



Journal of the Senate

Number 10

Tuesday, April 18, 1978

The Senate was called to order by Senator Zinkil 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 Ware—

SB 777—A bill to be entitled An act relating to dogracing; adding paragraph (k) to s. 550.03(2), Florida Statutes, authorizing an additional charity day at Derby Lane, the proceeds of which are to be paid to the Pinellas County Arts Council; providing an effective date.

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

By Senator Ware—

SB 778—A bill to be entitled An act relating to education; amending s. 232.01(1)(d)-(h), (2), Florida Statutes; establishing conditions relating to the entry age for first grade; providing an effective date.

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

By Senator Ware—

SB 779—A bill to be entitled An act relating to parole; amending s. 947.16(2), Florida Statutes; providing for the retention of jurisdiction by judges in felony cases under certain circumstances; requiring the Parole and Probation Commission to notify the original sentencing court whenever an offender over whom the court has retained jurisdiction has become eligible for parole; requiring the court to retain jurisdiction over the offender or refuse such jurisdiction; providing for release of certain information by the commission; providing that when the court decides to retain jurisdiction it may decide whether or not the offender shall be paroled; providing for appeal; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Saylor—

SB 780—A bill to be entitled An act relating to the accessibility of passenger elevators to physically handicapped persons; creating s. 399.025, Florida Statutes; establishing statewide accessibility requirements for passenger elevators in new buildings; amending s. 553.48(2)(n), Florida Statutes; providing that certain standards not apply to passenger elevators; amending s. 399.02(2), Florida Statutes, to conform to this act; repealing s. 553.48(2)(k),(l), Florida Statutes, relating to accessibility of passenger elevators to blind persons; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Appropriations.

By Senators Myers, MacKay and Zinkil—

SB 781—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736(1), Florida Statutes; increasing the minimum amount for personal injury coverage from \$5,000 to \$25,000; amending s. 627.739, Florida Statutes; requiring insurers to offer secondary coverage to personal in-

jury policyholders; prescribing benefits to be paid under secondary coverage; deleting provisions relating to deductions and exclusions; providing an effective date.

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

By Senator Spicola—

SB 782—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.03, Florida Statutes; revising standards and schedules under which controlled substances are regulated by adding, deleting, or specifying certain substances; providing penalties; providing an effective date.

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

By Senator Vogt—

SB 783—A bill to be entitled An act relating to refunding moneys erroneously paid into the State Treasury; amending s. 215.26(2), Florida Statutes; permitting the Comptroller to delegate to certain state agencies the authority to accept applications for refund of moneys claimed; providing for application forms; designating the duties of such state agencies with respect to applications for refund; providing an effective date.

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

By Senator Vogt—

SB 784—A bill to be entitled An act relating to county government; providing that a county commission may grant certain enforcement powers to building inspectors and zoning inspectors; providing for issuance by such inspectors of notices to appear; providing penalty for failure to identify oneself or for failing to supply required information to such inspectors; providing penalty for failure to appear as required by such notice; providing that such inspectors are not police officers; providing for the adoption of certain procedures; providing an effective date.

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

By Senator Vogt—

SB 785—A bill to be entitled An act relating to Brevard County; authorizing the Board of County Commissioners to designate building and zoning inspectors as law enforcement officers for the purpose of issuing citations for violations of county ordinances or regulations or special acts relating to land use regulation; providing for the form and disposition of such citations; providing limitations on the authority of inspectors designated as law enforcement officers; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators W. D. Childers and Holloway—

SB 786—A bill to be entitled An act relating to the Florida Construction Industry Licensing Board; amending s. 468.109(2), (6), Florida Statutes; providing the maximum fee to be imposed upon an applicant for registration without examination as a specialty contractor; providing for payment of certain uncommitted or unexpended funds by the board at the end of each

biennial licensing period into the General Revenue Fund; providing an effective date.

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

By Senator Pat Thomas—

SB 787—A bill to be entitled An act relating to creation of the Florida Research and Development Commission; providing purpose; providing definitions; creating the commission and providing for membership thereof; providing jurisdiction; providing for organization and meetings; authorizing employment of certain personnel; providing powers; providing an effective date.

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

By Senator Gordon—

SB 788—A bill to be entitled An act relating to school food service programs; amending s. 228.195(2), Florida Statutes; authorizing the Commissioner of Education to recommend, and the State Board of Education to prescribe rules and standards covering foods sold in schools; prohibiting the use of confections in certain school food services; prohibiting the sale of confections in school buildings; limiting vending machine sales in school buildings to nonconfections; defining confections; providing an effective date.

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

By Senator Vogt—

SB 789—A bill to be entitled An act relating to the Department of Banking and Finance; amending s. 17.27(1)-(3), Florida Statutes; authorizing the department to destroy general correspondence and records in accordance with the schedule and notices established by the Division of Archives, History, and Records Management of the Department of State; requiring approval by the Auditor General of schedules and notices relating to financial records; authorizing the department to reproduce documents and records; providing an effective date.

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

By Senator Vogt—

SB 790—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; directing the Division of Fisheries of the Game and Fresh Water Fish Commission to manage the promotion, marketing, and quality control of all freshwater organisms produced in the state and used commercially; providing specific guidelines for such management; providing an appropriation; providing an effective date.

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

By Senator Brantley—

SCR 791—A concurrent resolution commending the people of Tallahassee and the Tallahassee Chamber of Commerce for their hospitality, cooperation and assistance to the Florida Legislature.

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

By Senator Firestone—

SB 792—A bill to be entitled An act relating to the supervisor of elections; amending s. 145.09, Florida Statutes, raising the base salary of each supervisor of elections by \$6500 per year; providing an effective date.

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

By Senator Pat Thomas—

SB 793—A bill to be entitled An act relating to drivers' licenses; amending s. 322.13, Florida Statutes, requiring the

Department of Highway Safety and Motor Vehicles to designate persons as driver's license examiners; providing their duties; empowering the examiners to issue traffic citations for certain offenses; prohibiting the failure or refusal of a person to surrender his driver's license, registration, or license plate to an examiner of the department; providing a penalty; excluding such examiners from the state's high risk retirement system; providing an effective date.

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

By Senator Gordon—

SB 794—A bill to be entitled An act relating to breakfast cereals; creating s. 500.115, Florida Statutes; providing a definition of sugar; providing that it is unlawful for any packager or distributor of breakfast cereal to package or distribute breakfast cereal for sale at retail in this state unless the package containing the cereal conspicuously displays certain information; requiring the Department of Agriculture and Consumer Services to establish by rule, utilizing certain methods, the method of computing percentages and amounts of ingredients contained in a product; providing an effective date.

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

By Senator Firestone—

SB 795—A bill to be entitled An act relating to private employment agencies; amending s. 449.023(1), Florida Statutes; decreasing the in-state experience requirement for persons applying for an agency or agent's license; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Hair—

SB 796—A bill to be entitled An act relating to sheriff's process; amending s. 30.231(1), Florida Statutes, increasing sheriff's fees for service of summonses, subpoenas, and executions; amending s. 222.06(5), Florida Statutes, deleting language which provides that the sheriff levying a writ with respect to the appraisal of personal property may demand deposit of costs not to exceed \$12; repealing s. 30.17, Florida Statutes, relating to the requirement that sheriffs keep execution dockets; repealing s. 48.021(2), (3), and (4), Florida Statutes, relating to the authority of the sheriff to employ process servers; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil; Economic, Community and Consumer Affairs; and Appropriations.

By Senator Castor—

SB 797—A bill to be entitled An act relating to guardianship; amending s. 744.102(1), (5), and (9), Florida Statutes, and adding subsections (16)-(18) thereto; amending ss. 744.103, 744.202, 744.304, 744.305(1), 744.308(1)-(5), 744.309, 744.312, 744.331, 744.334, 744.337(1), 744.344, 744.361(1) and (3), 744.364(1), 744.367(5), 744.387(3), 744.394, 744.441, 744.444, 744.457(1), 744.464, and 744.521, Florida Statutes, and adding a new subsection (4) to s. 744.474, Florida Statutes; creating s. 744.3035, Florida Statutes; revising the "Florida Guardianship Law" to remove reference to the term "incompetent" and to replace it with the term "disabled" with respect to guardianship; providing definitions; providing legislative intent that the guardianship law should provide the ward with the least restrictive kind of guardianship consistent with the protection of the ward's interests; providing for partial and plenary guardians; creating a Board of Community Guardian, Inc., in each judicial circuit in the state under certain circumstances; providing for membership and terms; providing for powers and duties of such a board; providing for annual reports; providing immunity from personal liability; repealing s. 744.101, Florida Statutes, relating to the short title of chapter 744, Florida Statutes; repealing s. 744.303, Florida Statutes, re-

lating to limited guardianship; repealing s. 744.341, relating to voluntary guardianship; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Governmental Operations and Appropriations.

By Senators Gordon and Barron—

SB 798—A bill to be entitled An act relating to medical assistance for needy persons; adding s. 409.266(3), Florida Statutes; requiring the Department of Health and Rehabilitative Services to provide the services of a certified nurse midwife to certain persons; providing an effective date.

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

By Senator Zinkil—

SB 799—A bill to be entitled An act relating to population determination for revenue sharing purposes; amending s. 23.019 (1), Florida Statutes, to change the date by which the Department of Administration produces such population estimates of local governmental units; providing an effective date.

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

By Senator Vogt—

SB 800—A bill to be entitled An act relating to saltwater commercial fishing; amending s. 370.06(2), Florida Statutes, and adding a new subsection (3) to said section; providing for a nonresident and alien personal license fee of \$250; providing for a resident personal license fee of \$25; providing an exemption from the licensing provisions; prohibiting purchase of seafood products from unlicensed persons; requiring that license holders have adequate catch preservation methods; requiring the Department of Natural Resources to establish a commercial fisheries information system in conjunction with the license program; establishing a Marine Fisheries Management Revolving Trust Fund; providing for allocation of trust fund moneys; providing an effective date.

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

By Senators W. D. Childers and Holloway—

SB 801—A bill to be entitled An act relating to the Florida Construction Industry Licensing Board; adding s. 468.112(2) (j), Florida Statutes, and amending subsection (8) of said section; providing for disciplinary action by the board against financially irresponsible contractors; authorizing board denial of requests of change of status made by contractors against whom certain complaints have been initiated, pending final disposition; amending s. 468.113(5), Florida Statutes; providing additional requirements to be met by certain contractors prior to the issuance of a building permit; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Jon Thomas—

SB 802—A bill to be entitled An act relating to dentistry; amending s. 466.17, Florida Statutes, providing for biennial renewal of licenses and for fees; providing for proof of continuing education as a condition for relicensure; providing for the type and duration of the education required; providing for waiver; providing an effective date.

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

By Senator Jon Thomas—

SB 803—A bill to be entitled An act relating to municipalities; authorizing municipalities to create one or more recreation districts within the municipality; providing for the powers

of recreation districts as contained in the recreation district charter; providing for a limitation on authorized powers; providing for the governing body of recreation districts; providing for assessment records and collection of taxes with respect to recreation districts; providing that ordinances creating recreation districts must be filed in the minutes of the governing body of the municipality; authorizing action by parties aggrieved by the formation of such recreation districts; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Appropriations.

By Senator Jon Thomas—

SB 804—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; creating ss. 372.9911-372.9915, Florida Statutes; providing legislative intent; providing definitions; providing powers and duties of the commission for the regulation of the use of motor vehicles on public lands; providing a penalty for damage to certain lands; defining damage; providing civil liability; providing for the registration of off-road vehicles; establishing a maximum fee; prohibiting the operation of unregistered off-road vehicles on public land; providing a penalty; providing an effective date.

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

By Senator W. D. Childers—

SB 805—A bill to be entitled An act relating to theft; adding a subsection to s. 812.014, Florida Statutes, providing mandatory minimum terms of imprisonment for second and subsequent offenses for theft of merchandise; providing an effective date.

