



# Journal of the Senate

Number 14

Tuesday, April 25, 1978

The Senate was called to order by Senator Don Childers 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 Poston—

SB 916—A bill to be entitled An act relating to motor carriers; adding subsection (23) to s. 323.01, Florida Statutes, defining the term "wrecker"; adding paragraph (c) to s. 323.08(3), Florida Statutes, excluding wrecker services provided under a bona fide contract with a motor club which offers its members wrecker service throughout the state from the requirement of filing a rate schedule with the Florida Public Service Commission; amending s. 323.29(8) and (13), Florida Statutes, providing that certain wreckers shall not be subject to chapter 323, Florida Statutes; creating s. 323.295, Florida Statutes, directing the Florida Public Service Commission to issue certificates to certain wreckers under specified conditions; providing an effective date.

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

By Senator Tobiassen—

SB 917—A bill to be entitled An act relating to the Division of Forestry; creating s. 589.37, Florida Statutes; creating a Maintenance Trust Fund to be administered by the division for the purpose of maintaining employee housing and district offices; providing for the deposit of rents collected by the division therein; providing a limitation on the fund; providing an effective date.

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

By Senators Gorman, Henderson, Plante and Trask—

SB 918—A bill to be entitled An act relating to financial matters; amending s. 215.422(3), Florida Statutes; providing that if a warrant in payment of an invoice is not received by a vendor from a state agency within 45 days of submission of the invoice, the agency shall be liable to the vendor for interest at the rate of 1 percent per month on the unpaid balance; providing exceptions; providing an effective date.

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

By Senator Tobiassen—

SB 919—A bill to be entitled An act relating to civil engineering and associated professions; directing the Board of Regents to establish a school of civil engineering with teaching clinic, and collectanea; providing for programs and degrees; requiring each state, county, and municipal agency to furnish to the collectanea copies of documents relating to the practice of civil engineering and associated professions; creating administrative and specialty boards; prescribing powers and duties of such boards; authorizing such boards to accept projects and accept grants and other available funds; amending s. 471.21(1), Florida Statutes; providing that students in the final year of the doctoral program of the school of civil engineering take the state professional engineer examination for registration; providing an appropriation; providing an effective date.

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

By Senator Hair—

SB 920—A bill to be entitled An act relating to alimony; amending s. 61.08(2), Florida Statutes, providing that the primary homemaker in marriages of substantial duration shall be presumed entitled to permanent alimony or a lump sum equivalent under certain circumstances; providing an effective date.

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

By Senator Dunn—

SB 921—A bill to be entitled An act relating to education; amending s. 233.057, Florida Statutes, to revise the district reading and language arts programs; changing the method for allocation of funds to each school district; deleting the requirement that colleges of education and school districts provide training; providing for program review; providing an effective date.

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

By Senator Dunn—

SB 922—A bill to be entitled An act relating to stolen property; adding s. 812.012(7)(c), Florida Statutes; making it unlawful to conceal or aid in the concealment of stolen property; providing penalties; providing an effective date.

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

By Senator Dunn—

SB 923—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 Committees on Judiciary-Criminal and Judiciary-Civil.

By Senators Dunn, Zinkil and Poston—

SB 924—A bill to be entitled An act relating to terminations of pregnancy; amending s. 458.22, Florida Statutes; defining "medical facility," "viability," and "woman"; requiring terminations performed during the first trimester to be performed by a physician in specified facilities; requiring terminations performed from and at the end of the first trimester to be performed in a hospital or medical facility specifically approved for that purpose by the Department of Health and Rehabilitative Services; eliminating certain preconditions to a termination of pregnancy; requiring notice to the husband of a married woman, under certain conditions; authorizing the circuit court, to authorize the termination of pregnancy of an unmarried minor without the consent of her parent or legal guardian; specifying procedures to be followed in a medical emergency; requiring the physician to use diligence to preserve the life and health of the fetus when terminating a pregnancy during viability; prohibiting experimentation on a live fetus or a live, premature infant before or following a termination of pregnancy; providing an exception; requiring the physician to keep and file records of each termination of pregnancy performed outside of a medical facility; providing for confidentiality of

records kept by a medical facility; providing penalties; providing severability; providing an effective date.

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

By Senator Vogt—

SB 925—A bill to be entitled An act relating to coastal construction control lines; amending s. 160.021(4), Florida Statutes, and adding a new subsection (5) to said section; providing a definition of the term "inlet sediment bypassing"; amending s. 161.041, Florida Statutes; requiring a permit for certain activities; creating s. 161.042, Florida Statutes; authorizing the Department of Natural Resources to direct that any sediment from inlet excavation be used for beach nourishment; amending s. 161.053, Florida Statutes, changing construction setback lines to construction control lines; authorizing any local government to establish coastal construction codes subject to approval of the department; authorizing the department to issue permits for construction, excavation, or alteration seaward of control lines under certain circumstances; providing a penalty; amending s. 161.091(1)(k), Florida Statutes, correcting cross reference; 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.

By Senator Ware—

SB 926—A bill to be entitled An act relating to the district school system; amending ss. 230.33(7)(h) and 231.36(6), Florida Statutes, to specify that a district superintendent may suspend an employee without pay during an emergency; clarifying the payment of back salary in certain cases; providing an effective date.

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

By Senator Sayler—

SB 927—A bill to be entitled An act relating to per diem and travel expense reimbursements; adding subsection (14) to s. 112.061, Florida Statutes, to authorize direct deposit of per diem and travel expense reimbursements to the accounts of certain travelers and to provide certain protections with respect thereto; providing an effective date.

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

By Senator Gallen—

SB 928—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54(2), Florida Statutes, which requires that an economic impact statement be prepared prior to adoption, amendment or repeal of a rule; providing an exception; providing requirements for such statement; providing for waiver under certain conditions; prohibiting challenge to a rule on the grounds that the statement is inadequate under certain conditions; providing an effective date.

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

By Senator Gallen—

SB 929—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54(2)(a), Florida Statutes; providing for the deletion of requirements of an economic impact statement and notice for proposed rules when existing regulatory requirements would be lessened; providing an effective date.

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

By Senator Gallen—

SB 930—A bill to be entitled An act relating to civil litigation; creating s. 57.105, Florida Statutes; providing that the court shall award a reasonable attorney's fee to the prevailing party in any civil action in which the court finds that there are no genuine issues of law or material fact in dispute; providing an effective date.

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

By Senator Gallen—

SB 931—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52(14)(c), Florida Statutes, redefining "rule"; amending ss. 120.54(4)(a) and 120.56(1), Florida Statutes; providing that any substantially affected person may seek an administrative determination of the invalidity of any rule or proposed rule on the ground that it is not within the authority on which it is based; exempting rules relating exclusively to organization, procedure or practice; providing an effective date.

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

By Senator Gallen—

SB 932—A bill to be entitled An act relating to environmental regulation; amending s. 403.804(1), Florida Statutes; providing for the adoption of emergency rules by the Secretary of Environmental Regulation; providing authority for the Environmental Regulation Commission to adopt procedural rules governing meetings, hearings, and appeals before the commission; providing a savings clause; providing an effective date.

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

By Senator Johnston—

SB 933—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 478.221(2)(c), (3), Florida Statutes; providing an alternative to the road maintenance prerequisite for the exemption of certain offers or dispositions of subdivided lots from the Uniform Land Sales Practices Law; providing alternative conditions by which certain offers and dispositions of lots in a recorded subdivision plat and of interests in subdivided lands may be exempt from the Uniform Land Sales Practices Law; deleting the requirement that for certain exemptions the subdivider must have clear title to the land and must be prepared to convey such title; providing an effective date.

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

By Senator Jon Thomas—

SB 934—A bill to be entitled An act relating to trespass on cultivated land; creating s. 810.091, Florida Statutes, relating to trespass and theft or destruction with relation to cultivated land; providing penalties; providing an effective date.

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

By Senator Jon Thomas—

SB 935—A bill to be entitled An act relating to retardation; creating s. 393.17, Florida Statutes, permitting group home facilities for retarded or developmentally disabled persons in all residential zones; limiting the number of persons who may be placed in such a facility located in a single-family dwelling zone; clarifying city and county powers with respect to such facilities; providing an exemption; providing an effective date.

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

By Senator Poston—

SB 936—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.7271, Florida Statutes, prohibiting motor vehicle insurers from basing any standard or rating plan for private passenger automobile or motorcycle insurance upon age, sex, marital status, or residence; providing a classification and subclassification system for such insurance rating plans; providing an effective date.

