



Journal of the Senate

Number 12

Thursday, April 20, 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 Sayler—

SB 841—A bill to be entitled An act relating to workmen's compensation; amending s. 440.13(1), Florida Statutes, relating to the required provision of medical services by an employer to an injured employee during the period of recovery; providing that the employer shall not change the physician, surgeon, etc., authorized to treat the injured employee without consent of the employee, unless a judge of industrial claims determines that such change is in the best interests of the employee; providing an effective date.

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

By Senators Plante and Dunn—

SB 842—A bill to be entitled An act relating to state employees; creating s. 112.216, Florida Statutes, granting paid leave to state employees who engage in certain athletic competition; providing an effective date.

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

By Senator Scarborough—

SB 843—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.153, Florida Statutes; providing for the regulation of shrimp fishing in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; providing regulations on live bait shrimp production; prohibiting dead shrimp production; prohibiting noncommercial trawling; providing a penalty; providing an effective date.

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

By the Committee on Judiciary-Civil—

SJR 844—A joint resolution proposing an amendment to Section 4, Article III of the State Constitution, relating to discipline of members of the Legislature.

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

By Senator Wilson—

SB 845—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.24, Florida Statutes, exempting political subdivisions of the state from the tax on notes, mortgages, and bonds under certain circumstances; providing an effective date.

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

By Senator Firestone—

SB 846—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.23(2), Florida Statutes; extending the exemption from taxation for foreign notes and other written obligations to instruments which finance the pur-

chase of certain personal property acquired solely for business uses and purposes; providing an effective date.

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

By Senator Sayler—

SB 847—A bill to be entitled An act relating to probation; creating s. 948.08, Florida Statutes, prohibiting the granting of probation, withholding of adjudication of guilt, or the suspension, deferral, or withholding of sentence to persons convicted of specified offenses against specified victims; requiring admission or finding of facts supporting such prohibition; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; and Judiciary-Criminal.

By Senator Williamson—

SB 848—A bill to be entitled An act relating to taxation; amending ss. 210.02(1), (3)-(5), 210.20(2)(a), Florida Statutes; decreasing the excise or privilege tax on cigarettes; changing the distribution of funds received from such taxes; providing an effective date.

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

By Senator Renick—

SB 849—A bill to be entitled An act relating to the registration of boats; amending s. 371.65(7), Florida Statutes; providing an exemption for certain nonprofit marine institutes; providing an effective date.

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

By Senator Dunn (by request)—

SB 850—A bill to be entitled An act relating to the death benefits of law enforcement officers; amending s. 112.19(1), Florida Statutes; providing that beneficiaries of certain law enforcement officers shall be eligible to receive death benefits under certain conditions; providing an effective date.

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

By Senator Dunn (by request)—

SB 851—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.33(2), Florida Statutes; increasing the filing fee for establishment of any cemetery; amending s. 559.34, Florida Statutes; increasing the filing fee for change of control of any cemetery company; amending s. 559.37(4), Florida Statutes; increasing the fee for examination of the affairs of any cemetery company; amending s. 559.46, Florida Statutes; requiring an annual fixed license fee for every cemetery company, broker, sales organization, and management organization; providing a fine for late license renewal; repealing ss. 559.49, 559.50, Florida Statutes, which require a surety bond under certain circumstances and prescribe the form of such bond; providing an effective date.

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

By Senator Firestone—

SB 852—A bill to be entitled An act relating to funds drawn from county depositories; amending ss. 136.06, 219.05(2), Florida Statutes; authorizing certain boards or county officers to establish or change the form of warrants for the disbursement of funds from a county depository; authorizing direct deposit of such warrants under certain circumstances; authorizing such direct deposit by electronic or other means if approved by the board or county officer; providing an effective date.

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

By Senator Firestone—

SB 853—A bill to be entitled An act relating to county hospital funds; creating s. 155.111, Florida Statutes; authorizing the board of trustees of any county hospital to establish the form of warrants for the direct deposit payment or disbursement of funds out of the hospital depository; authorizing direct deposit of funds under certain circumstances; providing an effective date.

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

By Senator Dunn—

SB 854—A bill to be entitled An act relating to the grand jury; amending s. 905.34, Florida Statutes, including certain crimes involving obscene materials within the subject matter jurisdiction of a statewide grand jury; providing an effective date.

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

By Senators Dunn and Firestone—

SB 855—A bill to be entitled An act relating to the establishment of a statewide Cancer Epidemiological Center and Registry; requiring all hospitals licensed in Florida to report to the Department of Health and Rehabilitative Services certain information relative to all patients diagnosed and treated for cancer; providing that the license of a hospital may be suspended or revoked for failure to provide such information; requiring the department to establish or contract for the establishment of a Cancer Epidemiological Center and Registry; requiring the center to create a statewide cancer registry for the purposes of collection and dissemination of analyzed data to hospitals and other authorized persons; providing an appropriation; providing for the partial reimbursement of cost to hospitals of reporting; providing severability; 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 Ware—

SB 856—A bill to be entitled An act relating to counties; creating s. 125.275, Florida Statutes; providing for countywide air quality protection; prescribing powers of counties designated as nonattainment areas pursuant to the Federal Clear Air Act; providing for preemption of municipal ordinances pertaining to air quality in such counties; providing an effective date.

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

By Senator Vogt—

SB 857—A bill to be entitled An act relating to environmental regulation; amending s. 253.124, Florida Statutes; deleting provision requiring application to the appropriate local government for dredge, fill, or construction permits for construction of islands or addition to existing land in navigable waters of the state; requiring that such application be made to the Department of Environmental Regulation; providing that the local government may approve or disapprove the application; transferring authority for requiring hydrographic survey from the Department of Natural Resources to the Department

of Environmental Regulation; transferring authority for revocation or extension of permits from the Board of Trustees of the Internal Improvement Trust Fund to the Department of Environmental Regulation; deleting certain penalty provisions; transferring authority to direct the removal of illegally created fill from the board to the Department of Environmental Regulation; amending s. 253.126, Florida Statutes; providing that the department may authorize any other state agency to conduct dredge or fill operations upon certification by that agency that it will comply with all requirements set forth by the department; amending s. 253.127, Florida Statutes; providing that the judicial and administrative remedies, penalties, and civil liability established by chapter 403, Florida Statutes, shall be applicable to the violation of any rule, order, or permit issued by the department pursuant to chapter 253, Florida Statutes; amending s. 253.76, Florida Statutes; authorizing the Environmental Regulation Commission to delegate to the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund the authority to hear appeals of certain permit matters under chapter 403, Florida Statutes; amending s. 403.061(16), Florida Statutes; providing that the department may authorize any state agency to perform any activity requiring a permit under chapter 403, Florida Statutes, upon certification by such agency that it will comply with all requirements set forth by the department; amending s. 403.087(2), Florida Statutes; requiring each permit applicant to bear the cost of giving public notice; amending s. 403.804(1), (3), Florida Statutes; authorizing the Environmental Regulation Commission to delegate to the Board of Trustees of the Internal Improvement Trust Fund the authority to hear appeals of permit decisions under chapter 403, Florida Statutes, when there is a related permit appeal under chapter 253, Florida Statutes; limiting authority of the commission on approval of federal grant applications and disbursements to those grants for the construction of waste water or water treatment works; amending s. 403.805, Florida Statutes; deleting provision requiring that the secretary grant, modify, or deny permits for developments of regional impact and authorizing the secretary to delegate any authority granted by chapter 403, Florida Statutes, to the assistant secretary, division directors, district managers, or subdistrict managers; repealing s. 403.061(18), Florida Statutes, relating to notice requirements for installation or expansion of new air or water contaminant sources; providing an effective date.