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

By Senators Gorman and Dunn—

SB 806—A bill to be entitled An act relating to private wire services; amending s. 365.08(5), (6), Florida Statutes; providing that discontinuation of a private wire service because of its use in violation of state or federal law shall occur only after hearing in the circuit court; repealing requirement that the Public Service Commission be notified of discontinuation of private wire service and repealing the commission's authority to determine whether such service should be resumed; providing an effective date.

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

By Senator Wilson—

SB 807—A bill to be entitled An act relating to prostitution; amending s. 796.03, Florida Statutes, relating to the procuring of females under the age of 16 for prostitution, to extend the application of the law to males under the age of 16 as well; providing an effective date.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted—

HM 240	HM 488	HM 622
HM 341	HM 7	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Veterans Affairs and Representative Lockward and others—

HM 240—A memorial to the Congress of the United States, requesting Congress to direct the United States Veterans Administration to establish an additional Veterans Administration Regional Office on the east coast of Florida.

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

By the Committee on Veterans Affairs and Representative Lockward and others—

HM 488—A memorial to the Congress of the United States, urging Congress to enact legislation to provide that motor vehicles specially adapted and equipped to accommodate wheelchair users shall be exempt from any excise tax placed on motor vehicles.

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

By Representative Warner and others—

HM 622—A memorial to the Congress of the United States urging Congress to direct the Veterans Administration to establish an out-patient medical facility in Broward County.

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

By Representatives Lewis and Malloy—

HM 341—A memorial to the President and Congress of the United States, urging the adoption of a policy of no trade agreements between the United States and Cuba until the Cuban Government accounts for American and Cuban lives and compensates Americans for the confiscation of their property.

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

By Representatives Nuckolls and Hodges—

HM 7—A memorial to the Congress of the United States urging that the citizenship of Jefferson Davis be restored.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 170 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Culbreath and Richmond—

HB 170—A bill to be entitled An act relating to governmental reorganization; amending s. 20.16(1)-(4), Florida Statutes, 1977, reorganizing the Department of Business Regulation; abolishing the Board of Business Regulation and creating the position of Secretary of Business Regulation as the head of the department; providing for the appointment of the secretary; establishing divisions of the department; providing for the appointment of division directors; creating a Florida Parimutuel Commission within the department; providing for appointments to the commission; fixing terms of office for commissioners; granting specific authorities to the commission; providing for other substantive legislation; providing for a revisor's bill at a subsequent session; providing an effective date.

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

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

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	Saylor	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Excused: Senator Dunn at 11:45 a.m.

Prayer by Dr. Ray Harrison, senior minister, First United Methodist Church, St. Petersburg:

O God our Father, who has founded the universe and who is the Father of us all, we are thankful unto Thee for men and women across the centuries who have strived for freedom. We are thankful unto Thee for our own forefathers who grasped this dream of freedom. Endow, this day, these men and women who, with Thy wisdom and patience and understanding, may grind out the long process to keep us free. Let not the pressure of other men whose motivation is selfish to bring undue or unfair pressures upon these our leaders. Make them men and women of conscience, high integrity, and give them the will to govern with all fairness. Grant that the Senate shall this day do justice, love, mercy and walk humbly with God. We pray this in the memory of Abraham, Isaac and Jacob, and in the name of Jesus Christ our Lord. Amen.

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

Receipt of Articles of Impeachment

Senator W. D. Childers advised the President that the Board of Managers from the House of Representatives, composed of Representatives Rish, Moffitt and Richmond, was at the door of the Senate.

The President recognized the Sergeant at Arms who informed the President that the Board of Managers appointed by the Speaker of the House of Representatives was at the door of the Senate and had requested permission to approach the Bar of the Senate to present House Resolution 1560 on behalf of the House of Representatives, the same being a Resolution for the impeachment of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida.

By direction of the President, the Sergeant at Arms escorted the Board of Managers to the Bar of the Senate.

The President recognized Representative Rish, Chairman of the Board of Managers, who reported as follows: The Managers of the House of Representatives appointed by the Speaker of the House under and by virtue of the authority of House Resolution 1560 herewith submit House Resolution 1560, the same being a Resolution for the impeachment of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida.

The following Senators were recorded present:

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

By direction of the President, the Secretary received and read the Resolution as follows:

HOUSE RESOLUTION 1560

Articles of Impeachment

The following Articles of Impeachment were adopted by the House of Representatives on April 12, 1978.

Donald L. Tucker
Speaker of the House of Representatives

Allen Morris
Clerk, House of Representatives

House Resolution 1560

ARTICLES OF IMPEACHMENT

Select Committee on Impeachment: Inquiry
into the Conduct of Circuit Court
Judge Samuel S. Smith
of the Third Judicial Circuit

A resolution of the House of Representatives of the State of Florida preferring Articles of Impeachment against Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida; providing for the presentation of Articles of Impeachment to the Senate of the State of Florida; requesting the trial thereof; appointing a committee of the House to manage, present and prosecute Articles of Impeachment at trial before the Senate with or through counsel; and providing for the use of impeachment committee counsel and staff, and if required, the employment and compensation of all necessary personnel required in the prosecution of these Articles, and other expenses of case preparation, trial subpoenas and compensation of witnesses.

WHEREAS, a committee of this body of the 1978 Legislative Session was appointed on January 31, 1978, by the Speaker of the House of Representatives to investigate charges of official misconduct of Circuit Court Judge Samuel S. Smith of the Third Judicial Circuit and make its report and recommendations to the House of Representatives, and

WHEREAS, said committee has performed its duties and, upon a finding of probable cause, by these Articles files its report recommending that said Samuel S. Smith be impeached for misconduct in office and that he be tried for same, removed from office, and disqualified from holding any office of honor or profit, NOW, THEREFORE,

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

SECTION 1. That Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida, has been guilty of misdemeanor in office as a judicial officer of the State of Florida for which he, Samuel S. Smith as a Circuit Court Judge, should be, and HE IS HEREBY, impeached of his office under Article III, Section 17, Constitution of the State of Florida; that acts so constituting misdemeanor in office of him, Samuel S. Smith, as a judicial officer, being hereinafter more particularly set forth by way of separate Articles of Impeachment which are hereby found and voted against Samuel S. Smith, as a Circuit Court Judge of the Third Judicial Circuit of the State of Florida, by a two-thirds (2/3) vote of the members of the House of Representatives of the State of Florida, viz:

ARTICLES OF IMPEACHMENT

Articles of Impeachment of the House of Representatives of the State of Florida in the name of themselves and all of the people of the State of Florida against Samuel S. Smith who was heretofore elected, duly qualified, and commissioned to serve as a Circuit Court Judge of the Third Judicial Circuit of the State of Florida.

ARTICLE I

CONVICTION OF A FELONY

That Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida was convicted of a felony on April 29, 1977, by a jury, before a court of competent jurisdiction in the case of the *UNITED STATES OF AMERICA v. SAMUEL S. SMITH, et al*, United States District Court, Middle District of Florida, Jacksonville Division, Case Numbers 77-14 Cr-J-R and 77-14(S) Cr-J-R, and sentenced to three (3) years incarceration on June 3, 1977, for willfully and knowingly combining, conspiring, confederat-

ing, and agreeing with others, to commit an offense against the United States, to wit: to distribute and cause to be distributed marijuana, a Schedule I controlled substance under Title 21, United States Code, Section 812, and in furtherance of the conspiracy, Judge Samuel S. Smith performed certain overt acts, knowingly and intentionally possessing with intent to distribute and causing to be distributed, in excess of approximately 1500 pounds of marijuana, all in violation of 21 USC 841(a)(1) and 846, and 18 USC 2.

WHEREFORE, Samuel S. Smith, by such conduct is guilty of misdemeanor in office and warrants impeachment and removal from office and disqualification to hold any office of honor, trust, or profit.

ARTICLE II

CONSPIRACY TO UNLAWFULLY OBTAIN AND
DISTRIBUTE IN EXCESS OF APPROXIMATELY 1500
POUNDS OF MARIJUANA

That Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida, individually and by use of his status as a judicial officer of the State of Florida, did set into motion and actively participate in a conspiracy to illegally obtain and unlawfully distribute for the purpose of sale in excess of approximately 1500 pounds of marijuana, a controlled substance under the Laws of the United States and the State of Florida, seized by the Sheriff of Suwannee County, Florida; and that Circuit Court Judge Samuel S. Smith of the Third Judicial Circuit of the State of Florida committed the following acts in furtherance thereof:

(1) On or about Friday, August 6, 1976, Circuit Court Judge Samuel S. Smith met with Suwannee County Sheriff Robert Leonard and Grover Lamar (Possum) Lee, an investigator with the Public Defender's Office of the Third Judicial Circuit of the State of Florida, in Leonard's office in Live Oak, Florida, and engaged in a conversation about obtaining marijuana which the Sheriff had seized in pursuance of his duties as a law enforcement officer. Smith, as part of the scheme, offered to produce a Destruction Order to cover the removal of the marijuana from the Sheriff's evidence vault.

(2) Approximately one week later Circuit Court Judge Smith, upon meeting Sheriff Leonard in the Suwannee County Courthouse, inquired whether the Sheriff had given any more thought to the deal.

(3) On or about Wednesday, September 8, 1976, Circuit Court Judge Samuel S. Smith called Bondsman Homer F. Ratliff into his chambers in the Columbia County Courthouse and told Ratliff he had access to some marijuana and wanted to know if Ratliff knew anyone who could handle it for Smith.

(4) On or about Thursday, September 9, 1976, Sheriff Leonard talked with Judge Smith by phone relative to the marijuana deal, and a meeting was set for the following day at Judge Smith's home.

(5) The next day, on or about Friday, September 10, 1976, Sheriff Leonard met Judge Smith in the driveway of Smith's home in Lake City, Florida. Smith made reference to the deal and stated that for 500 pounds of marijuana \$150,000 could be netted and assured Sheriff Leonard a Destruction Order would be provided. Smith further discussed obtaining 5000 pounds of marijuana which was seized by Sheriff Leonard on September 3, 1976.

(6) On or about Wednesday, September 15, 1976, Judge Smith and Grover Lamar (Possum) Lee met with Duke McCallister, former Sheriff of Suwannee County, and prevailed upon him to persuade Sheriff Leonard to enter into the marijuana scheme.

(7) On or about Thursday, September 16, 1976, Judge Smith called Assistant State Attorney of the Third Judicial Circuit Virlyn Willis into his chambers in the Columbia County Courthouse and offered Willis a share of the marijuana deal in exchange for a guarantee of protection from prosecution.

(8) On or about Friday, September 17, 1976, Judge Smith called Willis and asked him to his home. On that same date Willis visited Smith at Smith's home and was told that Sheriff Leonard had refused to cooperate.

(9) On or about Monday, September 20, 1976, Judge Smith called and told Willis that the marijuana was gone from Sheriff Leonard's possession.

(10) On or about Tuesday, September 21, 1976, Judge Smith went by to see Sheriff Leonard, who was not in.

(11) On or about Wednesday, September 22, 1976, Sheriff Leonard called Judge Smith.

(12) On or about Tuesday, November 16, 1976, Judge Smith and Sheriff Leonard had a phone conversation setting up an afternoon meeting in Sheriff Leonard's office.

(13) On that same day, after noon on or about Tuesday, November 16, 1976, Judge Smith met Sheriff Leonard in his office to discuss plans for Judge Smith to obtain in excess of approximately 1500 pounds of marijuana. The plans were set and the marijuana was to be left by Sheriff Leonard that night at the Live Oak landfill in a truck with the key to the lock on the back of the truck under the mat on the driver's side of the truck.

(14) On or about that same afternoon, Tuesday, November 16, 1976, Judge Smith went by Assistant State Attorney Willis' office.