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

SB 937 was withdrawn prior to introduction.

By Senator Holloway—

SB 938—A bill to be entitled An act relating to condominiums; adding paragraph (p) to s. 718.503(2), Florida Statutes, requiring the developer of a condominium to provide a prospective buyer or lessee with certain information relating to pending lawsuits; providing an effective date.

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

By the Committee on Personnel, Retirement and Collective Bargaining—

SB 939—A bill to be entitled An act relating to retirement; amending s. 112.0515, Florida Statutes; providing that any consolidated local government which includes a former county government or function of a county government shall be a county for retirement purposes and that all new employees shall be required to participate in the Florida Retirement System; amending s. 121.081(1)(f), Florida Statutes; providing that the limitation imposed on the rate of contributions paid by a consolidated government to a local retirement system shall not prevent the consolidated government from making provisions for the sound actuarial funding of the local retirement systems which are absorbed in the consolidation; 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 the Committee on Personnel, Retirement and Collective Bargaining—

SB 940—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(4)(a), (f), Florida Statutes; increasing the eligibility requirements for certain disability benefits for certain persons; prohibiting a member from receiving disability retirement benefits on account of any condition which existed at the time of employment or for which the member was receiving disability benefits from any other retirement system at time of employment; 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 the Committee on Personnel, Retirement and Collective Bargaining—

SB 941—A bill to be entitled An act relating to special risk members of the Florida Retirement System; amending s. 121.021(15), Florida Statutes; providing that no member shall continue or be designated as a special risk member after his 55th birthday; providing that thereafter such member shall become a regular member and shall earn only regular membership credit; amending s. 121.091(1)(a), Florida Statutes; reducing special risk credit for each year of special risk service earned on and after October 1, 1978; 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 the Committee on Personnel, Retirement and Collective Bargaining—

SB 942—A bill to be entitled An act relating to disability retirement for firemen; amending s. 112.18(1), Florida Stat-

utes; providing that the presumption that certain disabilities occurred in the line of duty shall not apply to determinations of disability under the Florida Retirement System; providing an effective date.

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

By Senator Firestone—

SB 943—A bill to be entitled An act relating to the withdrawal, payment, and disbursement of public funds; authorizing the direct deposit of any public funds under certain conditions; providing definitions; providing severability; providing an effective date.

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

By Senator Zinkil—

SB 944—A bill to be entitled An act relating to governmental reorganization; creating s. 20.35, Florida Statutes, which creates a Department of Tourism and Economic Development to be headed by the Florida Tourism and Economic Development Commission; transferring the divisions of Tourism and Economic Development of the Department of Commerce to the new department; providing for powers and duties of the new department and the commission; creating the Economic Development Advisory Council within the Division of Economic Development and transferring the Motion Picture and Television Advisory Council to the Division of Economic Development; creating the Tourism Advisory Council within the Division of Tourism; repealing s. 20.17(2)(b) and (c) and (4), Florida Statutes, and ss. 288.344 and 288.347, Florida Statutes, to conform to the provisions of this act; directing that certain changes be made in the Florida Statutes to conform to the provisions of this act; providing an effective date.

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

By Senator Glisson—

SB 945—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.03, Florida Statutes; requiring public utilities to furnish electricity for resale when such resale is to be in conjunction with the sale of other services under certain conditions; providing for charges for such resale; providing an effective date.

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

By Senator Plante—

SB 946—A bill to be entitled An act relating to public employees; providing definitions; prohibiting a public employee from receiving both retirement benefits and a salary under certain circumstances; providing that no other penalty shall be incurred by virtue of public employment after retirement; providing an effective date.

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

By Senator Ware—

SB 947—A bill to be entitled An act relating to reimbursement of certain witnesses who are required to produce records, documents, or copies of records or documents in connection with certain judicial or administrative proceedings; requiring reimbursement of such witnesses for certain expenses; providing an effective date.

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

By Senators Wilson and Vogt—

SB 948—A bill to be entitled An act relating to Brevard County; providing that service charges for instituting any civil action, suit, or proceeding in the circuit court of Brevard County, imposed by the Board of County Commissioners of

Brevard County by ordinance in excess of that fixed by s. 28.241, Florida Statutes, may be expended to provide and maintain, in addition to the facilities specified in s. 28.241, Florida Statutes, facilities, rent, equipment, or personal property for the use of the office of state attorney, office of the public defender, and clerk of the circuit court; providing that service charges for instituting any civil action, suit, or proceeding in the county court of Brevard County, imposed by the Board of County Commissioners of Brevard County by ordinance in excess of that fixed by s. 34.041, Florida Statutes, may be expended to provide and maintain, in addition to the facilities specified in s. 34.041, Florida Statutes, facilities, rent, equipment, or personal property for the use of the office of state attorney, office of the public defender and clerk of the circuit court; authorizing the Board of County Commissioners of Brevard County to reimburse any funds expended for such facilities for county fiscal year beginning October 1, 1977, and ending September 30, 1978, from such funds imposed by said ordinance; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committees on Appropriations; and Rules and Calendar.

By Senators Zinkil and Henderson—

SB 949—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 Senator Myers—

SB 950—A bill to be entitled An act for the relief of Metropolitan Dade County Transit Authority; providing an appropriation to compensate the county for its loss of revenue sustained by overpayment of motor vehicle license taxes on county buses; providing an effective date.

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

By Senators Jon Thomas and Lewis—

SB 951—A bill to be entitled An act relating to professional engineers and land surveyors; amending s. 471.08, Florida Statutes, providing for two additional members of the Florida State Board of Professional Engineers and Land Surveyors, including a public member; establishing engineering and land surveying committees; amending s. 471.11(1)(a), Florida Statutes, providing the board with authority to suspend or refuse to renew certificates of registration in addition to the present power of revocation; providing that rulemaking and disciplinary powers of the board may only be exercised by a two-thirds vote; amending s. 471.12, Florida Statutes, providing that no officer on the board is relieved of his obligation to vote; adding subsection (5) to s. 472.01, Florida Statutes, providing a definition of responsible charge; amending s. 472.03(1) and (3), Florida Statutes, and adding a subsection thereto; granting the board power to enforce chapter 472, Florida Statutes, and providing the board with authority to adopt and enforce rules relating to the practice of land surveying; providing for the establishment of minimum technical standards; amending s. 472.04(1) and (3), Florida Statutes, raising limitation on land surveying applicants' fees to \$65; amending s. 472.05(3), Florida Statutes, providing for re-examination and a fee therefor; amending s. 472.06, Florida Statutes, providing for a limitation of \$65 on the land surveying certificate of registration fee; amending s. 472.09(1), Florida Statutes, and adding a subsection thereto; providing for a limitation of \$65 on annual renewal fees; providing renewal procedure; and providing for delinquent and reissue fees; amending s. 472.10(3)(a), Florida Statutes, providing that the board may revoke or suspend a certificate of registration of a land surveyor for fraud or deceit in the practice of his profession or for the violation of specified chapters of the Florida Statutes; amending s. 472.11(2), Florida Statutes, providing for fees for certificates of authorization for corpora-

tions and partnerships; providing for severability; providing an effective date.

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

By Senators Saylor, Ware and Chamberlin—

SB 952—A bill to be entitled An act relating to statewide supply and distribution of water; creating ss. 373.0361, 373.0362, Florida Statutes; providing legislative findings; creating the Florida Water Commission; providing for the composition and duties of the commission; requiring the Department of Environmental Regulation to provide staff; providing for assistance by the Division of Budget of the Department of Administration; providing for report; providing for executive director and said director's powers; providing an appropriation; providing an effective date.

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

By the Committee on Transportation—

SB 953—A bill to be entitled An act relating to transportation; amending s. 23.050, Florida Statutes; making certain functions and duties of the Secretary of the Department of Transportation duties of the department; requiring the department to provide public surface transit equipment and services in certain situations; adding s. 334.021(4)(d)(h), Florida Statutes; providing definitions; creating s. 334.121, Florida Statutes; providing duties of the department relating to a surface transit program; creating s. 334.122, Florida Statutes; providing for the administration and financing of the surface transit program; amending s. 334.211(2), Florida Statutes; providing guidelines for comprehensive plans by the department; amending s. 338.19(1), Florida Statutes; providing for reimbursement to utilities for relocation expenses of certain facilities; providing an effective date.