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

By Senators Dunn, Myers, Vogt and Gordon—

SB 858—A bill to be entitled An act relating to domestic relations; creating part II of chapter 61, Florida Statutes; providing for the establishment of conciliation divisions of the circuit courts with jurisdiction over controversies between spouses; providing for staff and a director of conciliation; providing petitioning procedures; providing for conferences; providing authority of judges of conciliation divisions; providing for relationship to proceedings for dissolution of marriage; providing for funding by the counties; 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 Senators Ware and Gallen—

SB 859—A bill to be entitled An act relating to land acquisition; adding subsection (6) to s. 337.25, Florida Statutes; authorizing the sale of certain property acquired by the Department of Transportation for replacement housing; providing an effective date.

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

By Senators Gallen, Ware and Hair—

SB 860—A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(b), Florida Statutes; providing an exception from the definition of agency for entities created under the provisions of chapter 361, Part II, Florida Statutes; amending s. 120.54(2)(a), (7), (11)(b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; requiring that the citation for law

implemented be to the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; amending s. 120.565, Florida Statutes; providing that a declaratory statement set out the agency's opinion as to applicability of a statute, rule, or order to the petitioner only; amending s. 120.68(3), Florida Statutes, providing that a petition to an agency for a stay is not a prerequisite to a petition for a supersedeas; amending s. 120.71, Florida Statutes; providing an exemption from s. 112-3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; providing an effective date.

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

By Senators Tobiassen, Trask, W. D. Childers, Plante, Gallen, Saylor, Poston, Barron and Gorman—

SR 861—A Senate resolution expressing support for the position of the National Rifle Association on the subject of gun control legislation.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 364 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Richmond and Culbreath—

HB 364—A bill to be entitled An act relating to guardianship; amending s. 744.331(5)(c), Florida Statutes, providing that any county required to pay fees to any committee or attorney with respect to the adjudication of an alleged incompetent under the guardianship law shall have a right of a creditor's claim against the guardianship property with respect to such fees; amending s. 744.351(1), Florida Statutes, providing for the waiver of a guardian's bond; adding subsection (5) to s. 744.387, Florida Statutes, directing the court to enter an order approving the reimbursement to such a county out of the assets or income of the guardian's estate; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 6 HB 233 HB 617
 HB 183

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mixson—

HB 6—A bill to be entitled An act relating to insurance; creating s. 627.7285, Florida Statutes, to provide that the experience of certain persons associated with operating a vehicle or train as a public conveyance shall not be a factor in setting their motor vehicle liability insurance rates; providing an effective date.

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

By the Committee on Veterans Affairs and Representatives Lockward and Sample—

HB 233—A bill to be entitled An act relating to totally and permanently disabled veterans; providing that certain disabled veterans shall not be required to pay any license or permit fee to any county or municipality in order to make

certain improvements on any mobile home owned by the veteran and used as his residence; providing an effective date.

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

By Representative Mixson and others—

HB 617—A bill to be entitled An act relating to legal holidays and special observances; creating s. 683.115, Florida Statutes, designating May 16 of each year as "Law Enforcement Memorial Day" and providing for its observance; providing an effective date.

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

By Representative Hagler—

HB 183—A bill to be entitled An act relating to abatement of nuisances; amending s. 60.05(1), Florida Statutes, providing that counties and municipalities may sue in their own names to abate nuisances; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 38 HB 182 HB 342
 HB 79 HB 169

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gordon—

HB 38—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.

By Representative Barrett—

HB 79—A bill to be entitled An act relating to private property; creating s. 810.13, Florida Statutes, prohibiting the posting of "no trespassing" signs on private property without consent of the owner; providing a penalty; providing an effective date.

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

By Representatives Cherry and Smith—

HB 169—A bill to be entitled An act relating to the sickle cell trait; prohibiting denial of or discharge from employment based on possession of such trait; prohibiting certain mandatory screening for the trait; providing exceptions; providing an effective date.

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

By Representative James—

HB 182—A bill to be entitled An act relating to bingo and guest games; amending s. 849.093(8), Florida Statutes, simplifying the language relating to locations where bingo or guest games may be held; providing that bingo or guest games may be held on municipal or county property under certain circumstances; providing an effective date.

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

By Representative Hodges—

HB 342—A bill to be entitled An act relating to the land fill permits; amending s. 253.124(4), Florida Statutes, increasing to 5 years the period of time for which construction permits for filling land may be issued; providing that a board of county commissioners may grant permits for less than 5 years depending upon the size and scope of construction; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 224 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gustafson—

HB 224—A bill to be entitled An act relating to gambling; creating s. 849.235, Florida Statutes, providing a defense in any action or prosecution for the possession of certain gambling devices; providing for the return of such devices; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted as amended HM 423 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Maxwell and others—

HM 423—A memorial to the Congress of the United States requesting Congress to direct the Administrator of the United States Veterans Administration to conduct a demographic study of Brevard County, Florida, to confirm the need for a United States Veterans Administration satellite facility in such area and to report the results of the study to Congress in 6 months.

—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 as amended HB 69 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Robinson and Fortune—

HB 69—A bill to be entitled An act relating to disposition of county parks; creating s. 125.335, Florida Statutes, authorizing and establishing procedures by which the boards of county commissioners may vacate certain parks; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 718 and HB 25 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development and Representative Robinson—

HB 718—A bill to be entitled An act relating to the Division of Economic Development; amending s. 288.03(9) and (16),

Florida Statutes, and adding a subsection; requiring that certain reports be made annually to the Governor and Legislature; requiring the annual preparation of a list of companies locating, expanding, moving, or halting operations in the state and of companies laying off employees; specifying information to be included; providing an effective date.

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

By Representative Hill—

HB 25—A bill to be entitled An act relating to the regulation of boats; amending s. 371.68, Florida Statutes, providing that violations of certain boating safety regulations are non-criminal violations rather than second degree misdemeanors; amending s. 371.67, Florida Statutes, providing for enforcement for officers of the Division of Law Enforcement of the Department of Natural Resources and the Game and Fresh Water Fish Commission; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 829 HB 733 HB 358
HB 251

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Steinberg—

HB 829—A bill to be entitled An act relating to motor vehicles; amending s. 319.14(1)-(4), Florida Statutes, requiring the title of a rebuilt motor vehicle to indicate that it is rebuilt; requiring certain notification by the owner of a rebuilt motor vehicle prior to sale or exchange; amending s. 319.23(2), Florida Statutes, requiring the applicant to provide certain evidence of inspection of a motor vehicle's identity for an application for a certificate of title; amending s. 319.30(2), (3), (5), and (6), Florida Statutes, requiring an owner of an uninsured motor vehicle, rather than a vehicle of a certain age, which is considered to be a total loss or salvage to forward the title to the Department of Highway Safety and Motor Vehicles; deleting the requirement that certain other information be forwarded; providing an exemption from provisions outlawing the possession of certain junk or salvage motor vehicles; changing the conditions under which a motor vehicle is deemed a total loss; requiring certain records; providing a penalty; amending s. 320.02(1)(a), Florida Statutes, requiring the application for the registration of vehicles registered outside of the state to contain evidence of inspection and other information; amending s. 320.26(2), Florida Statutes, increasing the penalty for the unauthorized counterfeiting, manufacture, sale, or disposal of registration license plates and stickers; creating s. 325.141, Florida Statutes, transferring provisions prohibiting inspection of a vehicle prior to registration; providing an exception for certain vehicles registered out of state; creating s. 812.055, Florida Statutes, providing for the inspection of junkyards, scrap metal processing plants, salvage yards, licensed motor vehicle dealers, repair shops, parking lots, and public garages; amending s. 817.52(1) and (2), Florida Statutes, increasing the penalties for the unlawful obtaining or hiring of vehicles with intent to defraud; repealing s. 325.14(3), Florida Statutes, to conform to the act; providing an effective date.

