suspension

WHEREAS, Governor Reubin O'D. Askew, on March 5, 1973 appointed and commissioned CHRISTINE M. TINCHER, of 4104 North Seminole Street, Tampa, Florida, as Notary Public, that appointment having been renewed by Governor Reubin O'D. Askew on March 5, 1977; and

WHEREAS, CHRISTINE M. TINCHER entered a plea of nolo contendere to the felony offense of possession of a stolen motor vehicle on December 17, 1975, the transfer of title of such vehicle having been effected by the use of the notary seal of the same CHRISTINE M. TINCHER; and

WHEREAS, it appears that it is in the best interest of the citizens of the State of Florida that CHRISTINE M. TINCHER be suspended from the public office which she now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE I, REUBIN O'D. ASKEW Governor of the State of Florida, pursuant to the Constitution and Laws of the State of Florida, pursuant to Section 112.41, Florida Statutes:

(A) That CHRISTINE M. TINCHER was appointed and commissioned as a Notary Public of the State of Florida on March 5, 1973, which appointment was renewed on or about March 5, 1977.

(B) That CHRISTINE M. TINCHER is, and at all times material hereto, was a "state officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to wit: Notary Public of the State of Florida.

(C) That CHRISTINE M. TINCHER pled nolo contendere to the felony offense of possession of a stolen motor vehicle on December 17, 1975, the transfer of title to such vehicle having been effected by the use of the notary seal of the same CHRISTINE M. TINCHER; and

(D) That the aforesaid act constitutes malfeasance, misfeasance, and commission of a felony.

BEING FULLY ADVISED in the premises and in accordance with the Constitution and Law of the State of Florida, the following Executive Order is hereby promulgated, effective immediately:

(1) That CHRISTINE M. TINCHER be and is hereby suspended from the public office which she now holds, to wit: Notary Public of the State of Florida.

(2) That CHRISTINE M. TINCHER is hereby prohibited from performing any official act, duty, or function of said office and from receiving any compensation, emoluments, or privileges of public office during the period of this suspension, which period shall be from the effective date of this Order until further Executive Order as provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 13th day of September, 1977.

Reubin O'D. Askew  
Governor

ATTEST:  
Bruce A. Smathers  
Secretary of State

—which were referred to the Committee on Executive Business.

EXECUTIVE ORDER NO. 77-51

Suspension

WHEREAS, Article II, Section 8 of the Florida Constitution requires that all elected constitutional officers file full and public disclosure of their financial interests with the Secretary of State by July 1 of each year, and

WHEREAS, JOSEPH K. ISLEY is presently serving as a member of the School Board of Lee County and as such is an elected constitutional officer, and

WHEREAS, the Governor has been advised by the Florida Commission on Ethics that JOSEPH K. ISLEY has refused to file full and public disclosure of his financial interests as required by the Constitution of Florida, and

WHEREAS, JOSEPH K. ISLEY has advised the Governor's Office that he does not intend to file full and public disclosure of his financial interests as required by the Constitution of Florida, and

WHEREAS, Article IV, Section 7 of the Florida Constitution authorizes the Governor to suspend from office any county officer for certain constitutional grounds including neglect of duty, and

WHEREAS, the Supreme Court of Florida has defined neglect of duty as having reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and laws of the State of Florida do hereby find, determine, and allege as follows:

A. That the acts alleged herein occurred during the term of office of JOSEPH K. ISLEY as a "county officer" within the meaning of Article IV, Section 7 of the Florida Constitution (1968), to-wit: Member of the School Board, County of Lee.

B. That JOSEPH K. ISLEY has refused to file full and public disclosure of his financial interests as required by Article II, Section 8 of the Florida Constitution.

C. That the facts alleged herein constitute neglect of duty under Article IV, Section 7 of the Florida Constitution.

D. That the interest of the residents of Lee County, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of JOSEPH K. ISLEY from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida the following Executive Order is hereby promulgated effective immediately:

1. JOSEPH K. ISLEY is hereby suspended as and from the public office which he now holds, to-wit: Member of the School Board of the County of Lee, State of Florida.

2. That JOSEPH K. ISLEY is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowances; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 19th day of September, 1977.