(15) Later in the afternoon on or about Tuesday, November 16, 1976, Judge Smith called Homer Ratliff. Ratliff returned his call and a meeting was set in the Columbia County Courthouse parking lot that afternoon.

(16) Early in the evening on or about Tuesday, November 16, 1976, Judge Smith and Homer Ratliff met as planned. Smith instructed Ratliff to get some help and a vehicle and pick up some marijuana between 10 and 11 p.m. that night from a truck parked at the Live Oak landfill. Smith told Ratliff that the key to the lock on the back of the truck would be under the mat on the driver's side of the truck.

(17) On or about the night of Tuesday, November 16, 1976, Sheriff Leonard delivered the marijuana to the landfill and placed the key to the lock on the back of the truck under the mat on the driver's side of the truck as agreed with Judge Smith.

(18) Ratliff arranged for the marijuana to be picked up and it was picked up as per Judge Smith's instructions on or about the night of Tuesday, November 16, 1976, between 10 and 11 p.m. by Ratliff, Richard Bradley and Charles Ethridge.

(19) On or about the night of Tuesday, November 16, 1976, after 11 p.m., Sheriff Leonard retrieved the truck from the landfill, as arranged with Judge Smith, and the marijuana was gone.

(20) On or about Wednesday, November 17, 1976, Ratliff phoned Judge Smith and told him everything was all right.

WHEREFORE, Samuel S. Smith, by such conduct is guilty of misdemeanor in office and warrants impeachment and removal from office and disqualification to hold any office of honor, trust, or profit.

ARTICLE III

ATTEMPTED BRIBERY OF OFFICERS OF THE STATE OF FLORIDA TO INFLUENCE PERFORMANCE OF THEIR OFFICIAL DUTIES

That Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida, did in furtherance of the conspiracy outlined in Article II offer bribes to the Sheriff of Suwannee County and the Assistant State Attorney of the Third Judicial Circuit to influence performance of their official duties with respect to the unlawful distribution of seized marijuana in violation of the laws of the State of Florida as follows:

(1) On or about September 10, 1976, in Lake City, Florida, Samuel S. Smith did corruptly offer and promise to Robert Leonard, a public servant, having knowledge of said public servant's official capacity, to wit: Sheriff of Suwannee County, Third Judicial Circuit, a valuable share of \$150,000.00 good and lawful money of the United States of America with the intent and purpose to influence the performance of said public servant in properly disposing of marijuana in said Sheriff's custody, which performance Samuel S. Smith believed to be within the official discretion of said public servant, in violation of a public duty, and in performance of a public duty.

(2) On or about September 16, 1976, in Lake City, Florida, Samuel S. Smith did corruptly offer and promise to Virlyn B. Willis, Jr., a public servant, having knowledge of said public servant's official capacity, to wit: Assistant State Attorney for the Third Judicial Circuit, \$350,000.00 good and lawful money of the United States of America with the intent and purpose to influence the performance of said public servant by requesting that Willis provide information to Samuel S. Smith resulting from any criminal investigation into Samuel S. Smith's unlawful efforts to obtain marijuana in the custody of the Sheriff of Suwannee County, which performance Samuel S. Smith believed to be within the official discretion of said public servant, in violation of a public duty, and in performance of a public duty.

(3) On or about November 16, 1976, in Lake City, Florida, Samuel S. Smith did corruptly offer and promise to Robert Leonard, a public servant, having knowledge of said public servant's official capacity, to wit: Sheriff of Suwannee County, Third Judicial Circuit, a valuable share of \$100,000.00 good and lawful money of the United States of America with the intent and purpose to influence the performance of said public servant in properly disposing of marijuana in said sheriff's custody, which performance Samuel S. Smith believed to be within the official discretion of said public servant, in violation of a public duty, and in performance of a public duty.

WHEREFORE, Samuel S. Smith, by such conduct is guilty of misdemeanor in office and warrants impeachment and removal from office and disqualification to hold any office of honor, trust, or profit.

ARTICLE IV

SUBVERTING THE JUDICIAL PROCESS

That by his conduct Samuel S. Smith, a duly commissioned Circuit Court Judge of the Third Judicial Circuit of the State of Florida, in furtherance of the conspiracy outlined in Articles II and III, did subvert the judicial processes of the Third Judicial Circuit Court and the State of Florida, to wit:

(1) That on or about Friday, August 6, 1976, Samuel S. Smith did offer Suwannee County Sheriff Robert Leonard a Destruction Order to cover the removal of marijuana from Sheriff Leonard's evidence vault, marijuana which Samuel S. Smith intended not be destroyed but obtained and distributed in contravention of the laws of the United States and the State of Florida.

(2) That on or about Friday, September 10, 1976, Samuel S. Smith assured Sheriff Leonard that he would provide a Destruction Order to cover the removal of 500 pounds of marijuana from Sheriff Leonard's evidence vault, marijuana which Samuel S. Smith intended not be destroyed but obtained and distributed in contravention of the laws of the United States and the State of Florida.

(3) That between September 16, 1976, and November 17, 1976, in Suwannee County, Samuel S. Smith, by attempted bribery, did willfully endeavor to obstruct, delay and prevent Virlyn Willis, Assistant State Attorney of the Third Judicial Circuit, from communicating information relating to violations of criminal statutes of the State of Florida to the State Attorney of the Third Judicial Circuit authorized to conduct and engage in investigations of violations of said statutes.

WHEREFORE, Samuel S. Smith, by such conduct is guilty of misdemeanor in office and warrants impeachment and removal from office and disqualification to hold any office of honor, trust, and profit.

ARTICLE V

CONDUCT UNBECOMING A JUDICIAL OFFICER RESULTING IN LOWERING THE ESTEEM OF THE JUDICIARY

That Samuel S. Smith as a Circuit Court Judge of the Third Judicial Circuit, in his conduct as a duly commissioned judicial officer of the State of Florida, has by his infamy and the reasonable and probable consequences of the acts or conduct enumerated in the foregoing Articles debased and degraded the office of Circuit Court Judge and the court of the Third Judicial Circuit into disrespect, scandal, disgrace, discredit, disrepute, and reproach to the prejudice of public confidence in the administration of justice therein, and to the integrity and impartiality of the State Judiciary, placing

a stigma thereon so as to render him unfit to continue to serve as a judge or public officer:

(1) In that he was convicted of a felony, by a jury, before a court of competent jurisdiction; and,

(2) In that he set in motion and participated in a conspiracy to illegally obtain and unlawfully distribute marijuana; and,

(3) In that he did offer bribes to officers of the State of Florida to influence performance of their official duties; and,

(4) In that he did by his conduct subvert the judicial processes of the Third Judicial Circuit and the State of Florida.

WHEREFORE, Samuel S. Smith, by such conduct is guilty of misdemeanor in office and warrants impeachment and removal from office and disqualification to hold any office of honor, trust, or profit.

SECTION 2. That Samuel S. Smith, as a Circuit Court Judge of the Third Judicial Circuit of the State of Florida, for misdemeanor in office, be impeached of his office and disqualified from holding any office of honor, trust, or profit.

SECTION 3. That there shall be a House Committee of Managers which shall be known as "The House Committee of Managers: Senate Impeachment Trial of Third Judicial Circuit Court Judge Samuel S. Smith." And that Representative William J. Rish shall serve as Chairman of said committee. Representatives Lee Moffitt and Ronald Richmond shall serve as members of said committee, and Representatives Gus Craig, Earl Dixon, Elaine Gordon, and Ralph Haben shall serve as alternate members of the House Committee of Managers and serve at the pleasure of the Chairman.

SECTION 4. That the House Committee of Managers be, and they are, hereby instructed to appear before the Senate of the State of Florida and at the Bar thereof in the name of the House of Representatives, and all of the people of the State of Florida, with their counsel, to impeach Samuel S. Smith for misdemeanor in office and to exhibit to the Senate the foregoing Articles of Impeachment against Third Judicial Circuit Court Judge Samuel S. Smith which have been agreed upon by this House, and that the House Committee of Managers request that the Senate issue an Order for the appearance of Samuel S. Smith before the Senate to answer to the Articles of Impeachment and demand his impeachment, conviction, removal from office, and disqualification to hold any office of honor, trust, or profit. And that the House Committee of Managers further request that the impeachment trial be open to the public in the interest of respect for and trust in government by the people of the State of Florida.

SECTION 5. That the House Committee of Managers shall manage, present and prosecute, with or through counsel, the foregoing Articles of Impeachment at the trial thereof by the Senate.

SECTION 6. That the House Committee of Managers on the part of the House of Representatives of the State of Florida, is hereby authorized and empowered to use Impeachment Committee counsel and staff and, upon approval by the Committee on House Administration, employ and fix compensation of all necessary personnel required in the prosecution of these Articles, and other necessary assistance as they may require and, upon approval by the Committee on House Administration, incur such other expenses as may be necessary in the preparation and conduct of the case to be paid out of the funds of the Florida House of Representatives.

SECTION 7. That the House Committee of Managers be and is hereby authorized to issue subpoenas and subpoenas duces tecum requiring appearance of witnesses and production of documents in further preparation, and for the impeachment trial, such witnesses to receive compensation as provided by law.

SECTION 8. These Articles of Impeachment shall take effect upon adoption.

The President thanked the Board of Managers for delivering the Articles of Impeachment and requested them to inform the House of Representatives that the Articles were received, filed and read, and that the Senate would carry out its constitutional duties.

Organization—Court of Impeachment

Senator W. D. Childers moved that the Senate proceed to organize the Body as a Court of Impeachment to try the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, on the Articles of Impeachment preferred against him by the House of Representatives as originally exhibited to the Senate this date under authority of House Resolution 1560, Regular Session of the 1978 Florida Legislature.

The motion was adopted. The vote was:

Yeas—39

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

Nays—None

Senator W. D. Childers moved that the Senate fix 9:00 o'clock, a.m., May 18, 1978, as the time to convene for the purpose of trying Honorable Samuel S. Smith, on the Articles of Impeachment preferred against him by the House of Representatives, as more fully set forth in House Resolution 1560, with the Chief Justice of the Florida Supreme Court presiding, as provided by Section 17, Article III, of the Constitution of the State of Florida.

The motion was adopted and it was so ordered. The vote was:

Yeas—39

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

Nays—None

Senator W. D. Childers moved that a special committee be appointed to promulgate and present to the Senate for adoption, rules to govern the impeachment trial of Honorable Samuel S. Smith.

The motion was adopted and it was so ordered. The vote was:

Yeas—37

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

Nays—None

The President appointed: Senator Hair, Chairman; Senators Gallen, Ware, Scott, W. D. Childers, Plante and Johnston.

Senator W. D. Childers further moved that the Committee be ordered to meet at the call of its chairman and to adopt rules which, immediately upon adoption, shall become fully effective and so remain until they are amended by the Senate.

The motion was adopted and it was so ordered. The vote was:

Yeas—39

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

Nays—None

Senator W. D. Childers moved that a committee be appointed to wait upon the Honorable Ben F. Overton, Chief Justice of the Supreme Court of Florida, to inform him that the Senate stands ready to organize as a Court of Impeachment and respectfully requests his presence for the purpose of presiding over the Senate during the organization and trial of the Honorable Samuel S. Smith.

The motion was adopted. The vote was:

Yeas—39

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

Nays—None

The President appointed Senators Hair, Castor and Sayler. The committee withdrew.

The committee subsequently returned to the Chamber escorting the Honorable Ben F. Overton, Chief Justice of the Supreme Court of Florida accompanied by the Honorable Joseph A. Boyd, Justice of the Supreme Court of Florida, who were presented to the Senate by the President. The President resumed his seat as the Senator from the 8th District.

The Chief Justice took the chair and stated: "Senators, I attend the Senate in obedience to your notice for the purpose of joining with you in forming a Court of Impeachment for trial of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, and I am now ready to take the oath which which will be administered by the Honorable Joseph A. Boyd, Justice of the Supreme Court of the State of Florida."