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

By Representative Hollingsworth—

HB 733—A bill to be entitled An act relating to imported pork; amending s. 585.3401, Florida Statutes, prohibiting the purchase by public agencies of imported pork under certain circumstances; providing a penalty; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 358—A bill to be entitled An act relating to the Florida Marketing Laws; amending ss. 573.17(3)(b), 573.66(1), 573.817(1), 573.846(1) and 573.872(1), Florida Statutes, eliminating the authority of the Department of Agriculture and Consumer Services to issue marketing orders for the prevention, modification, or removal of trade barriers which obstruct the free flow of celery, sweet corn, foliage plants, watermelons, soybeans, or flue-cured tobacco to market; providing an effective date.

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

By the Committee on Tourism & Economic Development and Representatives Hutto and Robinson—

HB 251—A bill to be entitled An act relating to education; amending s. 230.66(1), (2)(a), (5) and (6), Florida Statutes, which establishes an industry services training program and creates the Industry Services Advisory Council; enlarging the scope of the program and increasing the membership of the council; providing for participation in training programs by community college boards of trustees; providing certain restrictions for teachers employed in such programs; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 123 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representatives Thompson and Rish—

CS for HB 123—A bill to be entitled An act relating to environmental control; adding subsections (10)-(15) to s. 403.703, Florida Statutes, providing definitions; adding subsections (12)-(15) to s. 403.704, Florida Statutes, requiring the Department of Environmental Regulation to encourage, or require, certain solid waste disposal areas to include certain facilities, equipment, and personnel; requiring the department to promulgate rules with respect to certain types of solid waste disposal areas; adding a paragraph to s. 403.707(2), Florida Statutes, providing an additional permitting exemption; creating s. 403.7075, Florida Statutes, providing for the preparation and submission of construction plans for certain low cost solid waste disposal areas; providing an effective date.

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

The Senate recessed at 8:38 a.m.

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

Mr. President	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
Gordon	Myers	Thomas, Jon	

Excused: Senator Trask, from 10:10 a.m. until 11:00 a.m.; Senator Barron

Prayer by the Reverend Michael L. McGehee, Pastor of Faith Presbyterian Church, Tallahassee:

Remember, O God, the peoples of this great state divided by race, nationality, economy, and need. Undergird those trapped by poverty, hurt by selfish interest, scorned by injustices. Sober those with compassionate good will who are enjoying the bounty of all that is good in our state.

Almighty God, with justice Thou doest watch over the ways of women and men. Correct the wrongs we would legislate as right, rule and over-rule the narrowness of destructive self-interest and create benevolence in the process of government. Keep us ever loyal to Him who dealt gently and kindly with human frailty and weakness. In times of prosperity, fill our hearts with thankfulness and in the day of adversity, suffer not our trust in Thee to fail.

For the President of the United States, the Governor of Florida, and all with legislative and judicial license, we pray for sound wisdom and inner peace. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on the Special Order Calendar for Thursday, April 20, 1978:

SB 549	SB 68	SB 342	SB 319
SB 184	SB 215	SB 486	SB 320
SB 149	SB 235	SB 143	SB 311
SB 146	SB 327	SB 308	

And all bills remaining on the Special Order Calendar for Wednesday, April 19, 1978.

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Commerce to whom was referred the following appointments subject to confirmation by the Senate:

John C. Betz, Sarasota, Member, Board of Business Regulation, to serve at the discretion of the Governor

Joseph Robbie, Miami Shores, Member, Board of Business Regulation, to serve at the discretion of the Governor

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

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

—after inquiry and due consideration, recommends that the Senate confirm the aforesaid appointments made by the Governor.

The Committee on Personnel, Retirement and Collective Bargaining to whom was referred the following appointments subject to confirmation by the Senate:

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

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

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

—after inquiry and due consideration, recommends that the Senate confirm the aforesaid appointments made by the Governor.

The Committee on Corrections, Probation and Parole to whom was referred the following appointments subject to confirmation by the Senate:

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

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

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

—after inquiry and due consideration, recommends that the Senate confirm the aforesaid appointments made by the Governor.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 541, SB 645

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 539

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

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 41

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

The Committee on Commerce recommends the following pass: SB 725

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

The Committee on Commerce recommends the following pass: SB 638 with 2 amendments, SB 647

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends the following pass: SB 668 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 96, SB 109 with 3 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 609, 706

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 715

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce recommends the following pass: SB 273 with 4 amendments, SB 720

The Committee on Governmental Operations recommends the following pass:

SB 598	SB 770 with 1 amendment
CS for SB 602	SB 748
SB 635	

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

SB 520	SB 601	SB 699
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The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 208 with 1 amendment, SB 445

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 108

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 719

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 380

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Commerce recommends the following not pass: SB 705

The Committee on Governmental Operations recommends the following not pass: SB 432, SB 663

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 597

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

ENROLLING REPORT

SB 117 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 20, 1978.

Joe Brown, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, by two-thirds vote HM 423 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Pat Thomas, the rules were waived and by two-thirds vote Senate Bills 207 and 746 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator McClain, the rules were waived and by two-thirds vote SB 741 was withdrawn from the Committee of reference and indefinitely postponed.

On motions by Senator Lewis, the rules were waived and by two-thirds vote SJR 170 and SB 224 were withdrawn from the Committee on Appropriations.

REQUESTS FOR EXTENSION OF TIME April 20, 1978

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

SB 292 by Senator Zinkil	SB 650 by Senator Don Childers
SB 383 by Senator Trask	

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

SB 667 by Senator Trask	CS for SB 37 by Health and Rehabilitative Services Committee and Senator Graham
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The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following:

SB 642 by Senator Firestone

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

SJR 652 by Senator McClain

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 216 which he had approved April 14, 1978.

Appointments Subject to Confirmation by the Senate

The Secretary of State on April 17, 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:

Wendell W. Williams, Avon Park, Member of the Board of Trustees, South Florida Junior College, for term ending May 31, 1981

Harry R. Wood, Fort Lauderdale, Member of the Condominium Advisory Board, Pleasure of the Chairman of the Board of Business Regulation

Jerry E. Fogarty, Tampa, Member of the Tampa Port Authority, for term ending November 25, 1981

—which were referred to the Committee on Executive Business.