Reubin O'D. Askew  
Governor

ATTEST:  
Bruce A. Smathers  
Secretary of State

EXECUTIVE ORDER NUMBER 77-50

Suspension

WHEREAS, Article II, Section 8 of the Florida Constitution requires that all elected constitutional officers file full and

public disclosure of their financial interests with the Secretary of State by July 1 of each year, and

WHEREAS, JAMES B. CLAYTON is presently serving as a member of the School Board of Volusia County and as such is an elected constitutional officer, and

WHEREAS, the Governor has been advised by the Florida Commission on Ethics that JAMES B. CLAYTON has refused to file full and public disclosure of his financial interests as required by the Constitution of Florida, and

WHEREAS, JAMES B. CLAYTON has advised the Governor's Office that he does not intend to file full and public disclosure of his financial interests as required by the Constitution of Florida, and

WHEREAS, Article IV, Section 7 of the Florida Constitution authorizes the Governor to suspend from office any county officer for certain constitutional grounds including neglect of duty, and

WHEREAS, the Supreme Court of Florida has defined neglect of duty as having reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and laws of the State of Florida do hereby find, determine, and allege as follows:

A. That the acts alleged herein occurred during the term of office of JAMES B. CLAYTON as a "county officer" within the meaning of Article IV, Section 7 of the Florida Constitution (1968), to-wit: Member of the School Board, Volusia County.

B. That JAMES B. CLAYTON has refused to file full and public disclosure of his financial interest as required by Article II, Section 8 of the Florida Constitution.

C. That the facts alleged herein constitute neglect of duty under Article IV, Section 7 of the Florida Constitution.

D. That the interest of the residents of Volusia County, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of JAMES B. CLAYTON from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida the following Executive Order is hereby promulgated effective immediately:

1. JAMES B. CLAYTON is hereby suspended as and from the public office which he now holds, to-wit: Member of the School Board of the County of Volusia, State of Florida.

2. That JAMES B. CLAYTON is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowances; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further executive order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 19th day of September, 1977.

Reubin O'D. Askew  
Governor



ATTEST:  
Bruce A. Smathers  
Secretary of State

—which were referred to Stephen C. O'Connell, Special Master.

The Special Master has submitted his reports to the President of the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 216.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

MATTERS ON RECONSIDERATION

The motion to reconsider the vote by which SB 163 passed on April 6 was not taken up. The motion was abandoned and the bill was ordered certified to the House.

SPECIAL ORDER

By the Committee on Finance, Taxation and Claims—

CS for SB 71—A bill to be entitled An act relating to homestead tax exemption; amending s. 196.041, Florida Statutes; providing that a person having an equitable or beneficial interest in property held in trust for his benefit shall not be denied homestead tax exemption if his interest is solely equitable or beneficial; providing an effective date.

—was read the first time by title and SB 71 was laid on the table.

On motions by Senator Henderson, by two-thirds vote CS for SB 71 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—35

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

Nays—1

Johnston

Votes after roll call:

Yeas—Dunn, Williamson

Consideration of SB 266 was deferred.

SB 80—A bill to be entitled An act relating to the Public Service Commission; requiring the commission to mail copies of orders adjusting rates to the Clerk of the Circuit Court of each county affected; providing for public access to copies of such orders; prescribing the time when such orders shall be considered rendered; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 13-20 and insert: Section 1. Any order issued by the Florida Public Service Commission adjusting the rates of an electric, telephone, or gas company shall be reduced to writing including any dissenting or concurring opinions within 20 days of the official vote of the commission. Within said 20 days, the commission shall also mail a copy of the order to the Clerk of the Circuit Court of each county in which customers are served who are affected by the rate adjustment, which copy shall be kept on file and made available to the public. The commission shall notify all parties of record in the proceeding of the date of such mailing. Such an order shall not be considered rendered for purposes

of appeal, rehearing or judicial review until the date the copies are mailed as required by this section. This provision shall not delay the effective date of the order. Such an order shall be considered rendered on the date of the official vote for the purposes of ss. 364.05(4) and 366.06(4), Florida Statutes.