The oath was administered to the Honorable Ben F. Overton, Chief Justice of the Supreme Court of Florida, by Justice Joseph A. Boyd as follows:

"I do solemnly swear that in all things appertaining to the trial of the impeachment of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, now pending, I will do impartial justice according to the Constitution and Laws of the State of Florida; so help me God."

The Chief Justice:

"Senators, the oath will now be administered to you and you will please stand as your names are called and remain standing as the oath is administered."

The Secretary called the roll of the Senators in alphabetical order: Senators Barron, Brantley, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson,

Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson, Winn and Zinkil.

The Secretary advised the Chief Justice that the Senate of the State of Florida was ready to take the oath.

The Chief Justice administered the oath as follows:

"I do solemnly swear that in all things appertaining to the trial of the impeachment of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, now pending, I will do impartial justice according to the Constitution and Laws of the State of Florida; so help me God."

The Chief Justice then administered the following oath to Joe Brown, Secretary of the Senate:

"I do solemnly swear that I will faithfully and impartially perform the duties of Secretary to the Senate of the State of Florida, sitting as a Court of Impeachment in the trial of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, now pending, and true and faithful record make of the same; so help me God."

The Chief Justice then administered the following oath to John D. Melton, Sergeant at Arms of the Senate:

"I do solemnly swear that I will faithfully and impartially perform the duties of Sergeant at Arms to the Senate of the State of Florida, sitting as a Court of Impeachment in the trial of the Honorable Samuel S. Smith, Circuit Judge, 3rd Judicial Circuit of Florida, now pending; so help me God."

Senator W. D. Childers moved that in order to provide a fair and orderly procedure for discovery prior to trial, the Senate hereby adopt Florida Rule of Criminal Procedure 3.220 effective immediately, insofar as that rule may appertain to the conduct of discovery prior to the trial of the Articles of Impeachment exhibited against Honorable Samuel S. Smith; however, discovery by both parties shall be completed prior to May 18, 1978, and with such terms and times as may be ordered by the Chief Justice.

The motion was adopted and it was so ordered. The vote was:

Yeas—40

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

Nays—None

Senator W. D. Childers moved that the Chief Justice be authorized to call a pre-trial conference and to submit the matters resolved at the pre-trial conference to the Senate sitting as the Court of Impeachment.

The motion was adopted and it was so ordered. The vote was:

Yeas—40

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

Tobiassen	Vogt	Williamson	Winn
Trask	Ware	Wilson	Zinkil

Nays—None

The Chief Justice informed the members that a pre-trial conference with the House Board of Managers and Mr. Joe Jacobs, representing Judge Samuel S. Smith, had been set for this day at 4:00 p.m. in Senate Committee Room 1.

Senator W. D. Childers moved that the Senate sitting as a Court of Impeachment for the purpose of trying Articles of Impeachment preferred against Honorable Samuel S. Smith now recess until May 18, 1978, at 9:00 a.m.

The motion was adopted and it was so ordered. The vote was:

Yeas—40

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

Nays—None

The Chief Justice relinquished the chair to the President.

The President presiding

Senator W. D. Childers moved that the Senate resume the regular order of business.

The motion was adopted. The vote was:

Yeas—35

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

Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following be placed on Special Order Calendar for Tuesday, April 18, 1978.

SB 290	SB 271	SB 359	SB 483
SB 186	SB 277	SB 364	SB 74
SB 201	SB 516	SB 379	
SB 414	SB 517	SB 387	
SB 228	SB 323	SB 447	

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Judiciary-Civil recommends the following pass: SB 521 with 1 amendment

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

SB 137 SB 335 SB 591

The Committee on Natural Resources and Conservation recommends the following pass: SB 489 with 1 amendment, SB 490

The Committee on Education recommends the following pass:

SB 131 with 1 amendment SB 436 with 5 amendments
SB 357 with 4 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 538 with 2 amendments

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 349

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 230 with 2 amendments

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

The Committee on Education recommends the following pass: SB 525

The Committee on Natural Resources and Conservation recommends the following pass: SB 399

The Committee on Judiciary-Civil recommends the following pass:

SB 598 with 2 amendments SB 566 with 2 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 523

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Economic, Community, and Consumer Affairs recommends the following pass: SB 231 with 3 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 479 with 4 amendments

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

The Special Master-Claims recommends the following pass: SB 356, SB 421

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

The Committee on Appropriations recommends the following pass: SB 43, CS for SB 261

The Committee on Education recommends the following pass: SB 389

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

SB 342 with 2 amendments SB 351
SB 350 SB 477

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

SB 89 SB 214
SB 155 SB 262 with 4 amendments
SB 199 SB 281

SB 327 SB 584 with 2 amendments
 SB 412 with 2 amendments SB 634

The Committee on Judiciary-Civil recommends the following pass:

SB 565 with 5 amendments SB 480
 SB 205 with 2 amendments SB 569
 SB 448 SB 577
 SB 474 with 1 amendment SB 640 with 1 amendment
 SB 620 HB 129
 SB 110 with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 624 with 3 amendments

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

The Committee on Education recommends a Committee Substitute for the following: SB 571

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: CS for SB 119

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 Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 456

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

The Committee on Education recommends a Committee Substitute for the following: SB 549

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

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: SB 274

The Committee on Finance, Taxation and Claims recommends the following not pass: SB 372

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

The Special Master-Claims recommends the following not pass:

SB 16 SB 482
 SB 51 with 1 amendment SB 121

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

Report of Subcommittee to Standing Committee

The Alcoholic Beverage Subcommittee of the Commerce Committee recommends to the standing committee 4 bills for consideration as committee bills:

- 1—Bottle Clubs
- 2—Discounts
- 3—Bonded Warehouses
- 4—Enforcement

On motion by Senator W. D. Childers the rules were waived and by two-thirds vote the following were placed on Special Order Calendar for April 19, 1978:

SB 312 SB 433 SB 493 SB 125
 SB 152 HB 200 SB 624 SB 459
 SB 567 HB 129 SB 340 SB 362
 SB 220 SB 17 SB 105

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Peterson, the rules were waived and Appropriations Subcommittee "B" was granted permission to extend time of adjournment of the meeting this day from 8:00 p.m. until conclusion of the scheduled business.

On motion by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to consider SB 273 at the meeting on April 19.

On motion by Senator Pat Thomas, the rules were waived and the Committee on Corrections, Probation and Parole was granted permission to adjourn this day at 4:00 p.m. instead of 5:00 p.m.

Senator Renick moved that the rules be waived and unanimous consent be granted to introduce SM 826 out of order. The motion failed.

Senator Saylor moved that the rules be waived and SM 21 be withdrawn from the Committee on Rules and Calendar. The motion failed. The vote was:

Yeas—19

Barron	Henderson	Scarborough	Trask
Childers, Don	McClain	Scott	Ware
Childers, W. D.	Poston	Thomas, Jon	Williamson
Gallen	Renick	Thomas, Pat	Winn
Gorman	Saylor	Tobiassen	

Nays—18

Castor	Gordon	Lewis	Vogt
Chamberlin	Graham	Myers	Wilson
Dunn	Hair	Plante	Zinkil
Firestone	Holloway	Skinner	
Glisson	Johnston	Spicola	

REQUESTS FOR EXTENSION OF TIME

April 14, 1978

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 32 by Senator Jon Thomas	SB 305 by Senator Firestone
SB 38 by Senator Graham	SB 322 by Senator Tobiassen, et al
SB 76 by Senator Saylor (by request)	SCR 382 by Senator Firestone
SB 82 by Senator Tobiassen	SB 424 by Senator Scarborough
SB 95 by Senator Graham	SB 432 by Senator Pat Thomas, et al
SB 109 by Senator Myers, et al	SB 446 by Senator Firestone
SB 173 by Senator Vogt	SB 506 by Senator Trask
SB 194 by Senator Vogt	SB 511 by Senator Dunn
SB 198 by Senator Glisson	SB 541 by Senator Gallen
SB 206 by Senators Zinkil and Spicola	SB 564 by Senators W. D. Childers, Brantley, et al
SB 210 by Senator Glisson	SB 612 by Senator McClain
SB 237 by Senator Glisson	
SB 268 by Senator Firestone	

The Committee on Health and Rehabilitative Services requests an extension of 14 days for the consideration of the following:

SB 98 by Senator Graham	SB 469 by Senator Myers
SB 99 by Senator Graham	SB 501 by Senator Ware
SB 100 by Senator Graham	SB 502 by Senator Dunn
SB 120 by Senator Glisson	SB 520 by Senator Gordon
SB 179 by Senator Saylor	SB 562 by Senator Firestone
SB 222 by Senator Gordon	SB 594 by Senator Gordon
SB 233 by Senator Dunn	SB 596 by Senator Gordon
SB 334 by Senator Pat Thomas	SB 597 by Senator Gordon
SB 466 by Senator Gordon	SB 607 by Senator Glisson
SB 467 by Senator Myers	SB 609 by Senator Plante
	SB 629 by Senator Castor

April 17, 1978

The Committee on Agriculture requests an extension of 15 days for the consideration of the following:

SB 26 by Senator Zinkil	SB 373 by Senator Vogt
SB 330 by Senator Skinner	SB 395 by Senator Peterson
SB 338 by Senator Trask	SB 558 by Senator Skinner

The Committee on Commerce requests an extension of 15 days for the consideration of the following:

SB 7 by Senator Graham	SB 407 by Senator Plante
SB 8 by Senator Zinkil	SB 426 by Senator Plante
SB 9 by Senator Jon	SB 428 by Senator MacKay
SB 19 by Senator Thomas	SB 429 by Senator MacKay
SB 19 by Senator Scarborough and others	SB 435 by Senator MacKay
SB 33 by Senator Gorman	SB 478 by Senator Firestone
SB 48 by Senator Graham	SB 481 by Senator Ware
SB 55 by Senator Zinkil	SB 484 by Senator Firestone
SB 55 by Senator Zinkil and others	SB 508 by Senator Scarborough
SB 69 by Senator Winn	SB 514 by Senator Peterson
SB 83 by Senator Tobiasen	SB 535 by Senator Henderson
SB 108 by Senator McClain	SB 555 by Senator Wilson
SB 118 by Senator Peterson	SB 579 by Senator Gallen
SB 138 by Senator Zinkil	SB 589 by Senator Jon
SB 158 by Senator Zinkil	SB 589 by Senator Thomas
CS for SB 166 by Senator MacKay	SB 600 by Senator Gordon
SB 190 by Senator Scott	SB 603 by Senator Gordon
SB 240 by Senator Henderson	SB 605 by Senator Scott
SB 249 by Senator Myers	SB 618 by Senator Gordon
SB 273 by Senator Dunn	SB 633 by Senator Saylor
SB 366 by Senator MacKay	
SB 370 by Senator McClain	

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for the consideration of the following:

SB 2 by Senator Saylor	SB 390 by Senator Gallen
SB 24 by Senator Saylor	SB 397 by Senator Firestone
SB 27 by Senator Renick	SB 409 by Senator Jon
SB 34 by Senator Graham	SB 438 by Senator Henderson
SB 36 by Senator Graham	SB 442 by Senator Gordon
SB 81 by Senator Williamson	SB 460 by Senator Plante
SB 116 by Senator Zinkil	SB 464 by Senator Saylor
SB 142 by Senator Williamson	SB 475 by Senator Ware
SB 145 by Senator Henderson	SB 491 by Senator Hair
SB 150 by Senator MacKay	SB 494 by Senator MacKay
SB 161 by Senator Chamberlin	SB 518 by Senator Don
SB 221 by Senator Graham	SB 519 by Senator Don
SB 238 by Senator Henderson	SB 527 by Senator Gorman
SB 241 by Senator Holloway	SB 533 by Senator Hair
SB 242 by Senator Henderson	SB 553 by Senator Hair
SB 252 by Senator Saylor	SB 554 by Senator Hair
SB 254 by Senator Johnston	SB 556 by Senator Wilson
SB 255 by Senator Zinkil	SB 573 by Senator Castor
SB 256 by Senator Dunn	SB 580 by Senator Gallen
SB 283 by Senator Chamberlin	SB 593 by Senator Gordon
SB 286 by Senator Chamberlin	SB 599 by Senator Gordon
SB 287 by Senator Chamberlin	SB 608 by Senator Glisson
SB 306 by Senator Firestone	SB 617 by Senator Gallen
SJR 314 by Senator Saylor	SB 625 by Senator Vogt
SB 336 by Senator Gordon	SB 627 by Senator Vogt
SB 347 by Senator Myers	SB 628 by Senator Zinkil
SB 353 by Senator Gordon	SB 630 by Senator Castor
SB 365 by Senator Johnston	SB 631 by Senator MacKay
SB 377 by Senator Graham	SB 639 by Senator Henderson
	SB 648 by Senator Gallen
	SB 651 by Senator Hair
	SB 664 by Senator Castor

The Committee on Executive Business requests an extension of 15 days for the consideration of the following:

SB 592 by Committee on Executive Business

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 635 by Senator Henderson

The Committee on Judiciary-Civil requests an extension of 15 days for the consideration of the following:

SB 102 by Senator Johnston	SB 498 by Senator Myers
SB 129 by Senator Scott	SB 507 by Senator Dunn
CS for SB 156 by Judiciary-Criminal Committee and Senator Dunn	SB 526 by Senator Scott
SB 204 by Senators Johnston and Dunn	SB 536 by Judiciary-Civil Committee
SB 213 by Senator Renick	SB 544 by Senator Dunn
SB 258 by Senator Dunn	SB 585 by Senator Jon
SB 272 by Senator Saylor	SB 586 by Senator Jon
SB 307 by Senator Chamberlin	SB 587 by Senator Jon
SB 375 by Senator Graham	SB 588 by Senator Jon
SB 417 by Senator Hair	SB 643 by Senator Firestone
SB 450 by Senator Renick	SB 644 by Senator Firestone
SB 497 by Senator Myers	SB 662 by Senator Gordon

The Committee on Judiciary-Criminal requests an extension of 15 days for the consideration of the following:

SB 133 by Senator Don	SB 410 by Senator Trask
SB 153 by Senator Scarborough	SB 420 by Senator Renick
SB 164 by Senator Dunn	SB 444 by Senator Dunn
SB 236 by Senator Glisson	SB 472 by Senator Renick
SB 369 by Senator Dunn	SB 513 by Senator Dunn
SB 393 by Senator Lewis	SB 515 by Senators Trask and Renick
SB 394 by Senators Williamson and Dunn	SB 581 by Senator Don
	SB 614 by Senator Pat
	SB 614 by Senator Thomas

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for the consideration of the following:

SB 28 by Senator Vogt	SB 208 by Senator Saylor
SB 30 by Senator Dunn	SB 217 by Senator Tobiasen
SB 85 by Senator Graham	SB 341 by Senator Saylor
SB 111 by Senator Graham	SB 352 by Senator Saylor
SB 162 by Senator Jon	SB 539 by Senator Peterson
SB 207 by Senator Pat	SB 583 by Senator Williamson
	SB 606 by Senator Don
	SB 606 by Senator Childers

The Committee on Rules and Calendar requests an extension of 15 days for the consideration of the following:

SCR 3 by Senator Wilson and others	SB 246 by Senator Johnston
SJR 4 by Senator Wilson and others	SM 251 by Senator Glisson
SR 5 by Senator Wilson and others	SJR 282 by Senator Jon
SB 6 by Senator Wilson and others	SJR 288 by Senator Chamberlin and others
SJR 11 by Senator Zinkil and others	SCR 295 by Senator Winn and others
SM 13 by Senator Jon	SJR 344 by Senator Saylor
SM 21 by Senator Saylor	SB 374 by Senator Henderson
SB 50 by Senator Graham	SM 427 by Senator Plante
SB 60 by Senator Saylor	SB 434 by Senator Skinner
SB 61 by Senator Saylor	SB 440 by Senator Gordon
SCR 62 by Senator Saylor	SB 471 by Senator Vogt and others
SB 66 by Senator Renick	SJR 485 by Senator W. D. Childers
SB 91 by Senator Graham	SM 529 by Senator Renick
SCR 123 by Senator Hair	SB 568 by Senator Vogt and others
SB 124 by Senator Saylor	SCR 574 by Senator Henderson
SJR 126 by Senator Hair	SB 595 by Senator Gallen
SB 140 by Senator Williamson	SB 610 by Senator Johnston
SR 174 by Senator W. D. Childers	SB 626 by Senator Vogt
SM 218 by Senator Skinner	

The Special Master-Claims requests an extension of 15 days for the consideration of the following:

SB 121 by Senator Jon	SB 422 by Senator Myers
SB 418 by Senator Barron	SB 495 by Senator Scott
	SB 611 by Senator Gordon

The Committee on Transportation requests an extension of 15 days for the consideration of the following:

- | | |
|----------------------------|------------------------------|
| SB 46 by Senator Graham | SB 476 by Senator Poston |
| SB 63 by Senator Zinkil | SB 496 by Senator Scott |
| SB 64 by Senator Myers | SB 532 by Senator Tobiassen |
| SB 88 by Senator Graham | SB 534 by Senator Pat Thomas |
| SB 187 by Senator Gallen | SB 559 by Senator Poston |
| SB 200 by Senator Holloway | SB 560 by Senator Poston |
| SB 229 by Senator Glisson | SB 561 by Senator Poston |
| SB 408 by Senator Holloway | SB 578 by Senator Zinkil |
| SB 425 by Senator Spicola | SB 582 by Senator Vogt |
| SB 431 by Senator Johnston | SB 616 by Senator Gallen |
| SB 439 by Senator Holloway | SB 623 by Senator Vogt |
| SB 449 by Senator Renick | SB 641 by Senator Firestone |
| SB 451 by Senator Renick | |

April 18, 1978

The Committee on Education requests an extension of 15 days for the consideration of the following:

- | | |
|------------------------------|---|
| SB 42 by Senator Graham | SB 468 by Senator Castor |
| SB 56 by Senator Zinkil | SB 499 by Senator Ware |
| SB 136 by Senator Peterson | SB 504 by Senators Peterson, Pat Thomas and Ware |
| SB 260 by Senator Gordon | SB 510 by Senator Peterson |
| SB 265 by Senator Tobiassen | SB 522 by Senator Gordon |
| SB 270 by Senator Gordon | SB 542 by Senator Dunn |
| SB 275 by Senator J. Thomas | SB 548 by Senator Johnston |
| SB 328 by Senator Tobiassen | SB 550 by Senator Johnston |
| SB 239 by Senator Firestone | SB 551 by Senator Peterson |
| SB 360 by Senator Holloway | SB 575 by Senator Tobiassen |
| SB 368 by Senator MacKay | SB 604 by Committee on Health and Rehabilitative Services |
| SB 378 by Senator Firestone | |
| SB 415 by Senator Chamberlin | |
| SB 463 by Senator J. Thomas | |
| SB 465 by Senator MacKay | |

The Committee on Finance, Taxation and Claims requests an extension of 15 days for the consideration of the following:

- | | |
|---|------------------------------------|
| SB 53 by Senator Zinkil and others | SB 167 by Senator J. Thomas |
| SB 54 by Senator Zinkil | SB 168 by Senator Firestone |
| SB 77 by Economic, Community and Consumer Affairs | SB 202 by Senator Scott and others |
| SB 78 by Economic, Community and Consumer Affairs | SB 263 by Senator Gallen |
| SB 79 by Economic, Community and Consumer Affairs | SB 293 by Senator Firestone |
| SB 87 by Senator Graham | SB 304 by Senator Firestone |
| | SB 313 by Senator Holloway |
| | SB 339 by Senator Trask |
| | SB 528 by Senator Sayler |
| | SB 572 by Senator MacKay |
| | SB 590 by Senator Trask |
| | SB 615 by Senator Gallen |

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

- | | |
|-------------------------|-------------------------|
| SB 93 by Senator Graham | SB 96 by Senator Graham |
|-------------------------|-------------------------|

The Committee on Health and Rehabilitative Services requests an extension of 14 days for the consideration of the following:

- SB 649 by Senators Castor and Plante

The Committee on Natural Resources and Conservation requests an extension of 15 days for the consideration of the following:

- | | |
|--------------------------|--------------------------|
| SB 1 by Senator Sayler | SB 524 by Senator Gordon |
| SB 177 by Senator Sayler | SB 530 by Senator Vogt |
| SB 376 by Senator Graham | SB 531 by Senator Trask |
| SB 402 by Senator Vogt | SB 543 by Senator Graham |
| SB 404 by Senator Vogt | SB 557 by Senator Wilson |
| SB 505 by Senator Gallen | |

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for the consideration of the following:

- SB 632 by Senators MacKay and Pat Thomas

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate

The Secretary of State on April 12, 1978 certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

William R. Butler, Miami, Member of the Florida Student Financial Assistance Commission, for term ending June 30, 1981.

Michael V. Gannon, Gainesville, Member of the Historic Saint Augustine Preservation Board, for term ending August 13, 1981.

Wilmer L. Williams, Graceville, Member of the Board of Trustees of Chipola Junior College, for term ending May 31, 1981.

—which were referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 154.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 157.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 975.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

By Senator Holloway—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 30, following the period insert: New Section 2. Any court of this state which is competent to decide child custody matters shall have jurisdiction to award the grandparents of a minor child or minor children visitation rights of the minor child or children upon the death of or desertion by one of the minor child's parents if it is deemed by the court to be in the minor child's best interest.

and renumber accordingly.

Amendment 2—On page 1, line 2 in title, strike "dissolution of marriage" and insert: visitation rights

Amendment 3—On page 1, line 6 in title, insert: after the semicolon

authorizing certain courts to award visitation rights to grandparents upon the death or desertion of the parent of a minor child;

Amendment 4—On page 1, line 27, strike the period and insert: , nor shall such grandparents have legal standing as “contestants” as defined in s. 61.1306, Florida Statutes.

Amendment 5—On page 1, line 31, strike “July 1, 1978” and insert: upon becoming law

Senator Wilson moved that SB 117 with the House Amendments be referred to a committee pursuant to Rule 1.18 because the House Amendments substantially changed the bill.

On substitute motion by Senator Holloway the Senate concurred in the House Amendments.

Senator Wilson was recorded as voting nay.

SB 117 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—5

Lewis	Thomas, Jon	Vogt	Wilson
Plante			

Votes after roll call:

Yea—Hair
Nay to Yea—Lewis

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

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

By Senator Gallen—

SB 212—A bill to be entitled An act relating to outdoor advertising; adding subsection (18) to s. 479.01, Florida Statutes, defining “motorist services directional signs”; adding subsection (5) to s. 479.02, Florida Statutes, providing for the transmittal by the Department of Transportation of certain requests seeking retention of motorist services directional signs in specific areas where removal would work a substantial economic hardship as provided in 23 U.S.C.; adding subsection (4) to s. 479.111, Florida Statutes, permitting retention of motorist services directional signs in defined areas; adding subsection (4) to s. 288.34, Florida Statutes, requiring the Division of Tourism of the Department of Commerce, upon request, to certify need for retention of motorist services directional signs in certain defined areas and to furnish available information showing that removal of such signs would work a substantial economic hardship in such defined areas; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 3, line 4, strike “, or person”.

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

SB 212 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

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

Senator Myers—I have the privilege of introducing a distinguished guest.