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

By Senator W. D. Childers—

SB 954—A bill to be entitled An act relating to the Florida Advisory Council on Intergovernmental Relations; amending s. 163.704(4), Florida Statutes; requiring that the chairman of the council be elected from among its legislator members; amending s. 163.705, Florida Statutes; providing that certain of the functions and duties of the council be discretionary; providing for emphasis to be given to the discussion and study of specified intergovernmental problems; deleting provisions relating to council input to the Constitution Revision Commission; requiring council analysis and reporting of certain government actions adversely affecting counties and municipalities; amending s. 163.706(1), (4), Florida Statutes; providing for semiannual council meetings at the call of the chairman; providing for public meetings and hearings and for their conduct in accordance with chapter 286, Florida Statutes; providing an effective date.

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

By Senator W. D. Childers—

SB 955—A bill to be entitled An act relating to insurance; amending s. 20.13(4), Florida Statutes; changing the name of the Division of Fraudulent Claims of the Department of Insurance to the Division of Insurance Fraud; amending s. 626.989(1), (4)-(7), Florida Statutes, and adding subsections (8) and (9) to said section; providing that division investigators not be subject to subpoena in certain civil actions; providing limited arrest powers for division investigators; providing that the cost of the division be borne by all insurance companies licensed to write fire and casualty insurance in the state; amending s. 627.7375(8), (9), Florida Statutes; providing that the solicitation of business for the purpose of making claims for personal injury protection benefits is unlawful; providing penalties; prohibiting attorneys from soliciting business for purpose of filing a claim for personal injury protection benefits; providing penalties; providing that the ban on soliciting busi-

ness by attorneys not apply to advertising allowed by the Code of Professional Responsibility; providing an effective date.

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

By Senator W. D. Childers—

**SB 956**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.22(2), Florida Statutes; increasing the penalty for false statements or representations, failure to make disclosures or contributions or payments, failure to furnish reports, failure to produce or permit the inspection or copying of records, or failure to maintain records by employing units, officers or agents of employing units, or other persons; providing an effective date.

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

By Senator Skinner—

**SB 957**—A bill to be entitled An act relating to the Florida Commercial Feed Law; adding s. 580.031(18), Florida Statutes; defining "feedstuff"; amending ss. 580.071, 580.091(1), (4), (5), 580.101, 580.111, 580.112(1)-(3), (5), 580.121(1), Florida Statutes; applying provisions relative to commercial feeds to feedstuffs; authorizing the enforcement of a stop-sale, stop-use, removal, or hold order against a possessor of commercial feeds or feedstuffs; providing penalties; providing an effective date.

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

By Senators MacKay and Peterson—

**SB 958**—A bill to be entitled An act relating to education; amending s. 229.58(1), Florida Statutes; authorizing a district school board to establish advisory committees pursuant to certain rules; authorizing certain support groups to function as such committees; creating s. 229.59, Florida Statutes; authorizing a district school board or a principal, pursuant to certain rules, to submit proposed educational improvement projects to the Commissioner of Education; requiring the commissioner to authorize distribution of a grant in a certain amount for each approved project; providing an effective date.

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

By Senator Hair—

**SB 959**—A bill to be entitled An act relating to insurance; creating part III of chapter 631, Florida Statutes; providing definitions; requiring certain domestic insurance companies to maintain with a custodian a policyholder security account consisting of cash or marketable securities; requiring that certain foreign or alien insurance companies, in order to transact certain kinds of insurance, maintain with a custodian a policyholder security account, consisting of cash or certain investments, and to provide a lien in favor of the Florida Insurance Guaranty Association; providing that the commissioner, under certain circumstances, accept compliance with the requirements of the state of domicile in lieu of compliance with this act; allowing the amount required to be maintained in the policyholder security account to be reduced by reinsurance cessions assumed by certain insurance companies; providing for computation of the amount required to be maintained in the policyholder security account; providing for the taking of credit for certain deposits of securities, the valuation of securities, and audits; providing procedure with regard to the existence, correction, and effect of deficiencies in policyholder security accounts; providing for the exchange, substitution, or withdrawal of cash or certain securities under certain circumstances and procedures; prohibiting the creation of certain interests or priorities in the cash, security, or investments maintained in a policyholder security account; providing that the value of the policyholder security account shall be at least certain specified amounts by specified dates; creating s. 631.691, Florida Statutes,

providing that the Florida Insurance Guaranty Association shall have a lien on the policyholder security account of an insolvent insurer member; providing an effective date.

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

By Senator Peterson—

**SCR 960**—A concurrent resolution approving the types, amounts and use of registration fees, tuition fees, and course fees to be charged and collected from students enrolled in the institutions of higher learning under the Board of Regents starting with fall quarter of 1978; providing a contingency; authorizing waiver of tuition for non-Florida students in a specified amount.

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

By Senator Peterson—

**SB 961**—A bill to be entitled An act relating to the Department of Education; amending s. 229.085(2), Florida Statutes, providing for duration of employment and retention rights of personnel employed for specific projects under certain grants or contracts; providing an exemption; providing an effective date.

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

By Senator Plante—

**SB 962**—A bill to be entitled An act relating to the Florida Consumer Finance Act; creating s. 516.221, Florida Statutes; providing that no person or licensee under such act shall be subject to civil or criminal liability when acting in reliance on an order, declaratory statement, or rule of the Department of Banking and Finance; providing an effective date.

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

By Senator Ware—

**SB 963**—A bill to be entitled An act relating to banks and trust companies; amending s. 658.11, Florida Statutes; prescribing the time period for which banks or trust companies are required to preserve or keep their records or files or copies thereof; providing that liability will not accrue against a bank or trust company which destroys such records or files or copies thereof after the expiration of the specified period of time; providing when a showing that records or files or copies thereof have been destroyed shall be a sufficient excuse for failure to produce them in a cause or proceeding in which they are demanded; providing for copying of records and providing for admissibility of such copies as evidence; defining "original of a record" and "copy of a record"; providing an effective date.

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

By Senator Chamberlin—

**SB 964**—A bill to be entitled An act relating to birth certificates; creating s. 382.211, Florida Statutes; requiring the State Registrar of Vital Statistics to make and file, under certain circumstances, a new birth certificate for a foreign-born, alien child adopted in Florida; providing an effective date.

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

By Senator McClain—

**SB 965**—A bill to be entitled An act relating to firefighters; providing definitions; providing qualifications whereby firefighters may be entitled to supplemental compensation; providing a schedule for supplemental compensation payments; providing for the creation of a special fund; providing for the issuance of warrants for the payment of supplemental compensation; providing that the Firefighters Standards and Training

Council shall determine eligibility under the act under certain circumstances; providing legislative intent; providing an appropriation; 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 McClain—

SB 966—A bill to be entitled An act relating to cable television facilities; providing a short title; providing definitions; providing circumstances for regulation by the Florida Public Service Commission of the attachment of cable television facilities to telephone or electric public utility poles or the use by such facilities of duct space or conduits of such utilities; providing an effective date.

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

By Senator Gallen—

SB 967—A bill to be entitled An act relating to DeSoto County; authorizing the School Board of DeSoto County to acquire, construct, lease, improve, furnish, and equip school buildings or sites and to refund outstanding certificates of indebtedness; authorizing the board to issue certificates of indebtedness; limiting the aggregate principal, interest rate, and maturity dates of such certificates; providing for the form of such certificates; providing for determination of the place of payment of such certificates; providing for the sale of such certificates; providing that the principal and interest of such certificates is repayable only from certain funds; providing that such certificates are legal investments for certain entities; declaring that the Legislature will not impair the rights of holders of such certificates; providing that such powers of the board are supplemental and additional authority; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committees on Appropriations; and Rules and Calendar.

By Senator Gallen—

SB 968—A bill to be entitled An act relating to DeSoto County; amending section 8, chapter 65-1450, Laws of Florida; providing that the district hospital board of DeSoto County may incur short term indebtedness on behalf of the district, in an amount and at an interest rate to be determined by the board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Gallen—

SJR 969—A joint resolution proposing an amendment to Section 15, Article V of the State Constitution, relating to admission and discipline of attorneys.

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

By Senator Gallen—

SB 970—A bill to be entitled An act relating to sale or conveyance of state lands; amending s. 253.111, Florida Statutes, providing that state lands may be sold to a county upon determination of the board of county commissioners by resolution that such land will be devoted to a public purpose, rather than a public outdoor recreational purpose; providing an effective date.

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

By Senator Henderson—

SB 971—A bill to be entitled An act relating to ophthalmic refractions performed by physicians and optometrists; creat-

ing ss. 458.25, 463.145, Florida Statutes; providing that certain prescriptions are the property of the patient; prohibiting requirement of disclaimers, waivers, or liability releases, or additional fees; providing for disciplinary action upon violation; providing an effective date.