Donald M. Middlebrooks, Key Biscayne, Member of the Commission on Ethics, for term ending June 30, 1980

—which was referred to the Committees on Governmental Operations and 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 52.

Allen Morris, Clerk

The bill was ordered enrolled.

The Honorable Lew Brantley, President

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

By Senators Ware and Hair—

SB 209—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52(10), Florida Statutes, providing that prisoners shall not be considered parties under the act for the purpose of obtaining specified proceedings; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 31, and on page 2, lines 1-2 strike all of those lines and insert: s. 120.54(16) or s. 120.57.

Section 2. Section 120.54(3), Florida Statutes, is amended to read:

120.54 Rulemaking; adoption procedures.—

(3) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, the agency shall, on the request of any affected person received within 14 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. *Prisoners as defined in s. 944.02(5) may be limited by the Department of Offender Rehabilitation to an opportunity to submit written statements concerning intended action on any department rule.*

Section 3. This act shall take effect upon becoming law.

Amendment 2—On page 1, line 6 in title insert: limiting prisoner input on rules of Department of Offender Rehabilitation to written statements;

Amendment 5—On page 1, line 27, after the period “.” insert: (d) *Any county representative, agency, department or unit funded and authorized by state statute or county ordinance to represent the consumer interest of a county in proceedings under chapter 120.*

Amendment 6—On page 1, line 3 in title, after the comma “,” insert: redefining the term “party” for the purposes of the Administrative Procedure Act;

On motions by Senator Ware, the Senate concurred in House Amendments 1 and 2.

On motions by Senator Ware, the Senate refused to concur in House Amendments 5 and 6 and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to:

By the Committee on Corrections, Probation & Parole—

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.

and requests the Senate to recede.

Allen Morris, Clerk

On motions by Senator Pat Thomas, the Senate refused to recede from Senate Amendments 1 and 2 to HB 936 and again requested the House to concur and in the event the House again refused to concur requested that a conference committee be appointed. The action of the Senate was certified to the House.

MATTERS ON RECONSIDERATION

The motion to reconsider the vote by which SB 201 failed on April 18 was not taken up and therefore considered abandoned.

The motion to reconsider the vote by which SB 17 passed on April 19 was not taken up. The motion was abandoned and the bill was ordered certified to the House.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 434 was placed first on the special order calendar.

SPECIAL ORDER

SB 434—A bill to be entitled An act relating to bridge designation; designating the newly constructed bridge on State Road 200 (A1A) that spans the Intercoastal Waterway from the mainland to Amelia Island as the “Thomas J. Shave, Jr., Bridge”; providing for the erection of markers; providing an effective date.

—was read the second time in full. On motion by Senator Skinner, by two-thirds vote SB 434 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dunn	Gorman	Johnston
Castor	Firestone	Graham	Lewis
Chamberlin	Gallen	Hair	MacKay
Childers, Don	Glisson	Henderson	McClain
Childers, W. D.	Gordon	Holloway	Myers

Peterson	Scarborough	Thomas, Pat	Williamson
Plante	Scott	Tobiassen	Wilson
Poston	Skinner	Trask	Winn
Renick	Spicola	Vogt	Zinkil
Sayler	Thomas, Jon	Ware	

Nays—None

On motion by Senator Skinner, the rules were waived and SB 434 was ordered immediately certified to the House.

The President recognized the following members of Judge Shave's family: Mrs. Thomas J. Shave, Jr., his widow; their son, Thomas J. Shave, III, and his wife Joyce, and their children, Thomas J. Shave, IV, and Jonathan Taylor Shave; their son, Benjamin Evans Shave, and his wife Gail, and their children, Kimberly Ann Shave and Richard Benjamin Shave. Also recognized were Arthur I. (Buddy) Jacobs, a life long friend of the family; the Honorable Douglas Hodges, chairman, Nassau County Commission; the Honorable John F. Armstrong and the Honorable Hazel Jones, Nassau County Commissioners.

On motion by Senator Skinner, the President appointed Senators Skinner, Hair and MacKay to escort Mrs. Thomas J. Shave, Jr., to the rostrum where she was presented copies of Senate Bill 434 by the President.

By the Committee on Education and Senators Peterson and MacKay—

CS for SB 549—A bill to be entitled An act relating to personnel of the school system; amending s. 231.17, Florida Statutes; authorizing the Commissioner of Education to issue a certificate covering the appropriate subject or field to an applicant meeting certain specified requirements; specifying qualifications of applicants for provisional or regular certification; providing that whenever new rules are adopted by the state board in regard to certification, such rules shall not become effective to the exclusion of prior rules for a specified period; amending s. 231.24, Florida Statutes; providing for the extension of certain certificates; amending s. 231.361(1), Florida Statutes; providing that vocational teachers and other teachers who qualify for certificates on the basis of nonacademic preparation are entitled to all the contractual rights and privileges granted to other instructional personnel holding equivalent certificates; amending s. 233.068(3), Florida Statutes; providing for certification and payment of vocational instructors with job-related vocational skills; amending s. 233.0681(1), Florida Statutes; providing for certification and payment of occupational specialists; amending s. 231.28, Florida Statutes; authorizing the Commissioner of Education to suspend a teaching certificate in certain cases; requiring the Professional Practices Council to conduct a hearing in the revocation, suspension, or denial of a teaching certificate; amending s. 231.30, Florida Statutes; deleting the requirement that a specified amount of each certification fee collected be kept in the Professional Practices Advisory Council Trust Fund; amending s. 231.57(1), Florida Statutes; decreasing the membership of the Professional Practices Council; amending s. 231.608, Florida Statutes; requiring each teacher education center to submit an annual report to the Commissioner of Education; amending s. 236.081(3), Florida Statutes; providing for the direct support of educational training programs; amending s. 236.0811, Florida Statutes; requiring district master plans for inservice educational training; repealing s. 231.16, Florida Statutes, relating to the types, classes, and ranks of certificates to be issued; repealing s. 231.20, Florida Statutes, relating to the issuance of a graduate certificate; repealing s. 231.604, Florida Statutes, which creates and prescribes the duties of the State Council for Teacher Education Centers; providing effective dates.

—was read the first time by title and SB 549 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 549 was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 4, line 27, strike "s. 231.29" and insert: law

Amendment 2—On page 12, lines 12 and 13, strike "or a member of the faculty of an institution of higher learning" after the word "state" and insert: ~~or a member of the faculty of an institution of higher learning~~

Senator Castor moved the following amendment which was adopted:

Amendment 3—On page 3, line 20, insert after "a": bachelor's

Senator Castor moved the following amendment which failed:

Amendment 4—On page 13, lines 2 and 3, strike *Commissioner of State Council for Teacher Education Centers* and insert: State Council for Teacher Education Centers

Senator Myers moved the following amendment:

Amendment 5—On page 4, lines 9-22, strike everything after "board" and insert after "board": (.)