There is a certain unexplained sense of awe and excitement when a representative of State of Israel comes to visit us. What is it about this little nation that engenders in the hearts of Americans, Jew and Gentile alike, a feeling of pride and wonder. I think it is partly because we see through Israel, the 5,000 year old story of a people who have sent the repercussions of its influence far and wide into the oceans of universal history. A people who have defied all historic laws, whose very existence today remains one of the unpenetrated mysteries of civilization.

For indeed, Israel and her people’s survival through the centuries continues to be an uncomprehending miracle. We know that mighty empires conquered her flourished for hundreds of years, and then disappeared into the dust of history. But little Israel is still with us. And in modern times, over the past two decades when surrounded by hostile nations and outnumbered by the millions, she boldly stood her ground and won the day time and again.

Today Israel is the U.S. of 1776, a young nation resisting tyranny and fighting for freedom and survival as a nation. She stands as a staunch democratic ally of this nation, in a world that is witnessing the gradual disappearance of representative democracies.

But more important, Israel represents for an American the very essence of any great nation, and for that matter any great person. Resolution and courage and determination and pride.

It is therefore a privilege and pleasure for the Senate to bid shalom to the Israeli consul of the Southeastern United States, based in Atlanta, Georgia, Joel Arnon.

Consul General Arnon—Mr. President, Senators, Senator Myers, thank you very much for your kind words. May I also extend the greetings of the state of Israel to you and to the state of Florida and express our hope that excellent relations between these two states will continue and flourish. I also quite enviously would like to congratulate you on your magnificent new building. I wish, frankly, I could take it lock, stock and barrel to Jerusalem. Florida is very important to us. It is similar in climate to Israel even though we do grow the better grapefruits.

We are on the threshold of our thirty years’ independence anniversary. Thirty years ago the late Ben Gurion, the father and founder of the state of Israel proclaimed, in a little museum in Tel Aviv, the independence of the state. And in our Declaration of Independence he wrote that he asks our Arab neighbors to extend the hand of friendship and of peace to us to let us live together in peace in the middle East. At that time in Palestine there were six hundred thousand Jews. We are now three million and even a little more. We brought in more than a million and a half of immigrants from all over the world from seventy countries, including the pitiful survivors of the holocaust; including more than seven hundred thousand Jews from Arab lands, all of them. We dissolved the diaspora of the Yemin and Iraq and we took the majority of Jews out of Arab lands. We succeeded in moving more than a hundred and fifty thousand of our Jewish brothers from the Soviet Union to Israel. All these people have been fully integrated, and are now part and parcel of Israeli life.

Through these thirty years we’ve made the desert bloom, we have built flourishing villages and cities, and created institutes of higher learning throughout the land. We brought electricity, hospitals and school systems to Jews and Arabs

the diversity jurisdiction cases now in the federal courts. With reference to the latter, it appears that by congressional act the state court system will receive these diversity cases within the next year but at present it does not appear that new judge positions will be necessitated to absorb this case load.

CERTIFICATION

We therefore, in accordance with Section 9, Article V, Constitution of Florida, as revised March 14, 1972, hereby certify the need for one additional county court judge in Palm Beach County; one additional circuit judge in the Fourth Judicial Circuit consisting of Duval, Nassau, and Clay Counties; one additional circuit judge in the Seventh Judicial Circuit consisting of Flagler, Putnam, St. Johns, and Volusia Counties; and one additional circuit judge in the Thirteenth Judicial Circuit consisting of Hillsborough County; for a total of four additional trial court judicial positions.

This Court certifies the aforementioned judicial officers as necessary and recommends that they be made permanent by law and funded by this state.

VERTON, C. J., and ADKINS, BOYD, ENGLAND, SUNDBERG, and HATCHETT, JJ., CONCUR.

IN THE SUPREME COURT OF FLORIDA FRIDAY, APRIL 14, 1978

I, SID J. WHITE, Clerk of the Supreme Court of Florida, do hereby certify that the foregoing pages numbered 1 through 3 contain a true and correct copy of the Opinion in that certain cause entitled *In Re: Certificate of Judicial Manpower as Required by Section 9, Article V, Constitution of Florida, as Revised March 14, 1972, for Circuit and County Courts*, Case No. 53,809; all as the same appears among the records and files of my said office.

IN WITNESS WHEREOF, I have hereunto set my hand and official Seal of the Supreme Court of Florida, at Tallahassee, the Capital, this 14th day of April, 1978.

Sid J. White

Clerk of the Supreme Court of Florida

MATTERS ON RECONSIDERATION

The motion by Senator Scott on April 13 that the Senate reconsider the vote by which SB 354 as amended passed on April 13 was taken up and failed. The bill was ordered engrossed and then certified to the House.

SPECIAL ORDER

SB 290 was taken up and on motions by Senator Zinkil, the rules were waived and by two-thirds vote HB 18 was withdrawn from the Committees on Governmental Operations and Rules and Calendar and placed on the calendar. On motion by Senator Zinkil—

HB 18—A bill to be entitled An act relating to purchasing; creating s. 287.057, Florida Statutes; placing certain conditions upon the purchase of professional and technical services by the state and its agencies; providing for written agreement and for methods of billing for such services; providing that the conditions of this act do not apply to contracts for such services in effect on the effective date of this act; providing an effective date.

—a companion measure, was substituted for SB 290 and read the second time by title.

Senator Zinkil moved the following amendment which was adopted:

Amendment 1—On page 1, line 20, insert after the “;”: *except by the Legislature*

On motion by Senator Zinkil, by two-thirds vote HB 18 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Glisson	Lewis	Renick	Trask
Gordon	MacKay	Saylor	Vogt
Gorman	McClain	Scott	Ware
Graham	Myers	Spicola	Wilson
Henderson	Peterson	Thomas, Jon	Winn
Holloway	Plante	Thomas, Pat	Zinkil
Johnston	Poston	Tobiassen	

Nays—None

Votes after roll call:

Yeas—Williamson, Hair

SB 290 was laid on the table.

Senator Scarborough presiding

SB 186—A bill to be entitled An act relating to public nuisances; amending s. 823.10, Florida Statutes, to provide that any place where obscene materials or performances are illegally used, viewed, sold or delivered is a public nuisance; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 186 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Gordon	Myers	Wilson
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Votes after roll call:

Yea—Williamson

SB 201—A bill to be entitled An act relating to sexual battery; amending s. 794.011(2), Florida Statutes; reducing the penalty from a capital felony to a life felony for the commission by an adult of sexual battery upon a person 11 years of age or younger or for injury by an adult of the sexual organs of such person in an attempt to commit sexual battery; providing an effective date.

—was read the second time by title.

Senators Dunn, Spicola and Castor offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 1—On page 1, strike lines 22 and 23 and insert: *felony, punishable by life imprisonment, and such person shall be required to serve no less than 25 years before being eligible for parole as provided in s. 775.082, s. 775.083, or s. 775.084.*

The President presiding

Senator Scott raised a point of order that because of the minimum mandatory sentencing requirement, SB 201 should be referred to the Committee on Appropriations pursuant to Rule 4.8.

The President appointed Senators Johnston, W. D. Childers and Plante as a committee to research the point.

Senator Childers reported for the Committee that the bill would not have substantial fiscal impact. The President ruled the point not well taken.

Senators Dunn, Spicola and Castor offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 2—On page 1 in title, line 9, following the semi-colon insert: requiring a minimum of 25 years' imprisonment;

On motion by Senator Johnston, by two-thirds vote SB 201 as amended was read the third time by title and failed to pass. The vote was:

Yeas—18

Castor	Gallen	Lewis	Thomas, Jon
Chamberlin	Glisson	MacKay	Williamson
Childers, Don	Gordon	Myers	Wilson
Dunn	Holloway	Renick	
Firestone	Johnston	Spicola	

Nays—18

Childers, W. D.	McClain	Scarborough	Vogt
Gorman	Peterson	Skinner	Ware
Graham	Plante	Thomas, Pat	Winn
Hair	Poston	Tobiassen	
Henderson	Saylor	Trask	

Votes after roll call:

Nay—Zinkil, Scott

SB 414—A bill to be entitled An act relating to the regulation of bail bondsmen and runners; amending s. 648.27(3), Florida Statutes; requiring a law enforcement agency to inform the Department of Insurance of any criminal charge and the disposition of such charge filed against any applicant seeking to be licensed or to continue to be licensed as a bail bondsman or runner; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—MacKay, Zinkil

SB 228—A bill to be entitled An act relating to sales and use taxation; adding paragraph (1) to s. 212.08(7), Florida Statutes, exempting from sales and use tax artificial commemorative flowers sold by certain veterans' organizations; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 228 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 271, by the Committee on Corrections, Probation and Parole, was read the first time by title and SB 271 was laid on the table.

On motions by Senator Pat Thomas, the rules were waived and by two-thirds vote HB 936 was withdrawn from the Committees on Corrections, Probation and Parole and Appropriations and placed on the calendar. On motion by Senator Pat Thomas—

HB 936—A bill to be entitled An act relating to parole; providing legislative intent; creating ss. 947.001 and 947.003, Florida Statutes; creating the "Parole Release Reform Act of 1978"; providing definitions; amending ss. 947.01(2), 947.02(2), 947.04, and 947.06, Florida Statutes, relating to the Parole and Probation Commission, to modify provisions with respect to the role of the Secretary of Offender Rehabilitation, the filling of vacancies, general organization, and procedure thereon; creating s. 947.095, Florida Statutes, providing for hearing examiner panels; amending s. 947.13(1)(a), Florida Statutes, and adding a paragraph to subsection (2) of said section, and amending s. 947.16(1) and (3), Florida Statutes, and adding a new subsection thereto, relating to powers and duties of the commission, to provide for initial hearings and for establishment of presumptive release dates; amending s. 947.135-(4)(a), Florida Statutes, providing for the continuation of the mutual participation program; creating s. 947.165, Florida Statutes, providing for development and implementation of objective parole guidelines; repealing s. 947.17, Florida Statutes, relating to procedure of commission; creating ss. 947.172, 947.173, and 947.174, Florida Statutes, providing commission procedure for hearing and review of presumptive release dates and for establishment of effective release dates; amending ss. 947.175(1), 947.19, 947.20, and 947.23(1), Florida Statutes, modifying provisions relative to notice requirements, terms and conditions of parole, violation of parole, and revocation of parole, to conform to the act; providing an effective date.

—was substituted for CS for SB 271 and read the second time by title.

Senator Pat Thomas moved the following amendments which were adopted:

Amendment 1—On page 2, line 11, strike everything after the enacting clause and insert:

Section 1. Section 947.005, Florida Statutes, is created to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(1) "Commission" means the Parole and Probation Commission.

(2) "Department" means the Department of Offender Rehabilitation.

(3) "Presumptive parole date" means the tentative parole release date as determined by objective parole guidelines.

(4) "Effective parole date" means the actual parole release date as determined by the presumptive parole date, satisfactory institutional conduct, and an acceptable parole plan.

Section 2. Section 947.06, Florida Statutes, is amended to read:

947.06 Meeting; when commission may act.—The commission shall meet at the call of the chairman and from time to time as may otherwise be determined by the commission. *The commission shall establish by rule, promulgated pursuant to chapter 120, the quorum necessary for the transaction of all business. A majority of the commission shall constitute a quorum for the transaction of all business.* No prisoner shall be placed on parole except through the use of objective parole guidelines as provided for in this chapter by vote of a majority of the commission.

Section 3. Paragraph (a) of subsection (1) of section 947.13, Florida Statutes, is amended to read:

947.13 Powers and duties of commission.—

(1) The commission shall have the powers and perform the duties of:

(a) Determining what persons shall be placed on parole, subject to the provisions of s. 947.172 and s. 947.174.