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

By Senator Johnston—

SB 972—A bill to be entitled An act relating to drivers' licenses; adding subsection (8) to s. 322.26, Florida Statutes, requiring revocation of license if the court having jurisdiction so recommends due to the seriousness of the offense and surrounding circumstances; amending s. 322.27(1), Florida Statutes, requiring suspension of license if the court having jurisdiction so recommends due to the seriousness of the offense and surrounding circumstances; providing an effective date.

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

By Senator Williamson—

SB 973—A bill to be entitled An act relating to the Beverage Law; amending s. 562.111, Florida Statutes; prohibiting the possession of alcoholic beverages by minors; providing penalties; providing that no minor 14 years of age or older, nor his or her parents or guardian, nor any other person shall have a right of action against any licensee or his agents or employees arising from the voluntary purchase or consumption of alcoholic beverages by said minor; providing a penalty; providing an effective date.

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

By Senator Williamson—

SB 974—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11, Florida Statutes, relating to the illegal furnishing of alcoholic beverages to minors, to provide that such a violation must be knowingly committed; applying the habitual misdemeanor provisions to such violations; providing an effective date.

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

By Senator Jon Thomas—

SB 975—A bill to be entitled An act relating to the Human Rights Advocacy Committees; amending s. 20.19(6)(e), (7), Florida Statutes; providing restrictions with respect to committee membership; providing for committee access to certain confidential information; exempting certain matters before such a committee from the provisions of chapter 119, Florida Statutes; providing a penalty for disclosing confidential information; providing that the statewide committee, rather than district administrator, shall determine areas of responsibility of district committees; providing that the statewide committee shall review district committee operations; modifying membership requirements with respect to district committees; decreasing terms served on district committees from 4 years to 2 years; providing that the district committee, rather than the district administrator, shall fill vacancies, subject to gubernatorial approval; providing that nonaction by the Governor constitutes approval in certain cases; requiring district committees to comply with certain procedures established by the statewide committee; providing for certain reimbursement of district committee members; providing that members currently serving may complete terms to which appointed; amending s. 827.09(6), Florida Statutes; requiring the Department of Health and Rehabilitative Services to notify the appropriate Human Rights Advocacy Committee that an alleged abuse of a developmentally disabled person has been reported to the department; providing an effective date.

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

By Senator Jon Thomas—

SB 976—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.065, Florida Statutes; excluding certain amounts from certified millage; prohibiting a taxing authority from levying a millage in excess of 10 percent over the certified millage; providing procedures for adoption of an additional increase of 5 percent; providing a rule of construction; 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 Jon Thomas—

SB 977—A bill to be entitled An act relating to the regulation of public utilities; repealing s. 366.09, Florida Statutes; removing present provisions prohibiting prosecution or penalty for or on account of any transaction, matter or thing concerned in testimony before the Florida Public Service Commission; providing an effective date.

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

By Senator Jon Thomas—

SB 978—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.08, Florida Statutes, directing the Florida Public Service Commission to require all public electric utilities to undergo a management, operations, and efficiency audit every 4 years; providing specific elements in such an audit; authorizing the commission to require the utility to comply with recommendations in the audit; providing an effective date.

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

By Senators Jon Thomas and Skinner—

SB 979—A bill to be entitled An act relating to the Good Samaritan Act; adding subsection (3) to s. 768.13, Florida Statutes, to provide immunity from civil liability for persons, including veterinarians, who render emergency care or treatment to certain injured animals; providing an effective date.

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

By Senator Jon Thomas—

SJR 980—A joint resolution proposing the creation of Section 16 of Article VII of the State Constitution relating to Solar Energy Construction Financing.

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

By Senator Jon Thomas—

SB 981—A bill to be entitled An act relating to the Florida Clinical Laboratory Law; amending ss. 483.051(3) and 483.151, Florida Statutes; authorizing the Department of Health and Rehabilitative Services to establish nonrefundable application fees and examination fees for each specialty and subspecialty, in addition to presently established licensing and registration fees; authorizing use of all such fees for administrative purposes; providing an effective date.

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

By Senators Plante and Sayler—

SB 982—A bill to be entitled An act relating to the state system of public education; creating s. 228.042, Florida Statutes; prohibiting the granting of continuing contracts and tenure status to personnel of the state system of public education; amending ss. 230.23(5)(g), 230.759, 231.36(6), 231.39(2), and

241.731(1), (2)(a), Florida Statutes; deleting provisions relating to continuing contracts and tenure; repealing ss. 231.351, 231.36(3)-(5), (7), and (9), Florida Statutes, relating to continuing contracts and tenure; providing an effective date.

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

By Senator Skinner—

SB 983—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15(1)(a), Florida Statutes; exempting travel trailers, camping trailers, and motor homes from access for inspection by the department and its officers and employees; providing an effective date.

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

By Senators Peterson and Trask—

SB 984—A bill to be entitled An act relating to fire prevention and control; adding subsection (6) to s. 633.30, Florida Statutes, providing for the grandfathering of employees of volunteer fire departments which are taken over by public employing agencies; providing an effective date.

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

By Senator Ware—

SB 985—A bill to be entitled An act relating to taxation of motor fuels; creating s. 206.627, Florida Statutes, to exempt district school boards from payment of such taxes for the operation of school transportation systems; providing duties of Department of Revenue; providing an effective date.

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

By Senator Ware (by request)—

SB 986—A bill to be entitled An act relating to district school boards; creating s. 230.2215, Florida Statutes, permitting judicial review of final orders of district school boards; providing an effective date.

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

By Senator Chamberlin—

SB 987—A bill to be entitled An act relating to the sales and use tax; amending s. 212.12(1), Florida Statutes; reducing the deduction allowed certain lessors, dealers, and owners for keeping records, accounting, and remitting such tax; providing an effective date.

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

By Senator Spicola—

SB 988—A bill to be entitled An act relating to the Florida State Fair Authority; creating s. 616.2561, Florida Statutes; providing definition of trespass upon the grounds of the state fair authority; prohibiting such trespass; providing a penalty; exempting from liability any peace officer who arrests a person for such trespass under certain circumstances; providing an effective date.

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

By Senator Gallen—

SB 989—A bill to be entitled An act relating to the sales, storage, and use tax; amending s. 212.051, Florida Statutes; exempting from such tax expenditures for any device, systems, equipment, or machinery used primarily for the control or abatement of pollutants from stationary sources; requiring such

expenditures be certified by the Department of Environmental Regulation in order to qualify for the exemption; amending s. 212.08(3), (9), Florida Statutes, and adding s. 212.08(7)(1)-(n), Florida Statutes; exempting self-propelled or power-drawn farm equipment used exclusively by a farmer on a farm owned, leased, or sharecropped by him in plowing, planting, cultivating, or harvesting crops from such tax; exempting the sale of fuel and energy to be used for commercial or industrial purposes at fixed locations from such tax; exempting machinery, equipment, parts and accessories therefor used in manufacturing, processing, or certain other activities from such tax; exempting certain aircraft sold to persons not residing in the state or sold for use in interstate or foreign commerce from such tax; providing a partial exemption from such tax for motor vehicles licensed as common carriers by the Interstate Commerce Commission; creating s. 212.0805, Florida Statutes; providing for the gradual implementation of the exemptions provided herein over a 4-year period; establishing an annual maximum tax on machinery and equipment and parts and accessories therefor used in manufacturing, processing, or certain other activities; providing legislative intent; repealing s. 212.05(6), Florida Statutes, which established the rate of taxation on such machinery, equipment, parts, and accessories; providing an effective date.

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

By Senator Johnston—

SB 990—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.025, Florida Statutes, exempting from the tax certain deeds transferred in case of foreclosure or in lieu of foreclosure; 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 Johnston—

SB 991—A bill to be entitled An act relating to registration of electors; creating s. 97.0625, Florida Statutes; providing for registration of electors by mail; providing application procedures for such registration; providing grounds for denial; providing penalties for fraudulently swearing to an application for voter registration; repealing s. 97.063, Florida Statutes, relating to absentee registration; providing an effective date.

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

By Senator Jon Thomas—

SB 992—A bill to be entitled An act relating to radiologic technology; providing a declaration of policy; providing definitions; prohibiting the use of x-rays and x-ray producing equipment by certain persons; providing for certain rules; providing for certification of persons as radiologic technologists; providing for approval of schools; providing for examinations and fees; providing qualifications for certification; providing for issuance, possession, and display of certification; providing for temporary certification; providing for certification based on prior experience or training; providing for duration, renewal, issuance, suspension, and revocation of certification; prohibiting certain actions and activities; providing a penalty; providing for creation of a fund; providing an effective date.