**Amendment 2**—On page 1, in title, line 4, after the word "rates" insert: of an electric, telephone, or gas company

On motion by Senator Scott, by two-thirds vote SB 80 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—37**

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

**Nays—None**

**SB 114**—A bill to be entitled An act relating to public school construction; amending s. 235.26(2)(e), Florida Statutes, and adding a new paragraph (f) to said subsection; providing for the development of an energy performance index to serve as a measure of building performance with respect to energy consumption; providing for life-cycle cost analyses with respect to alternative architectural and engineering designs; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—35**

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

**Nays—None**

Votes after roll call:

Yeas—Henderson, Holloway

**SB 135**—A bill to be entitled An act relating to public parks; creating s. 125.335, Florida Statutes; authorizing and prescribing procedures by which boards of county commissioners may close, vacate and abandon parks or renounce and disclaim any right of the county and the public to land acquired or designated for a park; providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 3, insert: (2) The Board of County Commissioners shall not exercise the powers granted in section (1) herein above unless the county acquires other dedicated park lands of equal or greater value in exchange for the park lands vacated. (and re-number accordingly.)

On motion by Senator Tobiassen, by two-thirds vote SB 135 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

**Yeas—31**

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

**Nays—4**

Dunn	Graham	MacKay	Scott
------	--------	--------	-------

Vote after roll call:

Yea—Williamson

On motion by Senator Tobiassen, the rules were waived and SB 135 after being engrossed was ordered immediately certified to the House.

**SB 144**—A bill to be entitled An act relating to the tax on rentals, admissions, and sales of tangible personal property; amending s. 212.11(1), Florida Statutes; providing for quarterly, semiannual, or annual return and payment of such tax by certain dealers; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 144 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—37**

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

**Nays—None**

**SB 160**—A bill to be entitled An act relating to animals taken into custody for alleged neglect or mistreatment; amending s. 828.073(2), (4), Florida Statutes; requiring a veterinarian's report to be filed with the petition for a hearing to determine the disposition of an animal that has been seized for neglect or mistreatment; providing for return of animal to owner without charge for care provided upon adjudication that the owner is fit and able to provide for the animal; providing for a surety bond to be required of officers or agents authorized to seize animals under this section; 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:

**Amendment 1**—On page 1, line 30, after the word "able" insert: *and willing*

Senators Gallen and Dunn offered the following substitute amendment which was moved by Senator Gallen:

**Amendment 2**—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. Subsections (2) and (4) of section 828.073, Florida Statutes, are amended to read:

828.073 Animals found in distress; when agent may take charge; hearing; disposition; sale.—

(2) Any law enforcement officer or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under the provisions of s. 828.03 may lawfully take custody of any animal found neglected or cruelly treated and shall forthwith petition the County Judge of the county wherein the animal is found for a hearing to be set not more than 10 days from the date of seizure of the animal to determine whether the owner, if known, is able *and willing*

to provide adequately for the animal and is fit to have custody of the animal. The person taking custody shall immediately use every reasonable effort and due diligence to notify the owner of said taking. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal-control agents.

(4)(a) The officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge of an animal as provided for in this section shall provide for the animal until final judgment. If the owner is adjudged by the court to be able and willing to provide adequately for, and to be fit to have custody of, the animal, it in which case the animal shall be returned to the owner, upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody. If the court finds that the owner has neglected or cruelly treated the animal, the owner shall pay the cost of the examination and of the custodial care before the animal is released to the owner. No such charges shall be imposed upon the owner in cases where no neglect or cruel treatment is found.

(b) If the owner objects to the taking, the court may require the custodial agent of any animal held and previously advertised for sale or actually used by the owner for the production of income, a reasonable bond, with a sufficient surety if the court should require a surety, to cover any costs to an owner of an animal resulting from the death of the animal while in custody, except death from natural causes or death from neglect or cruel treatment inflicted before the animal is taken into custody. The bond may shall also cover any damage resulting from loss of earnings to an owner of an animal while the animal is in custody, if the animal is used as a means of the owner's livelihood.

(c)(b) Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

1. The court shall order the animal to be sold by the sheriff at public auction, and shall provide in its order that the current owner shall have no further custody of the animal and that any animal not bid upon shall be remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or

2. The court may order the animal destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit, upon the testimony of the agent who took custody of the animal, or upon the testimony of other qualified witnesses, that the animal requires destruction or other disposition for humanitarian reasons or is of no commercial value.

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

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

Amendment 2A—On page 1, line 11, after the word "days" insert: and held within 30 days

Senator Wilson moved that the rules be waived and SB 160 with pending amendments be recommitted to the Committee on Judiciary-Civil. The motion failed.