Section 4. Paragraph (a) of subsection (4) of section 947.135, Florida Statutes, is amended to read:

947.135 Mutual participation program ~~Programmed parole; pilot program.~~

(4) **MUTUAL PARTICIPATION PILOT PROGRAM; DEVELOPMENT: CRITERIA; DEPARTMENT AND COMMISSION RULES.—**

(a) The department and the commission shall jointly develop a 2-year pilot program establishing a mutual participation program which sets forth for each eligible offender the terms of his institutional confinement, a parole date, and terms of parole supervision and release, provided each offender meets the criteria set forth in this act and any additional criteria established by the department and the commission.

1. The department and the commission, as a portion of the mutual participation program, shall require that each eligible offender satisfactorily participate in a correctional work program pursuant to s. 945.06, and only through satisfactory completion of this phase of the program shall an offender become eligible to progress to a less restrictive program.

2. Additional criteria shall be established and required by the commission and the department for participation in the program, including, but not limited to, vocational counseling and work release programs; however, criteria for satisfactory participation in the program shall not include academic classroom instruction at the college level.

3. The commission shall establish a parole date for each eligible offender, based on the satisfactory completion of the program. *In no case shall such date fall after the date which would have been established under s. 947.172.*

Section 5. Section 947.16, Florida Statutes, is amended to read:

947.16 Eligibility for parole; powers and duties of commission.—

(1) Every person who has been, or who may hereafter be, convicted of a felony or who has been convicted of one or more misdemeanors and whose sentence or cumulative sentences total 12 months or more, who is confined in execution of the judgment of the court, and whose record during confinement is good, shall, unless otherwise provided by law, be eligible for consideration by the commission for parole. An inmate who has been sentenced for an indeterminate term or a term of 5 years or less shall have an initial interview conducted by a member of the commission or its representative within 6 months after the initial date of confinement in execution of the judgment. An inmate who has been sentenced for a minimum term in excess of 5 years shall have an initial interview conducted by a member of the commission or its representative within 1 year after the initial date of confinement in execution of the judgment. An inmate convicted of a capital crime shall be interviewed at the discretion of the commission. As used in this subsection, the term "confined" shall be deemed to include presence in any appropriate treatment facility, public or private, by virtue of transfer from the Department of Offender Rehabilitation under any applicable law.

(2) *The commission may postpone an initial hearing for a period not to exceed 60 days. Such postponement shall be for good cause, and the reasons therefor shall be noted in writing and included in the official record. However, in no case shall such postponement result in a hearing being conducted any time later than 1 year after the initial date the inmate is confined in execution of the judgment of the court. Notwithstanding the provisions of this subsection, an initial interview may be deferred for an inmate who is out to court or transferred to the Department of Health and Rehabilitative Services for psychological or psychiatric treatment or observation. In such cases an initial interview shall be conducted within 6 months of the date the inmate is returned to the department.*

(3)(2) Persons who have become eligible for parole and who may according to the objective parole guidelines in the discretion of the commission be granted parole shall be placed on parole in accordance with the provisions of this law.

(4)(3) Within 45 30 days after any interview for parole, the inmate shall be advised of his presumptive parole date the decision of the commission. Subsequent to the establishment of such date, the commission shall review the official record and conduct additional interviews with the inmate, pursuant to the schedule established under s. 947.174(1) initial interview, the inmate shall be interviewed for parole at periodic intervals not less often than annually. However the presumptive parole date shall not be changed except for reasons of institutional conduct or the acquisition of new information not available at the time of the initial interview.

Section 6. Section 947.165, Florida Statutes, is created to read:

947.165 Objective parole guidelines.—

(1) The commission shall develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. Such guidelines shall be established by rule, and promulgated pursuant to chapter 120, before January 1, 1979. The objective parole guidelines shall be developed according to an acceptable research method and shall be based on the seriousness of offenses and the likelihood of favorable parole outcome.

(2) By July 1, 1979, and annually thereafter, the commission shall review the objective parole guidelines to make any revisions in the guidelines which experience necessitates.

(3) The department, upon request of the commission, shall provide the commission with the statistical information necessary for guidelines review and monitoring by the commission.

Section 7. Section 947.172, Florida Statutes, is created to read:

947.172 Establishment of presumptive parole date.—

(1) A member of the commission or its representative shall conduct an initial hearing subject to the provisions of s. 947.16(1) to explain the objective parole guidelines and the factors which affect the establishment of a presumptive parole date and to review the inmate's institutional conduct and any other matters which the commission considers relevant.

(2) Based on the objective parole guidelines and any other competent evidence relevant to aggravating or mitigating circumstances, a recommendation shall be made in writing to the commission regarding a presumptive parole date for the inmate. This recommendation shall be made within 14 consecutive days of the hearing. If the presumptive parole date falls outside of the objective parole guidelines, the recommendation shall include with particularity the reasons for departing from the objective parole guidelines. Within 45 days from the date such recommendation is made, the commission shall report to the inmate, in writing, a decision regarding the inmate's presumptive parole date. Notwithstanding the provisions of this section, no inmate shall be released prior to the completion of his mandatory minimum sentence or after the completion of his maximum sentence, less accumulated gain-time allowances.

Section 8. Section 947.174, Florida Statutes, is created to read:

947.174 Subsequent hearings; establishment of effective parole date.—

(1) The commission shall establish by rule, promulgated pursuant to chapter 120, a reinterview schedule for review of presumptive parole dates. This schedule shall consider the objective parole guidelines, length of time until the presumptive parole date, and length of sentence. The scope of such hearing shall be limited to the consideration of any additional facts or information which has a bearing on the presumptive parole date.

(2) The department shall bring to the attention of the commission, within a reasonable time, such information as the department and the commission deem relevant to the presumptive parole date, including, but not limited to, current progress, psychological, and disciplinary reports.

(3) The department may recommend that an inmate be placed in a work release program prior to the last 18 months of his confinement as determined by the presumptive parole date, and the commission may at any time recommend that an inmate be placed in a work release program, and the department shall, prior to such placement, advise the commission of such placement.

(4) Provided that the inmate's institutional conduct has been satisfactory, the presumptive parole date shall become the effective parole date as follows:

(a) Sixty days prior to the presumptive parole date, a member of the commission or its representative shall conduct a final interview with the inmate in order to establish an effective parole date. If it is determined that the inmate's institutional conduct has been unsatisfactory, a statement to this effect shall be made in writing with particularity and forwarded

to the commission. Within 14 days the commission shall determine whether or not to authorize the effective parole date and the inmate shall be notified of the decision in writing within 45 days of the final interview.

(b) When an effective date of parole has been established, release on that date shall be conditioned upon the completion of a satisfactory plan for parole supervision. An effective date of parole may be delayed for up to 30 days without a hearing for development and approval of release plans.

Section 9. Subsection (1) of section 947.175, Florida Statutes, is amended to read:

947.175 Notice to local agencies.—

(1) The Parole and Probation Commission shall, at least 10 ~~7~~ days prior to the *effective parole date anticipated date of release on parole* of an inmate, inform the *appropriate local criminal justice agencies sheriff and State Attorney* in the community in which the inmate is scheduled to be released.

Section 10. Section 947.19, Florida Statutes, is amended to read:

947.19 Terms of parole.—The commission, upon *authorizing an effective parole date placing a person on parole*, shall specify in writing the terms and conditions of *the his* parole. A certified copy of such terms and conditions ~~thereof~~ shall be given to the parolee. *The commission shall establish and use objective guidelines for determining the terms and conditions of parole supervision.*

Section 11. Section 947.20, Florida Statutes, is amended to read:

947.20 Rules of commission.—The commission shall adopt general rules on the terms and conditions of parole and what shall constitute the violation thereof, and may make such special rules to govern particular cases. Such rules, both general and special, may include, among other things, a requirement that the parolee shall not leave the state or any definite area in Florida without the consent of the commission; that he shall contribute to the support of his dependents to the best of his ability; that he shall make reparation or restitution for his crime; that he shall *not associate with persons engaged in criminal activity abandon evil associates and ways*; and that he shall carry out the instructions of his parole supervisor and, in general, ~~so~~ comport himself *in accordance with the terms and conditions of his parole as such supervisor shall determine.*

Section 12. Subsection (1) of section 947.23, Florida Statutes, is amended to read:

947.23 Action of commission upon arrest of parolee.—

(1) As soon as practicable after the arrest of a person charged with violation of the terms and conditions of his parole, such parolee shall appear before the commission in person, and if he desires he may be represented by counsel, and a hearing shall be had at which the state and the parolee may introduce such evidence as they may deem necessary and pertinent to the charge of parole violation. The commission, a member thereof, or a duly authorized representative of the commission or member thereof shall have the authority to administer oaths and compel the attendance of witnesses at said hearing by the issuance of summons and subpoenas and to issue subpoenas duces tecum, under penalty of contempt under the commission's seal and signed by any member of the commission. The commission shall issue subpoenas on behalf of the parolee in connection with any matter which impinges in a material respect upon a finding of fact in a parole revocation case, provided the parolee furnishes to the commission the names and addresses of his proposed witnesses at least 7 days prior to the hearing date. Within a reasonable time thereafter, the commission shall make findings upon such charge of parole violation and shall enter an order determining whether said charges of parole violation have been sustained. The commission shall in and by said order revoke said parole and return said person to prison to serve the sentence theretofore imposed upon him, or reinstate the original order of parole, or shall enter such other order as it may deem proper; *provided however, that any decision to revoke parole shall be based on a violation of a term or condition specifically enumerated in the parole release order.*

Section 13. Subsection (5) is added to section 945.25, Florida Statutes, to read:

945.25 Records.—

(5) *Following the initial hearing provided for in s. 947.172 (1), the commission shall prepare and the department shall include in the official record a copy of the seriousness of offense and favorable parole outcome scores and shall include a listing of the specific factors and information used in establishing a presumptive parole date for the inmate.*

Section 14. On or before January 1, 1980, a presumptive parole date, developed pursuant to s. 947.172, Florida Statutes, shall be established for each inmate in the custody of the Department of Offender Rehabilitation who will not be released from incarceration on or before January 1, 1980, by virtue of parole, accumulation of gain-time, or expiration of sentence. However, the presumptive parole date need not be established on or before such date for:

(1) Those inmates sentenced to a minimum term of 5 years or less, who were confined in execution of the judgment of the court on or after August 1, 1979. Presumptive parole dates for these inmates shall be established pursuant to s. 947.172, Florida Statutes.

(2) Those inmates sentenced to a minimum term in excess of 5 years, who were confined in execution of the judgment of the court on or after February 1, 1979. Presumptive parole dates for these inmates shall be established pursuant to s. 947.172, Florida Statutes.

(3) The commission shall continue its current schedule of annual interviews until January 1, 1980 or until such time as the objective parole guidelines are implemented, whichever comes first.

Section 15. The provisions of this act shall be carried out within the existing resources of the Parole and Probation Commission.

Section 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared severable.

Section 17. Section 947.17, Florida Statutes, is hereby repealed.

Section 18. This act shall take effect October 1, 1978.

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

A bill to be entitled

An act relating to the Parole and Probation Commission; creating s. 947.005, Florida Statutes; providing definitions; amending s. 947.06, Florida Statutes; providing that the decision to parole a prisoner be based on objective guidelines; amending s. 947.13(1)(a), Florida Statutes; prescribing the powers and duties of the commission; amending s. 947.135 (4)(a), Florida Statutes; prescribing criteria for establishing the parole dates for inmates in the mutual agreement parole program; amending s. 947.16, Florida Statutes; providing for hearings to determine presumptive parole dates; creating s. 947.165, Florida Statutes; providing for the creation and periodic review of objective parole guidelines; creating s. 947.172, Florida Statutes; providing a procedure for the establishment of presumptive parole dates; creating s. 947.174, Florida Statutes; providing for the development of a schedule for review of presumptive parole dates; providing a procedure for the establishment of effective parole dates; amending s. 947.175(1), Florida Statutes; providing for notice to certain agencies of release of an inmate; amending s. 947.19, Florida Statutes; providing for establishment and modification of the terms and conditions of parole; amending s. 947.20, Florida Statutes; providing for the adoption of rules relating to the terms and conditions of parole; amending s. 947.23(1), Florida Statutes; providing criteria for the revocation of parole; adding s. 945.25(5), Florida Statutes; providing for the maintenance of certain records; requiring presumptive parole dates to be established for certain inmates by a certain date; requiring the act to be carried out within existing resources; providing severability; repealing s. 947.17, Florida Statutes, relating to the procedures of the Parole and Probation Commission with respect to parole; providing an effective date.