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 6—On page 4, strike line 9, and insert: board, including, but not limited to, the following

Senator Chamberlin moved the following amendment which failed:

Amendment 7—On page 6, line 7, after the word "years" insert: for applicants holding baccalaureate degrees

Senator Graham moved the following amendment which was adopted:

Amendment 8—On page 3, line 19, strike "or" and insert: and

On motion by Senator Peterson, by two-thirds vote CS for SB 549 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Chamberlin Skinner

Votes after roll call:

Yeas—Hair and Ware

By the Committee on Appropriations and Senator Peterson—

CS for CS for SB 184—A bill to be entitled An act relating to the public school system; amending s. 230.23(3), (4)(f), (g), (5)(a), (d), Florida Statutes; authorizing each district school board to adopt a 5-year program to be used as a basis for operating the schools in the district; deleting the provision requiring each public school in a district to open on a date after Labor Day and to close before the last day of June of any year; deleting the provision requiring the district school board to provide for the payment of salaries to the members of the instructional staff when school is closed due to an emergency; requiring each district school board which intends to extend the school term to notify the Commissioner of Education at a specified time prior to extension; deleting provisions restricting the number and the manner of the observance of school holidays and vacation periods; permitting each school board to reject for good cause any employee nominated by the superintendent for any position; authorizing the school board to

adopt salary schedules prepared by the superintendent to be used as the basis for paying all school employees and to fix and authorize the compensation of school employees on the basis of such schedules; amending s. 230.33(7)(a), (e), (12)(a), (c), Florida Statutes; authorizing the superintendent to nominate in writing persons to fill vacant positions in the district schools; requiring the superintendent to determine and recommend district funds necessary in addition to state funds and to recommend to the school board the amount of district school tax levy necessary to provide for at least a 180-day school term or the equivalent on an hourly basis; amending ss. 231.06, 231.07, Florida Statutes; prescribing penalties for the assault of and the use of obscene language in the presence of any school district employee in the line of duty; amending s. 231.09, Florida Statutes; requiring members of the instructional staff of the public schools to teach such subjects in such grades as may be prescribed by law or by rules of the state board and the school board in fulfilling the requirements of law; deleting provisions relating to specific subjects to be taught, the procedures for teaching such subjects and prescribed duties of such instructional personnel; amending s. 231.29(2), Florida Statutes; requiring the superintendent to establish procedures for annually assessing the performance of duties and responsibilities of all instructional, administrative and supervisory personnel employed in his district; deleting provisions requiring the superintendent to furnish the Department of Education with a complete statement of the criteria and procedure to be used in maintaining records of school personnel; deleting provisions prescribing such criteria; amending s. 231.36(4), (6), Florida Statutes; deleting provisions permitting any member of the district administrative or instructional staff to appeal any adverse employment decision, suspension, or dismissal to the Department of Education; providing for appeal of such decision to the court; amending s. 231.39(2), Florida Statutes; deleting the provision prohibiting the counting of military leave as years of service for allocation of minimum foundation funds; amending s. 231.40, Florida Statutes; including any temporary disability caused or contributed to be pregnancy, miscarriage, or childbirth, and recovery therefrom, within the definition of "illness" for purposes of determining sick leave; redefining the term "normal retirement"; requiring any member of the instructional staff seeking sick leave to notify his immediate supervisor prior to being absent from his duties; amending s. 231.48(2), Florida Statutes; authorizing a school board to establish policies providing terminal pay for accumulated sick leave for administrative staff as well as for noninstructional staff; redefining the term "normal retirement" for purposes of terminal pay; amending s. 233.061, Florida Statutes, providing for recommended, rather than required, curricula; amending s. 236.02(3), Florida Statutes; requiring each district which participates in the state appropriations for the Florida Education Finance Program to adopt rules relating to the appointment, transfer, suspension, and dismissal of school personnel; deleting provisions prescribing the duties of the district with regard to specific employment policies for instructional personnel; authorizing each district school board to permit a maximum of six paid holidays for instructional staff each year and to provide reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis; amending s. 231.031, Florida Statutes; revising provisions prescribing a maximum age for instructional personnel; amending s. 236.081(5)(b), Florida Statutes, to delete funding of the bilingual program under the provisions of the Florida Education Finance Program; amending s. 238.07(1), Florida Statutes; deleting the provision requiring retirement at 70 years of age; repealing s. 230.23(4)(k), (p), (5)(b), (c), Florida Statutes, which provisions relate to powers and duties of the school board with regard to providing planning time for teachers and the appointment of teacher aides and instructional and noninstructional personnel; repealing s. 230.33(7)(b)-(d), Florida Statutes, which provisions relate to powers and duties of the superintendent with regard to recommending the names of personnel to the district school board for employment; repealing s. 231.46, Florida Statutes, which provision requires each school board to provide and furnish all forms necessary for compliance with the provisions of chapter 231, Florida Statutes; repealing s. 233.055, Florida Statutes, the Florida Remedial Reading Education Act of 1971; repealing s. 233.057, Florida Statutes, relating to the developmental reading and language arts program; repealing s. 233.064, Florida Statutes, relating to a required high school course in Americanism versus Communism; repealing s. 233.065, Florida Statutes, relating to patriotic programs; repealing s. 233.06(9),

Florida Statutes, which provision permits a school librarian with less than 10 years of public school service in Florida to work after age 70 with the approval of his employer and permits such librarian to earn retirement credit for such service in the Teachers' Retirement System; providing an effective date.

—was read the first time by title and CS for SB 184 and SB 184 were laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for CS for SB 184 was read the second time by title.

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

Amendment 1—On pages 25 and 26, strike Section 14 and renumber subsequent sections.

Senator Pat Thomas presiding

Senator Chamberlin moved the following amendment which was adopted:

Amendment 2—On page 22, lines 25-27, insert period after "appropriate." and strike the rest of the paragraph.

Senator Gordon moved the following amendment which was adopted:

Amendment 3—On page 4 in title, strike lines 18-21 and insert: personnel; amending 2.

On motion by Senator Peterson, by two-thirds vote CS for CS for SB 184 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
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
Gordon	Myers	Thomas, Jon	
Gorman	Peterson	Thomas, Pat	

Nays—1

Chamberlin

SB 149 was taken up and on motions by Senator MacKay, by two-thirds vote HB 251 was withdrawn from the Committees on Education, Governmental Operations, and Appropriations. On motion by Senator MacKay—

HB 251—A bill to be entitled An act relating to education; amending s. 230.66(1), (2)(a), (5) and (6), Florida Statutes, which establishes an industry services training program and creates the Industry Services Advisory Council; enlarging the scope of the program and increasing the membership of the council; providing for participation in training programs by community college boards of trustees; providing certain restrictions for teachers employed in such programs; providing an effective date.

—a companion measure, was substituted for SB 149 and by two-thirds vote read the second time by title.

On motion by Senator MacKay, further consideration of HB 251 was deferred.