Amendment 2 as amended was adopted.

On motion by Senator Scott further consideration of SB 160 as amended was deferred and the bill was ordered engrossed.

SB 337—A bill to be entitled An act relating to sentencing; amending s. 921.16, Florida Statutes; providing for sentences to be served concurrently with sentences imposed by other jurisdictions; providing for parole of prisoners so sentenced; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 337 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Ware

SB 253—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.08(5), Florida Statutes; providing that the landing or possession of any food fish or the landing of headless jewfish or grouper is prima facie evidence of a crime; providing an effective date.

—was read the second time by title.

Senator Renick moved the following amendment which was adopted:

Amendment 1—On page 1, line 15, after "EXPLOSIVES" insert: OR USE OF FIREARMS

Senator Renick moved the following amendment:

Amendment 2—On page 1, line 16, insert: after "KILLING" FOOD

On motion by Senator W. D. Childers, further consideration of SB 253 with pending amendment was deferred.

SB 419—A bill to be entitled An act relating to offender rehabilitation; amending s. 944.291(1), Florida Statutes; providing that prisoners who have served their terms, less allowable gain-time deductions and extra good-time allowances, shall, upon release, be subject to all statutes relating to parole; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which failed:

Amendment 1—On page 1, lines 22 and 23, strike all after "beyond" and insert: six months

Senator Dunn moved that the Senate reconsider the vote by which Amendment 1 failed. The motion failed.

Senator Dunn moved the following amendment:

Amendment 2—On page 1, line 21, after "parole" insert: , for a period not to exceed 179 days,

Point of Order

Senator Pat Thomas raised a point of order that Amendment 2 was the substance of Amendment 1 which failed.

The President ruled the point not well taken, as the amendment by Senator Dunn specified a different number of days.

The question recurred on Amendment 2 which failed. The vote was:

Yeas—9

Castor	Firestone	Myers	Winn
Chamberlin	Gordon	Vogt	
Dunn	Holloway		

## Nays—27

Mr. President	Graham	Plante	Spicola
Barron	Hair	Poston	Thomas, Pat
Childers, Don	Henderson	Renick	Tobiassen
Childers, W. D.	Lewis	Saylor	Trask
Gallen	MacKay	Scarborough	Ware
Glisson	McClain	Scott	Williamson
Gorman	Peterson	Skinner	

On motion by Senator Renick, by two-thirds vote SB 419 was read the third time by title, passed, and certified to the House. The vote on passage was:

## Yeas—21

Castor	Graham	Renick	Tobiassen
Chamberlin	Hair	Saylor	Trask
Childers, Don	Henderson	Scott	Ware
Gallen	McClain	Spicola	
Glisson	Peterson	Thomas, Jon	
Gorman	Poston	Thomas, Pat	

## Nays—13

Childers, W. D.	Holloway	Scarborough	Wilson
Dunn	Lewis	Skinner	
Firestone	Myers	Vogt	
Gordon	Plante	Williamson	

## Votes after roll call:

Yea—MacKay  
Nay—Barron

SB 257—A bill to be entitled An act relating to condominiums; amending s. 718.201(2), Florida Statutes; permitting the Division of Florida Land Sales and Condominiums to require an increase in a construction bond or escrow account after the commencement of construction; amending s. 718.202(1), Florida Statutes; requiring the establishment of a separate escrow or trust account for sales deposits on condominium parcels; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 257 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

SB 226—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.57(4)(e), Florida Statutes, 1977, providing that a permanent state hunting and fishing license shall be issued, upon request, to a resident of the state who is totally and permanently disabled; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 2, between lines 15 and 16 insert: Section 2. Subsection (2) of section 372.573, Florida Statutes, is amended to read:

372.573 Permits, land owned, etc., by state; fee.—

(2) The director shall charge a fee for such permit set by the Game and Fresh Water Fish Commission at not to exceed