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

By Senators Scott and Jon Thomas—

SB 993—A bill to be entitled An act relating to nonpublic schools; amending s. 229.808, Florida Statutes, requiring the annual registration of certain nonpublic educational institutions with the Department of Education; requiring certain information in the registration form; requiring certain educational centers and trade schools to register; deleting exclusion of certain educational institutions from the requirement to register and providing exclusion for others; requiring nonpublic schools to notify the department of certain changes; requiring the department to

report annually; prohibiting fraudulent registration; providing a penalty; providing an effective date.

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

By Senator Zinkil (by request)—

SB 994—A bill to be entitled An act relating to loss prevention in state government; providing for a Loss Prevention Program; requiring each department head to designate a safety coordinator; requiring the Department of Insurance to train the safety coordinators; providing duties of safety coordinators; requiring the Department of Insurance to adopt rules to implement the program; creating an Interagency Advisory Council on Loss Prevention; providing for council membership and duties; repealing s. 633.081(3)-(6), Florida Statutes, relating to departmental fire safety coordinators and instructors; providing an effective date.

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

By the Committee on Executive Business and Senator Holloway—

SB 995—A bill to be entitled An act relating to public officers; prohibiting persons from holding more than one public office under the government of the state or one of its political subdivisions unless holding the additional office is part of the officer's assigned duties; providing exceptions; providing criteria tending to indicate that a position is a public office; providing an effective date.

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

By the Committee on Personnel, Retirement and Collective Bargaining—

SB 996—A bill to be entitled An act relating to retirement; amending s. 121.021(11), Florida Statutes; clarifying the definition of "officer or employee"; amending s. 121.051(1), (2)(a), Florida Statutes; prohibiting participation of new officers or employees of the University Athletic Association, Inc. in a state-supported retirement system and confirming participation in the Florida Retirement System by current employees of the association; amending s. 121.052(8), Florida Statutes; providing an annual appropriation; amending s. 121.091(1)(a), (9)(b), Florida Statutes; limiting benefits payable to regular and special risk members of such retirement system; deleting the prohibition against making social security contributions during reemployment after retirement; amending s. 121.131, Florida Statutes; authorizing certain deductions from benefits upon request of the member; creating s. 121.21, Florida Statutes; prohibiting certain false statements and falsification of records and providing a penalty; authorizing the Division of Retirement of the Department of Administration to make certain corrections in the event of underpayments or overpayments of retirement benefits and to adopt rules to provide for such corrections; amending s. 121.23(2), Florida Statutes; providing a time limitation on the appeal of decisions of the administrator of the Florida Retirement System to the State Retirement Commission; amending s. 943.22(2)(e), Florida Statutes; deleting the prohibition against using salary incentive payments made to law enforcement officers for the determination of retirement benefits; 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 Senators Peterson and Trask—

SB 997—A bill to be entitled An act relating to Pasco County; amending sections 2 and 5 of chapter 63-1762, Laws of Florida; establishing the board of county commissioners or, in the board's discretion, a board of trustees as the governing body for West Pasco Hospital; prescribing duties and powers; repealing sections 3, 4, and 6-10 of chapter 63-1762, Laws of Florida, which prescribes membership and duties and powers of a hospital board of trustees; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Peterson and Trask—

**SB 998**—A bill to be entitled An act relating to Pasco County; amending section 1 of chapter 59-1716, Laws of Florida, removing limitations on location of public dumping grounds; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Peterson and Trask—

**SB 999**—A bill to be entitled An act amending chapter 65-2075, Laws of Florida, relating to Pasco County; increasing authorization to issue certificates in the amount of seven hundred thousand dollars to an aggregate principal amount of three million dollars; authorizing the issuance of refunding certificates; increasing allowable interest to seven and one-half percent per annum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Peterson and Trask—

**SB 1000**—A bill to be entitled An act relating to Pasco County; providing an exemption from the requirement for electronic signalization at public and private crossings of railway-highway crossings under certain conditions; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Sayler—

**SB 1001**—A bill to be entitled An act relating to Pinellas County; creating the Pinellas Social Services Council; providing for membership and terms of office; providing for filling of vacancies; providing for removal of members; providing duties and functions of the council; providing for staff services; allocating funds for the budget of the council; providing for annual budgeting; providing for handling and disbursement of funds; requiring certain members to provide bond; providing for dissolution of the council; providing for automatic repeal; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committees on Appropriations; and Rules and Calendar.

By Senator Gorman—

**SB 1002**—A bill to be entitled An act relating to the City of Orlando, Orange County; amending section 1, chapter 31086, Laws of Florida, 1955, as amended; prohibiting receipt of both retirement benefits and salary by a retiree if reemployed by the City of Orlando, with certain exceptions; prohibiting a retiree from earning and drawing a second pension; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Tobiassen—

**SB 1003**—A bill to be entitled An act relating to purchases made by the Joint Legislative Management Committee; amending s. 11.147(4)(a), Florida Statutes; requiring competitive bids on purchases in excess of \$2,500; providing an effective date.

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

By Senators MacKay and Peterson—

**SB 1004**—A bill to be entitled An act relating to Shands Teaching Hospital; authorizing the establishment of a capital

construction trust fund by such hospital; prescribing the uses of such trust fund; requiring that certain construction be approved by the Legislature; providing for the deposit of certain unexpended and unencumbered funds into the trust fund; providing an effective date.

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

By Senator Barron—

**SB 1005**—A bill to be entitled An act relating to health studio services; amending s. 501.012(3), Florida Statutes, providing for penalty-free cancellation of health studio service contracts within certain time periods; providing for cancellation of health studio service contracts if the health studio goes out of business and fails to provide facilities within 15 miles from the location designated in the contract; providing for the cancellation of health studio service contracts upon the death or total and permanent disability of the buyer; providing for applicability; providing an effective date.

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

By Senator Scarborough—

**SB 1006**—A bill to be entitled An act relating to frontons; amending s. 551.09(2), Florida Statutes; increasing the tax paid by frontons; providing for distribution of such tax; repealing s. 551.09(8), Florida Statutes, relating to collection of the old age assistance tax; 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 Renick—

**SB 1007**—A bill to be entitled An act relating to Everglades recreational sites; amending s. 372.025(2), (4), Florida Statutes; conforming terminology; reducing the membership of the Everglades Recreational Planning Board; prescribing the duties of the board; providing an effective date.

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

By Senator Gallen—

**SB 1008**—A bill to be entitled An act relating to tax collectors; providing an increase in the compensation of tax collectors in lieu of compensation for population increments for the fiscal year beginning October 1, 1978; providing for compensation for subsequent years; providing an effective date.

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

By Senator Gallen—

**SB 1009**—A bill to be entitled An act relating to public property; creating s. 255.015, Florida Statutes; prohibiting all solicitation of donations on public property; providing for agency responsibilities for designated areas; providing a penalty; providing an effective date.

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

By the Committee on Executive Business and Senator Holloway—

**SB 1010**—A bill to be entitled An act relating to inactive local agencies and authorities; repealing the chapters or sections of chapters of the Laws of Florida creating such agencies and authorities; transferring the causes of action against such agencies and authorities to the governing authorities of the counties in which they are located; providing severability; providing an effective date.

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

By Senator Castor—

SB 1011—A bill to be entitled An act relating to public records; amending ss. 119.02, 119.07, and 119.12, Florida Statutes; creating s. 119.071, Florida Statutes; adding subsection (4) to s. 119.11, Florida Statutes; providing procedures with respect to requests for examination of public records; providing for appeal; providing exemptions; providing standards for maintenance of records; providing procedures for amendment of records; providing for civil actions; requiring that agencies comply with court orders within a specified time; providing for attorney's fees; providing penalties; providing an effective date.

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

By Senators McClain, Spicola and Castor—

SB 1012—A bill to be entitled An act relating to quarter horse racing; creating s. 550.335, Florida Statutes, permitting certain holders of valid quarter horse racing permits to substitute dograces for quarter horse races; specifies the months during which races may be substituted; providing an effective date.

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

By Senator Hair—

SB 1013—A bill to be entitled An act relating to insurance; amending s. 631.60(2), Florida Statutes; providing for priority of certain claims against the assets of insolvent insurers; providing an effective date.