SB 146—A bill to be entitled An act relating to transportation; providing for agreements between school districts and other public agencies for the use of public school buses for public purposes, including the transportation of the elderly or the physically or mentally handicapped; providing for reim-

bursement for costs; providing for indemnification of loss and holding the school board harmless from liability; prescribing required levels of liability insurance coverage; providing for the nonuse of certain marking devices when public school buses are used for certain nonschool purposes; amending s. 234.041(1), Florida Statutes; providing an exemption from provision making it unlawful to use a public school bus for other purposes without making certain changes; amending s. 236.083(7), (9), (10), Florida Statutes; providing for pilot projects using public school buses for transportation of the elderly or the physically or mentally handicapped; providing a method for determining the allocation to each district for assigned students using general purpose transportation systems; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator MacKay and adopted:

Amendment 1—On page 2, line 4, after the word “identified” insert: to assist the mentally or physically handicapped, or

Amendment 2—On page 2, line 8, after the word “of” insert: the mentally or physically handicapped, or

Amendment 3—On page 3, line 8, strike “pursuant to section 1 of this act” and insert: *operating as provided by law*

The Committee on Appropriations offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 4—On page 5, line 11, after the word “day” insert: *and the one-way miles on routes between school centers required to transport exceptional students and vocational students to centers where appropriate programs are provided*

On motion by Senator MacKay, by two-thirds vote SB 146 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Myers	Thomas, Pat
Castor	Gorman	Peterson	Tobiassen
Chamberlin	Graham	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

Vote after roll call:

Yea—Hair

SB 68—A bill to be entitled An act relating to motor vehicle liability insurance; creating s. 627.7285, Florida Statutes; providing that the experience of a person operating a vehicle as part of his employment for a local transit system shall not be a factor in renewal of his personal motor vehicle liability coverage or in the setting of rates therefor; providing an effective date.

—was read the second time by title.

The President presiding

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

Amendment 1—On page 1, line 24, insert after the period: The burden of demonstrating that such points were assessed in connection with such experience shall lie with the insured.

On motion by Senator Winn, by two-thirds vote SB 68 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Williamson

By the Committee on Health and Rehabilitative Services and Senator Henderson—

CS for SB 215—A bill to be entitled An act relating to medical services for children; providing a short title; providing legislative intent; providing definitions; providing powers and duties of the Department of Health and Rehabilitative Services with regard to its programs of children’s medical services; providing for designation of patient care centers for the provision of medical services; providing for employment of medical staff and other health professionals; providing for cooperative agreements with other state or local programs or institutions for children’s medical services; providing for financial determination of ability to pay for medical services; providing qualifications of the staff director of the Children’s Medical Services Program Office; providing for research projects; providing for annual reports to the Governor and the Legislature; redesignating and amending s. 391.11, Florida Statutes; removing the word “crippled” from a reference to “crippled child”; amending s. 391.07(2), Florida Statutes, to provide an exception for the parents of certain adopted children to pay for medical services; repealing ss. 391.01, 391.04, 391.05, 391.06, 391.07, 391.08, 391.09, and 391.10, Florida Statutes, as amended, relating to crippled children; providing an effective date.

—was read the first time by title and SB 215 was laid on the table.

On motion by Senator Henderson, by two-thirds vote CS for SB 215 was read the second time by title.

Senators Tobiassen and Brantley offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, line 22, after period insert: In addition, where specific legislative authorization for funding exists, individuals with long term chronic diseases, such as Cystic Fibrosis, which originated during childhood, and who received services under this act before the age of 21 years, shall continue to be eligible beyond that age.

Senator Wilson was recorded as voting nay.

On motion by Senator Henderson, by two-thirds vote CS for SB 215 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Williamson

SB 235—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.12, Florida Statutes, which authorizes emergency awards to claimants prior to action being taken on a claim under certain conditions, to provide that persons receiving social security benefits are eligible for such awards; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 235 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Plante

Vote after roll call:

Yea—Williamson

SB 327—A bill to be entitled An act relating to the Treasurer; amending s. 18.101(3), Florida Statutes, relating to deposits of public money outside the State Treasury; changing the date on which each department is required to report the status of revolving funds and clearing accounts to the Treasurer; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 327 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Peterson, Williamson

SB 342—A bill to be entitled An act relating to bingo and guest games; amending s. 849.093(8), Florida Statutes, simplifying the language relating to locations where bingo or guest games may be held; providing that bingo or guest games may be held on municipal property under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 28 and 29, insert after the word "municipality": or county

Amendment 2—On page 1, line 7, insert after "municipal": or county

Pending further consideration of SB 342 as amended, on motions by Senator Sayler, by two-thirds vote HB 182 was withdrawn from the Committees on Commerce; and Economic, Community and Consumer Affairs. On motion by Senator Sayler—

HB 182—A bill to be entitled An act relating to bingo and guest games; amending s. 849.093(8), Florida Statutes, simplifying the language relating to locations where bingo or guest games may be held; providing that bingo or guest games may be held on municipal or county property under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 342 and by two-thirds vote read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 342 was laid on the table.

SB 486—A bill to be entitled An act relating to medical liability mediation panels; amending s. 768.44(2)(a), Florida Statutes; providing for the inclusion of podiatrists on the list of physicians who may serve on such panels; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 486 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 143—A bill to be entitled An act relating to the construction industry; amending s. 468.106(2)(a), Florida Statutes, and adding s. 468.106(11), Florida Statutes; providing for the certification of certain contractors in business as of a specified date; amending s. 468.113(5), Florida Statutes; prescribing the evidence of registration or certification necessary for the issuance of building or other permits to certain business organizations; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 13, after the word "employee" insert: *qualifying the business organization*

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 2—On page 2, line 8, strike the word "residential" after the word "fails"

Amendment 3—On page 2, line 14, strike the whole line and insert: the construction field for which he seeks certification

Amendment 4—On page 2, lines 16 and 17, strike the words “residential construction crafts; and” and insert: construction field; and

Amendment 5—On page 1, line 4 in title, after the semicolon insert: providing conditions under which certain contractors may petition for an oral examination;

On motion by Senator W. D. Childers, further consideration of SB 143 was deferred.

Senator Scarborough presiding

SB 308—A bill to be entitled An act relating to retirement; creating ss. 121.30, 122.355, 123.45, 238.325, 321.223, Florida Statutes; providing limitations with respect to the Florida Retirement System, State and County Officers and Employees' Retirement System, Judicial Retirement System, Teachers' Retirement System, and the Highway Patrol Pension Trust Fund relating to diversion of retirement funds, use of forfeitures, nonforfeitable of accrued benefits, maximum benefits for systems qualified under the Internal Revenue Code, and legislative intent and purpose; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31; page 2, line 30; page 3, line 30; page 4, line 30; and page 5, line 30, strike semicolon after the word “beneficiaries” and insert: “and for the payment of administrative cost;”

Amendment 2—On page 2, line 10; page 3, line 10; page 4, line 10; page 5, line 10; and page 6, line 10, strike semicolon after the word “nonforfeitable” and insert: “except as otherwise provided by law;”

On motion by Senator Johnston, by two-thirds vote SB 308 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 319—A bill to be entitled An act relating to public health; creating s. 381.2612, Florida Statutes, prohibiting the construction of any dwelling after January 1, 1981, which employs a tank-type water closet that uses more than 3 1/2 gallons of water per flush; providing exceptions; providing duties of the Department of Health and Rehabilitative Services; providing for enforcement; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 17, strike “Department of Health and Rehabilitative Services” and insert: *Florida Board of Building Codes and Standards*

Amendment 2—On page 1, line 25, strike “Department of Health and Rehabilitative Services” and insert: *Florida Board of Building Codes and Standards*

Amendment 3—On page 2, lines 2, 7 and 24, strike “department” and insert: *board*

Senator Gordon moved the following amendment which was adopted:

Amendment 4—On page 3, line 17, insert: Section 3. This shall be known as the Warren Henderson Act

(Renumber subsequent section.)