\$10, and the same shall be over and above the license fee for hunting required by law. The revenue resulting from the increase in the hunting fee and the addition of other fees as provided by this section shall be expended as follows: 60 percent for the purchase of lands for public hunting, fishing, and other outdoor recreation and 40 percent for the lease, management, and protection of lands for public hunting, fishing and other outdoor recreation. All persons 65 years of age and older shall be exempt from the payment of such fees for such permit, provided such persons shall obtain a permit before hunting in such areas from the tax collector of the county of their residence by attesting to the fact that they are 65 years of age or older. All persons who are residents of the state and who are totally and permanently disabled as defined in s. 196.012(10), shall be exempt from the payment of permit fees with regard to permits issued for the purpose of *hunting and* fishing on recreational lands. However, before *hunting or* fishing in such areas, such persons shall obtain a permit from the tax collector of the county of their residence by attesting to the fact that they are totally and permanently disabled.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 7, after the semi-colon insert: amending s. 372.573(2), Florida Statutes; providing for permit fee exemptions for the totally and permanently disabled to hunt and fish on state-owned lands;

On motion by Senator Glisson, by two-thirds vote SB 226 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

SB 245—A bill to be entitled An act relating to insurance; creating s. 627.7285, Florida Statutes, to provide that the experience of certain persons associated with operating a vehicle or train as a public conveyance shall not be a factor in setting their motor vehicle liability insurance rates; providing an effective date.

—was read the second time by title.

Senator Castor moved the following amendment which failed:

Amendment 1—On page 1, line 14, after the word "train" and before the period insert: ; employees and agents who use their private vehicles for state business or to transport department clients

Senator Scarborough moved that the Senate reconsider the vote by which Amendment 1 failed. The motion failed.

Senator McClain moved the following amendment which failed:

Amendment 2—On page 1, lines 15 and 21, strike "vehicle or"

On motion by Senator Trask, by two-thirds vote SB 245 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	Thomas, Pat
Castor	Gorman	Peterson	Tobiassen
Chamberlin	Graham	Plante	Trask
Childers, Don	Hair	Poston	Vogt
Childers, W. D.	Henderson	Renick	Williamson
Dunn	Holloway	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	

Nays—None

SB 203—A bill to be entitled An act relating to bicycle regulations; amending s. 316.2065(7), Florida Statutes; providing where bicycle riders may ride; providing an effective date.

—was read the second time by title.

On motion by Senator Myers consideration of SB 203 was deferred.

Senator Jon Thomas moved that the Senate reconsider the vote by which SB 419 passed this day.

The motion was placed on the calendar for consideration April 13.

SB 266—A bill to be entitled An act relating to parking for the physically disabled; amending s. 316.1964(1), Florida Statutes, providing that persons licensed to operate motor vehicles with license plates designated HP may either display a sticker or the HP plate in order to park in designated handicapped parking spaces and that persons who are licensed to operate a motor vehicle with a license plate bearing the internationally accepted wheelchair symbol need not display a sticker for such parking; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Vogt:

**Amendment 1**—On page 2, strike all of line 10 through and including line 12 and insert: *required to display a sticker; or and*

(c) *Is not licensed to operate a motor vehicle or is licensed but not the registered owner of the motor vehicle being operated, is certified under paragraph (a), and who has been issued and displays the proper sticker as provided in subsection (2).*

Senators Vogt and Wilson offered the following substitute amendment which was moved by Senator Vogt and adopted:

**Amendment 2**—Strike everything after the enacting clause and insert:

Section 1. Section 316.1964, Florida Statutes, is amended to read:

316.1964 Disabled persons, exemption from payment of parking fees and parking penalties; issuance of parking cards identification stickers.—

(1) No state agency or county, city or town, or any agency thereof, shall exact any fee from a person for parking on the public streets or highway, or in any metered parking space, or in any publicly owned and maintained parking facility; nor shall any penalty be imposed on a person for parking in these locations, except in clearly defined bus loading zones or areas posted as "NO PARKING" zones, from any when that person who:

(a) Is currently certified by one licensed physician under chapter 458 or chapter 459, the Social Security Administration, or the Veterans Administration as a severely physically disabled individual with permanent mobility problems which substantially impair his or her ability to ambulate:

(b) Meets the medical requirements of disability pertaining to the issuance of license plates imprinted with the designation HP

(Handicapped person) or DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol; and

(c) Displays one of these license plates or the proper parking card sticker as provided in subsection (2) (3).

(2) The provisions of subsection (1) shall also apply to any person who is transporting a disabled person in a vehicle which displays a parking card or the appropriate license plate.