On motion by Senator Pat Thomas, by two-thirds vote HB 936 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 271 was laid on the table.

SB 277—A bill to be entitled An act relating to outdoor advertising; amending s. 479.04(1), Florida Statutes, providing a 30-day delinquency period and a delinquency fee for the payment of outdoor advertising licenses to the Department of Transportation; amending s. 479.07(2) and (3), Florida Statutes, requiring the department to act upon individual device permits for advertising structures within a certain time period; requiring a service fee for replacement permit tags; providing for second notices on overdue fees; providing for a delinquency fee; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 1—On page 5, strike all of line 7 and insert: ordinances, provided, however, that such ordinances shall not conflict with any applicable state or federal laws.

The Committee on Commerce offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 2—On page 1 in title, line 12, after "permit tags;" insert: requiring applicants to make specified fee payments;

On motion by Senator Gallen, by two-thirds vote SB 277 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 516—A bill to be entitled An act relating to firearms; amending s. 790.15, Florida Statutes; prohibiting the discharge of a firearm in any public place or on the right-of-way of any public road, highway, or street, or knowingly discharging any firearm over any such right-of-way or over any occupied premise; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Spicola moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, after "who" insert: knowingly

Senator Pat Thomas moved the following amendment which was adopted:

Amendment 2—On page 1, line 24, after the word "firearm" insert: or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Game and Fresh Water Fish Commission

On motion by Senator Pat Thomas, by two-thirds vote SB 516 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—7

Mr. President	Gordon	Scott	Ware
Childers, Don	Henderson	Tobiassen	

SB 517—A bill to be entitled. An act relating to motor vehicle registration certificates; amending s. 320.06(3), Florida Statutes; providing that a person charged with driving without a valid registration certificate shall not be convicted or fined if he produces a copy of such certificate to the clerk of the court in which such charge is pending within a specified period of time after receiving a citation; providing an effective date.

—was read the second time by title.

Senators Trask and Myers offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 1, strike all of line 31 and on page 2, all of line 1 through and including line 7 and insert: this subsection shall be convicted or fined if, prior to or at the time of his court or hearing appearance, the operator produces in court or to the clerk of the court in which the charge is pending a copy of such registration certificate valid at the time of his or her arrest. The clerk of the court is hereby authorized to dismiss such cases at any time prior to the defendant's appearance in court.

Section 2. Subsection (2) of section 322.15, Florida Statutes, is amended to read:

322.15 License to be carried and exhibited on demand.—

(2) No person charged with violating this section shall be convicted if, prior to or at the times of his court or hearing appearance, he produces in court or to the clerk of the court in which the charge is pending a driver's ~~an operator's or chauffeur's~~ license theretofore issued to him and valid at the time of his arrest or produces such a license to the clerk of the court in which said charge is pending within 24 hours after receiving such citation, excluding Saturdays, Sundays and legal holidays. The clerk of the court is hereby authorized to dismiss such cases at any time prior to the defendant's appearance in court.

Section 3. This act shall take effect July 1, 1978.

Amendment 2—On page 1, in title, strike all of line 2 through and including line 11 and insert: An act relating to traffic control; amending sections 320.06(3) and 322.15(2), Florida Statutes, providing that a person charged with certain violations may not be convicted or fined if, prior to or at the time of his court or hearing appearance, he produces a driver's license or registration certificate valid at the time of his

arrest; authorizing the clerk of the court to dismiss such a case prior to the defendant's appearance in court; providing an effective date.

On motion by Senator Trask, by two-thirds vote SB 517 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 323—A bill to be entitled An act relating to purchases made by state agencies; amending s. 287.062, Florida Statutes; requiring competitive bids on purchases in excess of \$2,500; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 323 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Scarborough Scott

SB 359—A bill to be entitled An act relating to the Florida Electrical Contractors' Licensing Board; amending s. 468.182 (2)(b), (3)(b), Florida Statutes; providing that members may succeed themselves; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 359 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 364—A bill to be entitled An act relating to licensing of vehicles; amending s. 316.284, Florida Statutes; providing that nothing may be placed on the face of a license plate except as permitted by law or by rule or regulation of a governmental agency; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 3, 11, and 12, strike "316.284" and insert: 316.605

Amendment 2—On page 1, strike all of line 29 and insert: shall be placed upon the face of a Florida plate except as permitted

On motion by Senator Holloway, by two-thirds vote SB 364 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Castor	Gorman	MacKay	Trask
Chamberlin	Graham	McClain	Vogt
Childers, Don	Hair	Myers	Williamson
Firestone	Henderson	Poston	Winn
Gallen	Holloway	Scott	Zinkil
Glisson	Johnston	Spicola	
Gordon	Lewis	Thomas, Jon	

Nays—9

Childers, W. D.	Renick	Tobiassen	Wilson
Peterson	Sayler	Ware	
Plante	Scarborough		

SB 379—A bill to be entitled An act relating to contraband; amending s. 943.41(1), Florida Statutes, and adding paragraph (e) to subsection (2) thereof; providing a short title; including personal property used or intended for use in the commission of certain crimes within the definition of "contraband articles"; adding subsection (4) to s. 943.42, Florida Statutes, making unlawful the concealment or possession of contraband articles of personal property; amending s. 943.43, Florida Statutes, providing for forfeiture of contraband articles of personal property; amending s. 943.44(1) and (2), Florida Statutes, providing forfeiture proceedings for such personal property; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which failed:

Amendment 1—On page 2, line 4, strike "1. Prostitution, as provided in s. 796.07" and renumber

Senator Scarborough moved the following amendment:

Amendment 2—On page 2, line 30, strike "has been or"

On motion by Senator Williamson, further consideration of SB 379 was deferred.

SB 387—A bill to be entitled An act relating to the Administrative Procedure Act; adding subsections (15) and (16) to s. 120.52, Florida Statutes, defining the terms "owner" and "manager"; adding a new subsection (4) to s. 120.60, Florida Statutes, requiring agencies which require a statement of ownership and management on original license applications to require an update on renewal applications; requiring all license or renewal applications to be signed under oath or affirmation; requiring denial of license application or suspension or revocation of license for misrepresentation or false swearing to any material statement on a license or renewal application; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Barron:

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert: Section 1. Definitions.—As used in this act:

(1) "Owner" means any owner of 10 percent or more of the outstanding stock or equity interest of a licensed entity.

(2) "Manager" means each officer, director, chief executive, or any other person who, in the finding of the agency, is able to directly or indirectly control the operation of the business of a licensed entity.

(3) "License" means any license as defined in s. 120.52(7).

(4) "Agency" means agency as defined in s. 120.52(1).

Section 2. Licensing.—

(1) When an agency requires a statement of ownership and management on an original license application, then every license renewal application shall include a section asking whether there has been any change in the statement of ownership and management since the original application or last license renewal. If the names and addresses of the owners and managers have changed since the last license renewal, the new names and addresses shall be stated on the renewal application.

(2) All applications for a license or license renewal issued by an agency on and after the effective date of this act shall be signed under oath or affirmation by the applicant, or owner or chief executive officer of the applicant, without the need of witnesses unless otherwise required by law.

(3) Any licensee or applicant, or agent, servant, or employee thereof, who misrepresents or falsely swears to any material statement in an application for a license or license renewal, including, but not limited to, the names and addresses of the owners and managers of the licensee or applicant, shall be subject to a denial of the application, or suspension or revocation of an existing license, in addition to any other penalties provided by law.

Section 3. This act shall take effect October 1, 1978.

Senator Hair moved the following substitute amendment which was adopted:

Amendment 2—On pages 1 and 2, strike everything after the enacting clause and insert: Section 1. Each application for a license issued by the Department of Business Regulation shall include a statement showing the name and address of each person who owns ten percent or more of the outstanding stock or equity interest in the licensed activity and the name and address of each officer, director, chief executive or other person who, in accordance with the rules of the issuing agency, is determined to be able directly or indirectly to control the operation of the business of the licensed entity, and each application for renewal of such a license shall set out any changes in the required names and addresses which have occurred since the license was issued or last renewed.

Section 2. Each application for a license or renewal of a license issued by the Department of Business Regulation shall be signed under oath or affirmation by the applicant, or owner or chief executive of the applicant, without the need for witnesses unless otherwise required by law.

Section 3. Any license issued by the Department of Business Regulation which is issued or renewed in response to an application upon which the person signing under oath or affirmation has falsely sworn to a material statement, including, but not limited to, the names and addresses of the owners or managers of the licensee or applicant, shall be subject to denial of the application or suspension or revocation of the license and the person falsely swearing shall be subject to any other penalties provided by law.

Section 4. This act shall take effect October 1, 1978.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Barron:

Amendment 3—On page 1, strike all of lines 1-16 in the title and insert: A bill to be entitled An act relating to licensing; defining the terms "owner", "manager", "license", and "agency"; requiring agencies which require a statement of ownership and management on original license applications to require an update on renewal applications; requiring all license or renewal applications to be signed under oath or affirmation; requiring

denial of license application or suspension or revocation of license for misrepresentation or false swearing to any material statement on a license or renewal application; providing an effective date.

Senator Hair moved the following substitute amendment which was adopted:

Amendment 4—On page 1, strike the title and insert: A bill to be entitled An act relating to business regulations; requiring applications for licenses or renewals of licenses issued by the Department of Business Regulation, to contain a current list of owners and managers; providing grounds for revocation, suspension and denial of licenses; requiring applications to be made under oath; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 387 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Wilson

Votes after roll call:

Yeas—Castor, MacKay

SB 447—A bill to be entitled An act relating to the Florida Statutes; adding subsection (15) to s. 1.01, Florida Statutes, relating to statutory definitions; providing a definition of the term "veteran"; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Peterson and Vogt

SB 483—A bill to be entitled An act relating to corporate obligations; adding s. 607.017(6), Florida Statutes; providing that certain corporate obligations shall not be impaired by the subsequent impairment of the capital of the corporation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 483 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 74—A bill to be entitled An act relating to municipal annexation; adding s. 171.042(3), Florida Statutes; requiring the governing body of a municipality to file a copy of the required report setting forth the plans with the board of county commissioners prior to commencing annexation proceedings; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 74 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Childers, W. D.	Gordon	Henderson
Barron	Firestone	Gorman	Holloway
Castor	Gallen	Graham	Johnston
Childers, Don	Glisson	Hair	Lewis

MacKay	Scarborough	Tobiassen	Winn
McClain	Skinner	Trask	Zinkil
Myers	Spicola	Vogt	
Poston	Thomas, Jon	Ware	
Renick	Thomas, Pat	Wilson	

Nays—1

Scott

Vote after roll call:

Yea—Peterson

Senator Plante announced that Subcommittee C of the Committee on Appropriations would not meet as scheduled this day.

CO-INTRODUCERS

Senators Pat Thomas, Scarborough and Peterson—SB 525; Senators Castor and Zinkil—SJR 546, SB 547; Senator Dunn—SB 453; Senator Jon Thomas—SB 839; Senators Trask and Peterson—SB 210; Senator Brantley—SB 434—Senators Plante and Dunn—SB 806; Senator Winn—SM 21

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 14 and 13 were corrected and approved.

On motion by Senator W. D. Childers, the Senate adjourned at 12:14 p.m. to convene at 8:30 a.m., April 19, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.