Senator Henderson moved the following amendment which was adopted:

Amendment 5—On page 1, line 8 in title, strike “Department of Health and Rehabilitative Services” and insert: *Florida Board of Building Codes and Standards*

The President presiding

On motion by Senator Henderson, by two-thirds vote SB 319 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 320—A bill to be entitled An act relating to public buildings; creating s. 381.2612, Florida Statutes, prohibiting the construction of any state-owned building after January 1, 1981, which employs a tank-type water closet that uses more than 3 1/2 gallons of water per flush; providing exceptions; providing duties of the Division of Building Construction and Property Management of the Department of General Services; 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 Henderson and adopted:

Amendment 1—On page 2, lines 4, 5 and 6, strike “The division shall periodically publish a list of acceptable water closets and devices to reduce water consumption.”

On motion by Senator Henderson, by two-thirds vote SB 320 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Poston

SB 311—A bill to be entitled An act relating to fire prevention and control; amending s. 633.061, Florida Statutes; deleting references to Class D licenses and Class 4 permits; requiring

completion of certain courses prior to renewal of permits; establishing prerequisites for the issuance of a license or permit; deleting exception to certification requirements for certain plumbing contractors; extending the hydrostatic test interval for aluminum shell fire extinguishers; providing for the adoption of certain rules; providing for the gradual elimination of inverting water type fire extinguishers; amending s. 633.083(1), (2), Florida Statutes; removing the prohibition against bromochlorodifluoromethane fire extinguishers; prohibiting the offering for sale, selling, or giving of any toxic or poisonous vaporizing liquid fire extinguisher or any fire extinguisher which lacks a permanent serial number; providing a penalty; amending s. 633.171(2), Florida Statutes; increasing the penalty for certain violations; applying provisions relating to habitual misdemeanants to such violations; eliminating the penalty for stealing a fire extinguisher; amending s. 633.521(1)-(4), (6), Florida Statutes; providing for the administration of certain examinations by the State Fire Marshal; providing for alternative versions of such examinations; providing for the preparation, administration, and scoring of such examinations; eliminating inspection to determine financial responsibility and credit and business reputation as a prerequisite to the taking of such examinations; requiring certificate holders to pass such examination prior to renewal of the certificate; amending s. 633.534(3)(a), (e), Florida Statutes; providing circumstances for the revocation of a certificate; providing rights and responsibilities in the event of the death of a certificate holder; requiring the State Fire Marshal to be responsible for approving the design of and inspecting the construction of certain systems; amending s. 633.537(1), Florida Statutes; correcting a typographical error; providing that the State Fire Marshal may make certain inspections; reviving and readopting certain sections of chapter 633, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing an effective date.

—was read the third time by title.

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

Amendment 2—On page 11, lines 3, 9, 10, and 11, strike all of lines 9 and 10 and on line 11, strike the word "Knowingly" and on line 3 after the word "to" insert: *intentionally or willfully* and on line 9, insert: (b) (←) Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.

Senators Holloway and Poston offered the following amendment which was moved by Senator Holloway and adopted by two-thirds vote:

Amendment 3—On page 13, line 20, after the period insert: However, this provision is not applicable to those certificate holders who can produce before July 1, 1979 satisfactory evidence of having been actively engaged in this occupation prior to the effective date of this act.

Senator Glisson moved the following amendment which failed:

Amendment 4—On page 8, line 26, insert: nor shall a licensed plumbing contractor be required to be certified under this act to install standpipe systems and the following items connected thereto: overhead and underground water mains, fire hydrants and hydrant mains, hose connections, tanks and pumps, and sprinkler heads in trash chutes and in trash rooms.

Senator Henderson moved the following amendment which was adopted:

Amendment 5—On page 1, lines 23 and 26 in title, strike said lines and insert: 633.171(2), Florida Statutes; making it unlawful to intentionally or willfully render a fire extinguisher system inoperative, obliterate the serial number on a fire extinguisher for purposes of falsifying certain records, improperly service, recharge, repair, test, or inspect a fire extinguisher or system, use the permit number of another person, hold a permit and allow another to use the permit number, or use or permit the use of a license by other than the individual or organization to whom issued; providing penalties; eliminating the penalty for

SB 311 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Castor	Henderson	Peterson	Tobiassen
Dunn	Holloway	Poston	Williamson
Firestone	Lewis	Renick	Wilson
Gordon	MacKay	Sayler	Winn
Graham	McClain	Skinner	Zinkil
Hair	Myers	Spicola	

Nays—5

Chamberlin	Glisson	Johnston	Scarborough
Childers, Don			

Votes after roll call:

Yeas—Vogt, Jon Thomas, Scott, W. D. Childers
Yea to Nay—Hair

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

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, between the words "matrimony.—" and "All" insert: (1)

Amendment 2—On page 1, line 12, strike "ministers of the gospel" and insert: *members of the clergy ministers of the gospel*

Amendment 3—On page 1, line 13, strike "*or other ordained clergy,*"

Amendment 4—On page 1, line 16, after the word "law." insert: *Nothing in this section shall make invalid a marriage which was solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978.*

Amendment 5—On page 1, lines 16 and 17, strike "Provided that any" and insert: (2) *Any Provided that any*

Amendment 6—On page 1, lines 4 and 5 in title, strike "ordained clergy may perform marriage ceremonies" and insert: regularly ordained members of the clergy are authorized to solemnize marriages; recognizing marriages performed by such members of the clergy prior to July 1, 1978

On motion by Senator Hair, by two-thirds vote HB 200 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

SB 340—A bill to be entitled An act relating to jai alai frontons; amending s. 551.12, Florida Statutes; prescribing the times during which jai alai may be played on certain days and extending the starting time for the last game played on certain days; providing an effective date.

—was taken up with pending Amendment 2.

Amendment 2—On page 2, strike all of lines 22 through 27 and insert: measured, of the location of the original fronton. Provided, also, that the Board of Business Regulation shall not limit the number of presently authorized operation days in any 12-month period for such operators of licensed frontons during the period extending from and including December 1 in each year to and including April 10 of

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

Amendment 3—On page 3, between lines 12 and 13, insert: a new section 2. Section 2. The provisions of this act are supplemental to other provisions of Chapter 551, and shall not be interpreted to permit the Board of Business Regulation to limit the number of presently authorized operation days in any 12 month period at any fronton in this state.

Renumber subsequent sections.

On motion by Senator Henderson, by two-thirds vote SB 340 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

Mr. President	Gorman	Plante	Ware
Castor	Graham	Renick	Williamson
Chamberlin	Henderson	Scarborough	Wilson
Childers, W. D.	Holloway	Scott	Winn
Dunn	Lewis	Thomas, Jon	Zinkil
Gallen	MacKay	Thomas, Pat	
Glisson	McClain	Tobiassen	
Gordon	Myers	Vogt	

Nays—5

Childers, Don	Peterson	Poston	Spicola
Johnston			

Vote after roll call:

Yea—Hair

Senator Scarborough moved that the Senate reconsider the vote by which SB 340 passed.

The motion was placed on the calendar for consideration April 25.