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

By Senator Wilson—

SB 1014—A bill to be entitled An act relating to mental health; amending s. 394.459(3)(b), Florida Statutes; deleting the requirement for informed patient consent to surgical procedures requiring the use of electroconvulsive treatment; creating s. 394.4591, Florida Statutes; defining "convulsive therapy" and "psychosurgery"; regulating and controlling the use of convulsive therapy and psychosurgery in state facilities and private facilities; establishing procedure to be followed when convulsive therapy or psychosurgery is to be administered; prohibiting the use of convulsive therapy or psychosurgery on persons under a specified age; requiring informed consent with respect to other persons; requiring the Department of Health and Rehabilitative Services to prescribe forms for consent to such procedures; requiring the forms to contain certain statements relating to the side effects and risks of such procedures; establishing a review committee; providing for appointment and terms of members and duties of the committee; requiring violations of the act to be reported to the State Board of Medical Examiners; providing penalties; providing an effective date.

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

By Senator Wilson—

SB 1015—A bill to be entitled An act relating to economic impact statements; amending s. 120.54(2)(a), Florida Statutes, requiring inclusion of certain information in economic impact statements; providing an effective date.

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

By Senator Williamson—

SB 1016—A bill to be entitled An act relating to limitations of actions; amending s. 95.36(1), Florida Statutes; providing that dedications of land to the public for park purposes, which lands have subsequently been incorporated into a municipality, shall not be challenged; providing an effective date.

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

By Senator Williamson—

SB 1017—A bill to be entitled An act relating to education; amending s. 230.23(9)(b), Florida Statutes, authorizing district school boards to enter into leases or lease-purchases with certain persons for school grounds, buildings, and additions to buildings; providing terms for such leases and lease-purchases; authorizing district school boards to sell certain parcels of land under certain conditions; deleting certain limitations on such leases and lease-purchases; providing an effective date.

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

By Senator Williamson—

SB 1018—A bill to be entitled An act relating to damages; exempting persons from liability for exemplary or punitive damages for the wrongful act of another unless such persons participate in or authorize or ratify such act; providing an effective date.

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

By Senator Williamson—

SB 1019—A bill to be entitled An act relating to evidence; amending s. 92.33, Florida Statutes, requiring persons having a copy of certain tape recorded statements concerning injury to person or property to provide a copy to the person who made the statement upon request; prohibiting the admissibility of such statements in evidence unless such copy was provided; providing an effective date.

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

By Senator Holloway—

SB 1020—A bill to be entitled An act relating to electrical standards; amending s. 553.19, Florida Statutes; adopting the current versions of certain electrical standards; deleting certain regulations relating to emergency lighting from the list of adopted standards; providing for applicability; providing an effective date.

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

By the Committee on Health and Rehabilitative Services—

SB 1021—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.08(1), Florida Statutes; authorizing the Legislature to provide group insurance for public officers and its employees or to self-insure for certain coverages; amending s. 112.0801, Florida Statutes; authorizing retirees to continue participation in group insurance plans; providing an effective date.

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

By Senator Johnston—

SB 1022—A bill to be entitled An act relating to public defenders; amending s. 27.50, Florida Statutes; prescribing qualifications for public defenders; amending s. 27.51, Florida Statutes; specifying the persons whom a public defender is required or permitted to represent; requiring the appointment of a public defender or private counsel to represent certain persons; authorizing a public defender to accept voluntary services; prescribing conditions of service of public defenders and assistant public defenders; amending s. 27.52, Florida Statutes; prescribing standards for the determination of indigency; providing that the parents of certain minor children are liable for certain costs; amending s. 27.53(2), (3), Florida Statutes; authorizing appointment and payment of a member of the bar to represent an indigent defendant; requiring such appointment and payment in certain circumstances; amending s. 27.5301(1), Florida Statutes; providing for the salaries of public defenders; amending s. 27.54(2), Florida Statutes; authorizing a county or municipality to contribute funds to a public defender's office for certain purposes; amend-

ing s. 27.55, Florida Statutes; providing standards for compensation of a public defender, and for expenditures for a public defender's office, in a newly created judicial circuit; amending s. 27.58, Florida Statutes; providing a rule of construction; amending s. 27.59, Florida Statutes; granting public defenders, assistant public defenders, and their investigators access to certain prisoners at any time; providing an effective date.

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

By Senators Poston and Tobiassen—

**SJR 1023**—A joint resolution proposing amendments to Sections 1, 4, and 9, Article VII and a new section 18, Article XII, of the State Constitution, to limit taxes.

—was read the first time by title and referred to the Committees on Finance, Taxation and Claims; Appropriations; and 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 367 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Richmond—

**HB 367**—A bill to be entitled An act relating to the non-judicial sale of boats or vessels; creating s. 371.84, Florida Statutes, authorizing the sale of certain boats or vessels which are in storage at a nonjudicial sale by marinas under certain circumstances; providing notice; providing for the disposition of the proceeds of such a sale; directing the Department of Natural Resources to provide certification forms for such sales and to transfer title; providing that such sales are subject to prior perfected liens; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1702 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representative Melvin—

**HCR 1702**—A concurrent resolution urging Florida's Congressional Delegation to request the United States Congress to appoint the United States Army Corps of Engineers to do an engineering and economic feasibility study of The Total Concept plan within the State of Florida.

—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 adopted HCR 1435 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Smith—

**HCR 1435**—A concurrent resolution declaring the week of April 24-28, 1978, as "Florida's Forgotten Victims Week."

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 620 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fulford—

**HB 620**—A bill to be entitled An act for the relief of Phyllis McGuire; providing an appropriation to compensate her for her injuries sustained in an automobile accident which occurred on Florida State Road S-535 due to the negligent maintenance of the road by the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master; and the Committee on Finance, Taxation and Claims.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 619 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fulford—

**HB 619**—A bill to be entitled An act relating to Orange County; authorizing Orange County to compensate Phyllis McGuire for her injuries sustained in an automobile accident which occurred on Florida State Road S-535 due to the negligent maintenance of the road by Orange County; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 464 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Barrett—

**HB 464**—A bill to be entitled An act relating to correctional or penal institutions; amending s. 944.47(1)(a), Florida Statutes, relating to the prohibition against introduction, removal, or transmission of certain contraband articles into or from such institutions, to clarify and extend such prohibition; 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 passed as amended HB 1075 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations and Representative Sheldon and others—

**HB 1075**—A bill to be entitled An act relating to administrative procedure; amending various sections and subunits of sections of the Florida Statutes for the purpose of deleting or amending all provisions relating to rulemaking, agency orders, administrative adjudication or judicial review conflicting with or rendered unnecessary by chapter 120, Florida Statutes, as enacted by chapter 74-310, Laws of Florida, and subsequently amended; placing the affected sections of the Florida Statutes of the above agencies in conformity with chapter 120, Florida Statutes, with the following exceptions and clarifications: amending s. 380.10(2), Florida Statutes, relating to

emergency orders of the Administration Commission in developments of regional impact; amending s. 120.57(1)(a), Florida Statutes, authorizing the Department of Agriculture and Consumer Services to conduct its own formal hearings under chapter 601, Florida Statutes; amending s. 231.36(6), Florida Statutes, clarifying that district school boards may suspend employees without pay under certain circumstances; amending s. 239.582(1), Florida Statutes, relating to suspension of students for possession or sale of controlled substances; amending s. 601.111(2), Florida Statutes, clarifying that Department of Citrus rules lowering standards during emergencies shall be effective no longer than 1 year; amending s. 601.152, Florida Statutes, clarifying that citrus special marketing campaigns are marketing orders; amending s. 443.07(4)(e), Florida Statutes, limiting venue of review of orders of the Board of Review for unemployment compensation claims; amending ss. 120.57(1)(a) and 443.15(2)(a), Florida Statutes, allowing Department of Commerce proceedings involving disputed unemployment compensation assessments to be conducted by a special deputy; amending s. 394.457(6), Florida Statutes, relating to the Department of Health and Rehabilitative Services, providing that hearing officers' orders authorizing continued involuntary hospitalization shall be final and subject to judicial review; amending s. 322.27(1), Florida Statutes, clarifying that the Department of Highway Safety and Motor Vehicles may suspend drivers' licenses without preliminary hearing under certain circumstances; amending s. 322.31, Florida Statutes, providing that judicial review of suspension or revocation of drivers' licenses shall be in circuit court; amending s. 367.051(2), Florida Statutes, clarifying that any consumer, utility or governmental agency in the affected territory may trigger a Public Service Commission hearing on certification of a water and sewer utility; amending various sections of the Florida Statutes to continue requirements for notice prior to rulemaking or hearings that are in excess of and in addition to requirements in chapter 120; amending s. 120.60(2), Florida Statutes, to require agencies to grant or deny licenses in less than 90 days if otherwise required by law; amending s. 120.72(1), Florida Statutes, to amend the legislative intent of the Administrative Procedure Act; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 51, HB 284 and HB 476 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Patterson—

HB 51—A bill to be entitled An act relating to tax sales; adding subsection (3) to s. 197.256, Florida Statutes; providing for notice to the guardian of the property of an incompetent legal titleholder prior to issuance of tax deed; providing for setting aside of tax deed issued without notice; creating s. 197.1165, Florida Statutes, requiring the Clerk of the Circuit Court to provide described parties with notice with respect to tax certificates sales; providing an effective date.