(3) Upon the application of any such disabled person, the tax collector of the county in which the disabled person resides applies for his or her automobile license plate shall issue to such person, regardless of age and whether or not such person is licensed to operate a motor vehicle, a parking card, to be carried by and for the personal use of such certificate showing that the disabled person. Such parking card, when displayed in any motor vehicle which is being used to transport such disabled person, shall entitle that vehicle to the privileges and is entitled to the immunities established by law for vehicles bearing the HP (handicapped person), DV (disabled veteran), or internationally accepted wheelchair symbol. The parking card provided in this section and a sticker reflecting the disability, which sticker shall be displayed upon the lower left-hand side portion of the dashboard rear window of the motor vehicle which of such disabled person is operating or in which such disabled person is being transported.

(4) The department is authorized and empowered to make any necessary rules to carry out the purposes of this section and to provide the necessary procedures for assuring that all applicants meet the qualifications prescribed in this section.

(5) The department shall prescribe the form of the application and certificate and the size and design of a distinctive identifying parking card sticker and shall supply such applications, certificates, and parking cards stickers to the tax collectors of the several counties.

(6) The department shall prescribe the fee to be paid by the applicant for the certificate and parking card sticker, but the fee shall not exceed 50 cents. The department shall, in its discretion, determine at what intervals the certificate and parking card sticker shall be renewed.

(7) The fee, as set by the department, shall be collected by the tax collectors of the several counties from the applicants at the time the certificates and parking cards stickers are issued, and all such fees so collected shall be paid over to the department and be used to defray the expenses of carrying out the purposes of this section.

(8) Any person who fraudulently obtains obtaining or unlawfully uses the parking card using stickers provided for by this section, or who unlawfully permits another to use such plate, or who uses using a replica of such parking card sticker with the intent to deceive, is guilty of a traffic infraction, shall be punishable as provided in s. 318.18(2).

Section 2. Any other provision of law to the contrary notwithstanding, a disabled person otherwise qualified for the exemption for payment of parking fees under the provisions of section 316.1964, Florida Statutes, but who leases a motor vehicle in addition to or instead of owning one, shall be accorded the same parking privileges and immunities provided by section 316.1964, and shall be provided a parking card for display in the leased vehicle as provided in s. 316.1964, F.S.

Section 3. Section 320.0843, Florida Statutes, is amended to read:

320.0843 License Plates for certain disabled persons wheelchair users.

(1) Beginning with the 1974 license tag year, Any owner of a motor vehicle, regardless of whether or not such person is licensed to operate a motor vehicle, who is a resident of, and who is licensed to operate a motor vehicle in, this state and is permanently disabled as defined in s. 316.1964 (1) (a) confined to a wheelchair, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the registration fee for motor vehicles for private use as provided in s. 320.08 (2), (3) (a), (b), or (c), or (9) (c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international

wheelchair user symbol or the letters HP (handicapped person) after the serial number of the license plate.

(2) Any owner of a motor vehicle who is a resident of this state, which vehicle is used to transport a member of such owner's household which member is permanently disabled as defined in s. 316.1964 (1) (a), upon application to the department, accompanied by competent and appropriate proof of residence in the household and proof of such disability, and upon payment of the registration fee for motor vehicles for private use as provided in s. 320.08 (2), (3) (a), (b), or (c), or (9), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol or the letters HP (handicapped person) after the serial number of the license plate.

(3)(2) The department shall make such rules and regulations as necessary to ascertain compliance with all state license laws relating to use and operation of a motor vehicle for private use before issuing tags pursuant to this section in lieu of the regular Florida license plate, and all applications for such tags shall be made to the department.

(4)(3) This section is supplementary to the motor vehicle licensing laws of Florida, and nothing herein shall be construed as abridging or amending such laws.

Section 4. Section 316.1955, Florida Statutes, is amended to read:

#### 316.1955 Parking spaces for certain disabled persons.—

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals with permanent mobility problems which substantially impair their ability to ambulate, who are issued a parking card pursuant to as certified in s. 316.1964, and those persons eligible under ss. 320.0842, 320.084, and 320.0843 for license plates bearing the designation HP, DV (disabled veteran who displays the proper sticker as provided in s. 316.1964 (2)), or the internationally accepted wheelchair symbol, and those persons using a motor vehicle to transport such persons, on which vehicle such a plate is displayed. Each such individual or person shall park in the appropriately marked parking space.