SB 105—A bill to be entitled An act relating to legal or administrative entities created by interlocal agreement; amending and redesignating s. 163.01(7)(c), Florida Statutes, and adding a new paragraph (c) to said subsection; authorizing the legal or administrative entity designated to administer or execute an interlocal agreement which creates a special district to levy ad valorem taxes within the boundaries of the special district under certain conditions; providing an effective date.

—was taken up with pending Amendment 3 which was adopted:

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

On motion by Senator Sayler, by two-thirds vote SB 105 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 125—A bill to be entitled An act relating to criminal correction or detention facilities; amending s. 944.47(1)(a), Florida Statutes; prohibiting the introduction of certain controlled substances into or upon the grounds of certain correctional or penal institutions, or the taking or attempting to take or send such controlled substances therefrom; providing a penalty; amending s. 951.22(1), Florida Statutes; prohibiting the introduction or possession of certain controlled substances upon the grounds of any county detention facility, or the giving to or receiving from any inmate thereof, or the taking or attempting to take or send therefrom such controlled substances; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31, before the word "communication" insert: written or recorded

Amendment 2—On page 2, lines 5 and 6, strike "any substance controlled under chapter 893, or" and on line 9, after the word "variety" insert: ", and any controlled substance as defined in s. 893.02(3);"

Amendment 3—On page 2, lines 24 and 25, strike "to wit, any intoxicating beverage" and insert: Any written or recorded communication or any currency or coin; any article of food or clothing; any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic, hypnotic, or excitative drug, or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates and any controlled substance as defined in s. 893.02(3); any firearm or any

Senator Sayler moved the following amendment which was adopted:

Amendment 4—On page 1 in title, lines 5, 8, 12 and 16; strike "controlled substances" on each of said lines and insert: the words "contraband articles" on each of said lines.

On motion by Senator Sayler, by two-thirds vote SB 125 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

SB 459—A bill to be entitled An act relating to gambling; creating s. 849.235, Florida Statutes, providing a defense to prosecutions for the possession of certain gambling devices; providing for the return of such devices; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 14 through 24 and insert: (1) It is a defense to any action or prosecution under ss. 849.15-849.233 for the possession of any gambling device specified therein, that the device is an antique slot machine and that it is not being used for gambling. For the purpose of this section an antique slot machine is one which was manufactured prior to January 1, 1941.

(2) Notwithstanding any provision of this chapter to the contrary, upon a successful defense to a prosecution for the possession of a gambling device pursuant to the provisions of

this section, the antique slot machine shall be returned to the person from whom it was seized.

Amendment 2—On page 1 in title, line 4, strike “to prosecutions” and insert: in any action or prosecution

Pending further consideration of SB 459 as amended, on motion by Senator Saylor, by two-thirds vote HB 224 was withdrawn from the Committee on Judiciary-Criminal. On motion by Senator Saylor—

HB 224—A bill to be entitled An act relating to gambling; creating s. 849.235, Florida Statutes, providing a defense in any action or prosecution for the possession of certain gambling devices; providing for the return of such devices; providing an effective date.

—a companion measure, was substituted for SB 459 and by two-thirds vote read the second time by title. On motion by Senator Saylor, by two-thirds vote HB 224 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 459 was laid on the table.

SB 362—A bill to be entitled An act relating to mobile homes; amending s. 320.8335, Florida Statutes, to provide standard definitions of the “length” and “width” of a mobile home in conformance with federal regulations; providing an effective date.

—was read the second time by title.

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

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

Section 1. Subsections (13), (14), and (15) are added to section 320.822, Florida Statutes, to read:

320.822 Definitions.—In construing ss. 320.8225-320.864, unless the context otherwise requires, the following words or phrases have the following meaning:

(13) “Length,” for purposes of transportation only, means the distance from the extreme front of the mobile home to the extreme rear, including the drawbar and coupling mechanism, but not including expandable features that do not project from the body during transportation.

(14) “Width of Mobile Home” means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay window, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

(15) “Width of a Mobile Home” means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

Section 2. Section 320.8335, Florida Statutes, is amended to read:

320.8335 Disclosure of manner used in determining length of mobile homes.—When the length of the coupling mechanism is included in the overall length of a mobile home, any person who engages in the trade or commerce of selling mobile homes must disclose in writing to the buyer, before the buyer signs a contract for sale, that the length of the coupling mechanism has been included in the length of the mobile home. Any advertisement or other communication which describes a mobile home in terms of its length or width shall conform to the requirements of this section.

Section 3. This act shall take effect upon becoming a law.

Senator W. D. Childers moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 2 of amendment 1, between lines 18 and 19, insert: Section 2. The Department of Highway Safety and Motor Vehicles, upon the issuance of a certificate of title for a mobile home upon which no identification or serial number is affixed or ascertainable, may assign and require the permanent affixation upon such mobile home of an identification number. Prior to the assignment of any identification number, the department shall require satisfactory assurances that the application for a certificate of title and identification number is not being made for any unlawful purpose.

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

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

Amendment 2—On page 1 in title, strike all of lines 2 through 6 inclusive and insert: An act relating to mobile homes; adding s. 320.822 (13), (14), (15), Florida Statutes; providing standard definitions of the length and width of a mobile home to conform with federal regulations; amending s. 320.8335, Florida Statutes; requiring advertisements or other communications describing a mobile home to conform to certain requirements; providing an effective date.

Senator W. D. Childers moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1 of Amendment 2, line 6, after the semicolon insert: authorizing the Department of Highway Safety and Motor Vehicles to assign and require the affixation of an identification number for certain mobile homes;

Amendment 2 as amended was adopted.

On motion by Senator Holloway, by two-thirds vote SB 362 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dunn

The Senate resumed—

SB 143—A bill to be entitled An act relating to the construction industry; amending s. 468.106(2)(a), Florida Statutes, and adding s. 468.106(11), Florida Statutes; providing for the certification of certain contractors in business as of a specified date; amending s. 468.113(5), Florida Statutes; prescribing the

evidence of registration or certification necessary for the issuance of building or other permits to certain business organizations; providing an effective date.

Senators Holloway and Poston offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 6—On page 2, line 32, insert: (e) All applicants shall be required to pass either an oral or written examination as prescribed by the board.

On motion by Senator W. D. Childers, by two-thirds vote SB 143 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Graham

The Senate resumed—

HB 251—A bill to be entitled An act relating to education; amending s. 230.66(1), (2)(a), (5) and (6), Florida Statutes, which establishes an industry services training program and creates the Industry Services Advisory Council; enlarging the scope of the program and increasing the membership of the council; providing for participation in training programs by community college boards of trustees; providing certain restrictions for teachers employed in such programs; providing an effective date.

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

Amendment 1—On page 1 in title, line 12, after "programs;" insert: providing that services rendered by teachers employed in such training programs not be counted for allocation of Florida Education Finance Program funds; providing that service of teachers employed in such training programs as temporary employees shall not be counted as years of service toward a continuing contract;

On motion by Senator MacKay, by two-thirds vote HB 251 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

CO-INTRODUCERS

Senators Renick and Pat Thomas—SB 539; Senator Peterson—SB 149; Senator Trask—SB 261; Senator Sayler—SB 253

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 19 was corrected and approved.

On motion by Senator W. D. Childers, the Senate adjourned at 11:33 a.m. to convene at 8:30 a.m., April 21, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.