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

By Representative Barrett—

HB 284—A bill to be entitled An act relating to county detention facilities; amending s. 951.22, Florida Statutes, adding written or recorded communications, coins and currency, food, clothing and certain drugs and medicines to the list of contraband articles for which the unauthorized taking to or receiving from a prisoner in a county detention facility, or the attempt to do so, is a felony of the third degree; providing an effective date.

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

By Representatives McKnight and Dyer—

HB 476—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.17(3), Florida Statutes; extending the time period during which a dealer may

take a credit for taxes paid on worthless accounts and allowing a refund for such payments; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 624 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig—

HB 624—A bill to be entitled An act relating to search warrants; adding subsection (8) to s. 933.18, Florida Statutes; providing for issuance of a warrant to search a private dwelling if it is being used for the unlawful sale, possession or purchase of wildlife or freshwater fish; 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 passed as amended by the required Constitutional three-fifths vote of the membership of the House HJR 969 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Mixson and others—

HJR 969—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution relating to ad valorem taxation.

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

The Senate recessed at 8:40 a.m.

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

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

Excused: Senator Barron until 11:30 a.m., Senator Vogt

Prayer by Thomas Kennedy, pastor, Forest Heights Baptist Church:

O God, it is in a spirit of Thanksgiving that we pause, each in our own way, to say thank you for this day of life and opportunity. May we strive to use it constructively to build our relationship with you and those about us.

Breathe into my mind pure and heavenly desires. Let truth rule my very being and permit thy justice and righteousness to rule my errant mind.

Forgive me for I am so prone to sin, so little inclined to obedience,

So much attached to pleasures, so negligent to the spiritual,

So quick to serve self, so slack in service to others,

So soon to play, so late for prayer,

So eager to get, so reluctant to give

So lofty in profession, so low in my practice.

So severe with my neighbors, so indulgent with myself,

So eager to find fault, so resentful at being found at fault,  
So ready to please my body, so slow to feed my soul

So helpless apart from you, yet so little willing to be bound to you.

Give us faith to grasp hold of your ways and rejoice in the ways of Christ our Saviour, that we may become more like you. Then may our prayers and ideals be consummated in that which we do as a body such as this and in our own life.

These I ask in your name. Amen.

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

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for April 25, 1978:

SB 303	SB 620	SB 525	SB 416
SB 43	SB 199	SB 316	SB 101
SB 281	SB 640	SB 321	SB 389
SB 89	SB 214	SB 477	
SB 284	SB 584	SB 351	
SB 124	SB 262	SB 426	

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 648 with 2 amendments

The Committee on Education recommends the following pass:

SB 504 SB 499 with 1 amendment  
SB 368 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: SB 457

The Committee on Judiciary-Civil recommends the following pass:

SB 498 with 2 amendments SB 588 with 3 amendments  
SB 585

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

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

SB 628 with 3 amendments	SB 306 with 2 amendments
SB 625 with 1 amendment	SB 336 with 1 amendment
SB 238 with 2 amendments	SB 409
SB 287	SB 475

The Committee on Education recommends the following pass: HB 192 with 1 amendment, SB 604

The Committee on Finance, Taxation and Claims recommends the following pass: SB 676

The Committee on Judiciary-Civil recommends the following pass: SB 417, SB 806 with 3 amendments

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

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

HB 378 with 2 amendments SB 438 with 1 amendment  
HB 467

The Committee on Judiciary-Civil recommends the following pass: SB 736 with 2 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 580

The Committee on Finance, Taxation and Claims recommends the following pass: SB 482

The bills contained in the foregoing reports were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Transportation recommends the following pass: SB 623

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

The Committee on Agriculture recommends the following pass: SB 461 with 4 amendments

The Committee on Transportation recommends the following pass: SB 767

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

The Committee on Education recommends the following pass: SB 415 with 2 amendments

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

The Committee on Appropriations recommends the following pass:

CS for CS for	SB 302	SB 403	SB 473
SB 165	SB 326	SB 406	SB 552
SB 301	SB 367		

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

SB 274 with 3 amendments SB 365  
SB 729 SB 627

The Committee on Education recommends the following pass: SB 575

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

SB 51 with 1 amendment as	SB 356
recommended by Special Master	SB 421 with 1 amendment
SB 313 with 1 amendment	SB 167 with 1 amendment
	SB 339

The Committee on Judiciary-Civil recommends the following pass: SB 129 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 687 with 3 amendments

The Committee on Transportation recommends the following pass:

SB 408	SB 439
SB 534 with 1 amendment	SB 735 with 3 amendments

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

The Committee on Education recommends a Committee Substitute for the following: SB 136

The Committee on Agriculture recommends a Committee Substitute for the following: SB 396

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 395

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 390

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 466

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

The Committee on Transportation recommends a Committee Substitute for the following: SB 64

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

The Committee on Transportation recommends a Committee Substitute for the following: SB 476

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 373

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

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 677

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

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

SB 252            CS for HB 274            SB 491

The bills were laid on the table.

#### Report of Subcommittee to Standing Committee

The Workmen's Compensation Subcommittee of the Commerce Committee recommends favorably to the standing committee: SB 407 with 1 amendment.

#### Bills Referred to Subcommittee

SB 26 has been referred to the Agriculture select subcommittee composed of Senators Peterson and Scott which will report to the full committee within 14 days.

Senator Firestone, in observance of Cultural Arts Week, presented to the Senate the Gold Coast Winds, a quintet based in Miami and composed of Christine Nield, flute; Phillip Teachey, oboe; John Wiener, clarinet; Jeff Hale; bassoon; and John Casbarro, French horn. The ensemble consisted of principal players from the Ft. Lauderdale Symphony, the Miami Beach Symphony and the Miami Opera Association and was founded by John Casbarro.

The President expressed appreciation of the Senate for the group's performance.

The President invited to the rostrum Senator Sayler who introduced to the Senate Dr. Edgar D. Mitchell, Capt. U.S. Navy (Ret.)

Senator Sayler stated that Dr. Mitchell became an astronaut in 1966 and on February 5, 1971, with Capt. Alan Shepard aboard, landed the moonship "Antares" on the moon while the mothership "Kitty Hawk" circled the moon. This third U.S.

moon team set a new record of 1½ days on the moon, then made a bullseye splashdown in the South Pacific on February 9. The team brought back one hundred pounds of rocks dating back to the birth of the solar system some 4.6 billion years ago.

On motion by Senator Scarborough, the following remarks by Dr. Mitchell were recorded in the Journal:

Thank you very much, Senator Sayler, Mr. President, ladies and gentlemen of the Senate. I am most honored to be with you today and I feel most honored also to be a citizen and resident of the State of Florida. I tried that other state on the west coast before settling here, after leaving NASA, and I am glad to be here. I must say that when you are out in space and look back to earth the peninsula of Florida sticks out like a thumb beneath the United States. This is where I wanted to be. It is a beautiful sight to look back from space and see this whole magnificent country and to see this little green patch called Florida standing out bright and beautiful.

I understand that my colleague and predecessor in the space program was also my predecessor on this rostrum. Alan and I have followed each other around the world on speaking engagements and appearances. He's still looking for that golf ball he shot on the moon and never found. He doesn't know that I keep it safely tucked in my safety deposit box.

I would like to give you a couple of insights this morning that all of us who went into space and had the privilege of being a part of that team felt and we have shared. To put it simply, all of us went into space as technologists and we came back to earth as humanists; concerned about the processes of this planet; concerned about the people of this planet; and concerned about how we could best work together using our resources, our minds, and the genius God has given us, to make this a better place to live.