(2) The minimum number of such parking spaces shall be:

(a) In the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including, but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals, one space each for motor vehicles with a license plate plates imprinted with the designation HP (handicapped person), DV (disabled veteran), or the internationally accepted wheelchair symbol, or a motor vehicle which is being used to transport a disabled person, in which motor vehicle is displayed who displays the proper parking card sticker as provided in s. 316.1964(2), and the internationally accepted wheelchair symbol; however, a minimum of four spaces shall be provided at physical restoration rehabilitation centers;

(b) For each 300 metered on-street and publicly maintained and operated parking lot spaces, one space each for motor vehicles with a license plate plates imprinted with the designation HP (handicapped person), DV (disabled veteran), or the internationally accepted wheelchair symbol, or a motor vehicle which is being used to transport a disabled person, in which motor vehicle is displayed who displays the proper parking card sticker as provided in s. 316.1964(2), and the internationally accepted wheelchair symbol, and

(3)(e) The number of such parking spaces for buildings maintained and operated by licensed business establishments conducting business with the general public and to which the general public is invited, shall be such number of spaces as is prescribed in the Standard Building Code, except no such establishment shall be required to have more than 50 such spaces plus four spaces for each entrance used by the public.

(4)(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(5)(4) Each such parking space shall be outlined with a color of paint and posted with a sign of a color and design approved by the Department of Transportation, with the symbol HP or the internationally accepted wheelchair symbol on the sign.

(6)(5) The state building code and each county or municipal building code shall be construed to include the provisions for parking spaces as specified herein.

(7)(6) It is unlawful a violation of this act for any person other than those authorized in this section or in s. 316.1964, s. 320.0842, s. 320.084, or s. 320.0843 to stop, stand, or park a motor vehicle within any such specially designated and marked parking spaces provided in accordance with this section act. Whenever a law enforcement officer finds a vehicle violating these provisions, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the motor vehicle immediately to remove the unauthorized motor vehicle from the parking space. Whenever any motor vehicle is removed by a law enforcement officer or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the motor vehicle.

(b) Charge the operator or other person in charge of the unauthorized motor vehicle with a noncriminal traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person covered by this section or by s. 316.1964, s. 320.0842, s. 320.084, or s. 320.0843, or a disabled person confined to a wheelchair shall be allowed, without need for any specially issued license plate or parking card an identification sticker, momentary parking on the public streets or highways, or in any metered parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Section 5. Section 316.1956, Florida Statutes, is amended to read:

#### 316.1956 Nonpublic parking spaces for certain disabled persons.—

(1) Any business, firm, or other person licensed to do business with the public shall prior to October 1, 1977, may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking cards stickers for their motor vehicles pursuant to the provisions of s. 316.1964 or who have been issued license plates pursuant to s. 320.0842, s. 320.084, or s. 320.0843. However, any business licensed prior to October 1, 1978, which business provides less than 25 spaces for the use of the general public shall be exempt from the provisions of this section.

(2) Each such parking space shall be posted with a sign of a color and design approved by the Department of Transportation, with lettering such as "PARKING FOR THE WHEELCHAIR DISABLED ONLY" and bearing the internationally accepted wheelchair symbol.

(3) Any state, county or municipal agency that licenses such businesses shall withhold the license of any business which willfully fails to provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued a parking card pursuant to the provisions of s. 316.1964 or who have been issued license plates pursuant to s. 320.0842, s. 320.084, or s. 320.0843.

(4)(3) Any person other than a disabled person issued a license plate imprinted with the designation HP (handicapped person), DV (disabled veteran), or the internationally accepted wheelchair symbol, or a parking card, or a person using a vehicle on which such a plate or card is displayed to transport a disabled person for whom such a plate is issued, except a person who meets the requirements for the issuance of such sticker

or license plate, who parks in any parking space designated pursuant to subsection (2) with the symbol HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(3)), or the internationally accepted wheelchair symbol is guilty of a traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for any specially issued license plate or parking card ~~an identification sticker~~, momentary parking in any such parking space for the purpose of loading or unloading such a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(5)(4) Any law enforcement officer shall enforce the provisions of subsection (4)(3).

Section 6. Section 320.0806 and subsections (5) and (6) of section 320.0842, Florida Statutes, are hereby repealed.

Section 7. This act shall take effect October 1, 1978.

The Committee on Transportation offered the following amendment which was moved by Senator Myers:

**Amendment 3**—On page 1, strike all of line 8 through and including line 12 and insert: handicapped parking spaces, that persons who are licensed to operate a motor vehicle with a license plate bearing the internationally accepted wheelchair symbol need not display a sticker for such parking, and that all qualified persons, regardless of vehicle ownership or driver license status, be accorded special parking privileges so long as the proper sticker is displayed; providing an

Senators Vogt and Wilson offered the following substitute amendment which was moved by Senator Vogt and adopted:

**Amendment 4**—On page 1 in title, strike all of lines 3 through 12 inclusive and insert: disabled; amending s. 316.1964, Florida Statutes; providing that certain disabled persons and persons displaying certain license plates or a parking card be allowed to park on public streets or highways, in a metered parking space, or in a public parking facility without fee or penalty; requiring the issuance of parking cards to certain disabled persons and providing for the use and display of such cards; prohibiting the fraudulent procurement and unlawful use of such cards and providing penalties; extending parking privileges and immunities to disabled persons leasing a car; amending s. 320.0843, Florida Statutes; providing for the issuance of special license plates to certain handicapped persons; amending s. 316.1955, Florida Statutes; requiring that certain parking facilities include a minimum number of specially designed and marked parking spaces for the use of disabled persons; prohibiting the unlawful use of such parking spaces; amending s. 316.1956, Florida Statutes; requiring that certain nonpublic parking facilities include a minimum number of special parking spaces for the use of disabled persons; prohibiting the unlawful use of such spaces; repealing s. 320.0806, Florida Statutes, as amended, relating to license plates for handicapped persons; repealing s. 320.0842, Florida Statutes, relating to free license plates for veterans confined to wheelchairs; providing an

On motion by Senator Vogt, further consideration of SB 266 as amended was deferred.

**SB 105**—A bill to be entitled An act relating to legal or administrative entities created by interlocal agreement; amending and redesignating s. 163.01(7)(c), Florida Statutes, and adding a new paragraph (c) to said subsection; authorizing the legal or administrative entity designated to administer or

execute an interlocal agreement which creates a special district to levy ad valorem taxes within the boundaries of the special district under certain conditions; 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, strike all of lines 22 through 28, inclusive and insert: (c) *The separate legal or administrative entity, other than a regional planning council or other entity created for planning purposes, designated to administer or execute an interlocal agreement which is entered into between two or more counties, two or more municipalities, or between one or more counties and one or more municipalities and which creates a special district, may be authorized in such agreement to levy ad valorem taxes within the boundaries of such special district, provided the levy of such taxes by the*

On motion by Senator W. D. Childers, the rules were waived and time of adjournment was extended until 12:30 p.m.

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

**Amendment 2**—On page 1 in title, strike all lines 6 and 7 and insert: (c) to said subsection; authorizing certain legal or administrative entities designated to

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

**Amendment 3**—On page 1, strike line 30 and insert: the electors within each public agency which is a party within the boundaries of such district. Any tax

Senator Graham moved that the Senate reconsider the vote by which SB 264 passed on April 6.

The motion was placed on the calendar for consideration April 13.

#### CO-INTRODUCERS

Senator Renick—Senate Bills 266, 128, 381, 547 and SJR 546; Senator Tobiassen—Senate Bills 354, 525, 547 and SJR 546; Senator Peterson—Senate Bills 602, 604; Senator Saylor—SB 260; Senator Jon Thomas—Senate Bills 578 and 523; Senator Barron—SB 525; Senator Don Childers—SB 552; Senator Myers—SB 611; Senator MacKay—SB 636; Senator Graham—Senate Bills 571 and 719; Senator Winn—SB 35; Senator Castor—SB 378; Senator Scott—SB 712; Senator Firestone—Senate Bills 525 and 611; Senator Wilson—Senate Bills 266 and 93; Senator Trask—SB 547 and SJR 546; Senators Hair and Zinkil—SB 525; Senator Dunn—SJR 546, SB 547; Senator Gorman—SB 638

#### CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 10, 7 and 6 were corrected and approved.

On motion by Senator W. D. Childers, the Senate adjourned at 12:12 p.m. to convene at 8:30 a.m., Wednesday, April 12, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.