I invite your attention to many of the photographs we have taken of planet Earth from space and invite you to recall the magnificence planet Earth presents as you look at it from space. It is indeed a magnificent blue and white ball, beautiful, fragile, awe-inspiring; set in a magnificent black cosmos, studded with stars. One knows for sure that God knew what he was doing when he created this little planet and gave it to us for our care and keeping. I believe you will also agree with those of us who have been into space, that quite often we human beings, in our greed, in our self-serving ways, tend to violate that trust and have not performed as well in the care and keeping of planet Earth and in bringing peace and harmony to its citizens as we might have done.

I do not speak from a particular religious persuasion when I speak in terms of God and our care and keeping of planet Earth, I speak as a scientist. I speak as one who is deeply in awe of the processes of the universe and of the fact that we are not unique in this universe, on this little planet, but that we are unique in the sense that it is our home and it is our responsibility to make this planet what we can make of it and to make it as satisfying and magnificent and beautiful a place to live as we can possibly bring out of our creative thinking.

In my opinion, we of planet Earth have too often concentrated on material wealth; concentrated on the material processes; concentrated on what we could pull from this earth to make our lives more comfortable.

We have too often ignored the fact that the greatest resource and the only ultimate resource that mankind has is the creative capability and the genius for thinking, for being intuitive, and for being God-fearing, that our Creator has given us.

Our ultimate resource is ourselves and the men and women around us and those men and women beyond our daily scope, who contribute in their own way to the processes of our lives. As a result of that awareness, which I achieved from space—and my other colleagues certainly tend to agree with—I have tended to spend my life, since returning from the lunar flight and leaving the NASA project, in pursuit of trying to assist us human beings in better understanding our human resources.

I have been privileged to work and help found a research foundation devoted to this cause. We human beings can utilize far greater amounts of our internal resources than we have ever done in the past and, by and large, we have enormously greater resources within ourselves than we ever thought we had. It is amazing, in some of the projects I have been privileged to help work with, to find out what human beings can do

when we are truly called upon to do it and when we put our minds to utilizing the full potential we have inherent with our creative and created selves.

We can, if we choose to, put aside many of our self-centered drives and start to cooperate with the folk around us who are also good folk, people of good will, we can indeed make this planet a very fine place to live.

We do not seem to be doing so at the moment. We are tending to concentrate too much on the manipulation of the material processes of planet Earth and not enough on searching within our own souls to find out how we as individuals can do more, be more supportive, be more creative and cooperative with the processes of planet Earth, rather than trying to manipulate them to our own individual benefits or the benefits of special interest groups.

I suggest that the building of the society we could have on planet Earth begins with each one of us. It begins with the idea that "I have greater potential if I choose to develop it than I ever thought I had," and that the processes of the universe—and whatever your religious persuasion let's call those processes "God"—the processes of the universe give us the ability to be what we want to be.

So it is our choice. If we choose to start assisting in building this planet into the sort of society and the sort of place to live that is harmonious, loving, productive, beneficial for all of us, then it will spread. And once we have taken the first step and the neighbor adjacent to us has taken his first step, we have started to create a better society around our own environment. And, in due course, those many local environments contribute to the betterment of the city, the county, the state, the nation and to the world at large.

My message, as it has been for a number of years after viewing this planet from afar, is that we are in perilous danger if we, the citizens of planet Earth, do not take steps to salvage the little planet that has been given us. If we do take steps to realize and utilize the creative potential that is ours and to move in concert toward a better place to live, toward one in which there is cooperation, harmony, respect, concern and caring, not only for the planet but for each other, we will indeed, in due course, create the sort of planet that we would be proud of and that we can view from afar and say, "It does indeed fit as a little jewel in the midst of the cosmos."

I would like to leave you with one thought. I was trained as a scientist. I went into space as a pragmatist but the message to me that is most important as I come back and speak to my colleagues and you, my friends and associates and fellow members of the species of man, I would leave you with this thought: God sleeps in the minerals, awakens in the plants, walks in the animals and thinks in man.

Thank you very much.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jon Thomas, the rules were waived and by two-thirds vote HB 601 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Castor, the rules were waived and by two-thirds vote SB 630 was withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 108 was withdrawn from the Committee on Finance, Taxation and Claims and referred to the Committee on Appropriations.

On motions by Senator Zinkil, by two-thirds vote Senate Bills 63, 138 and 158 were withdrawn from the committees of reference and indefinitely postponed.

#### REQUESTS FOR EXTENSION OF TIME

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

SB 214 by Senator Holloway

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

SB 636 by Senator McClain and others	SB 668 by Senator Jon Thomas
SB 638 by Senator MacKay and others	SB 673 by Senator Spicola
SB 647 by Senator Henderson and others	SB 681 by Senator Glisson
SB 665 by Senator Scott	SB 688 by Senator W. D. Childers and others

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

SB 654 by Senator Gordon	SB 659 by Senator Gordon
SB 655 by Senator Gordon	SB 660 by Senator Gordon
SB 656 by Senator Gordon	SB 661 by Senator Gordon
SB 657 by Senator Gordon	SB 685 by Senator Gordon
SB 658 by Senator Gordon	

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

SB 684 by Senator Gordon	SB 692 by Senator Glisson, et al
SB 691 by Senator Don Childers	

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

SB 672 by Senator Glisson	SB 693 by Senators Tobiassen and Brantley
SB 679 by Senator Glisson	SB 697 by Senator Gordon

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

SB 653 by Senator Wilson	SB 680 by Senator Glisson
SB 670 by Senator Jon Thomas	

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

HB 601 by Representatives Culbreath and Lehman	SB 523 by Senators Gordon and Jon Thomas
SB 512 by Senator Zinkil	SB 737 by Senators McClain, Lewis and Spicola, et al

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

SB 538 by Senator Firestone	SB 721 by Senator MacKay
SB 707 by Senator Glisson	SB 724 by Senator Gallen
SB 708 by Senator Dunn	SB 728 by Senator Gordon
SB 710 by Senator Dunn	SB 730 by Senator MacKay
SB 716 by Senator MacKay	

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following:

SB 40 by Senator Graham	SB 509 by Senator Chamberlin
SB 243 by Senator Renick	HB 73 by Representative Woodruff & others
CS for SB 333 by Committee on Judiciary-Criminal; Senators Pat Thomas, Glisson	SB 613 by Senator Pat Thomas

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

HB 467 by Community Affairs Committee and Representative T. McPherson	SB 759 by Senator Gallen
SB 753 by Senator Hair	SB 760 by Senator Gallen
	SB 763 by Senator Gallen
	SB 768 by Senator Holloway
	SB 349 by Senator Gordon

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

SB 669 by Senator Jon Thomas SB 690 by Senator Poston SB 694 by Senator Castor

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

SB 701 by Senator Renick SB 714 by Senator Henderson

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

CS for SB 130 by Judiciary-Criminal Committee SB 757 by Senator Williamson  
 SB 646 by Senator Myers SB 762 by Senator Gallen  
 SB 682 by Senator W. D. Childers HB 1043 by Judiciary Committee  
 SB 698 by Senator Barron

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

SB 563 by Senator Vogt SB 717 by Senator MacKay and others  
 SB 570 by Senator Poston SB 751 by Senator Graham  
 SB 674 by Senator Myers SB 752 by Senator Graham  
 SB 711 by Senator Johnston  
 SB 712 by Senator Tobiasen and others

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

SB 686 by Senator W. D. Childers and others SB 696 by Senator Scott SB 700 by Senator Hair SB 702 by Senator Henderson  
 SB 695 by Senators Peterson and Trask SB 718 by Senator MacKay

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

SB 666 by Senator Plante and others SB 675 by Senator Gordon

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

SB 713 by Senator Tobiasen

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

SB 723 by Senator Glisson SB 727 by Senator Castor  
 SB 726 by Senator McClain SB 731 by Senator MacKay

On motion by Senator Lewis, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

**INTRODUCTION**

By the Committee on Appropriations—

**SB 1100—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1978 AND ENDING JUNE 30, 1979 TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY-BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUSPENDING SECTIONS 27.34(2), 27.54(3), 215.32(2)(C), 216.262, 216.292, 216.301, 216.351, 228.195(4), 230.765, 230.767(4), 235.435, 257.22, AND 402.17(3), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.**

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

On motion by Senator Lewis, by two-thirds vote SB 1100 was withdrawn from the Committee on Appropriations and placed on the calendar.

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

**Appointment Subject to Confirmation by the Senate**

The Secretary of State on April 18, 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:

Cecil C. Bailey, Jacksonville, Member of the Game and Fresh Water Fish Commission, for term ending January 5, 1979  
 Louis G. DeLaVergne, Jr., Tampa, Member of the Tampa Port Authority, for term ending November 16, 1981

—which were referred to the Committee on Executive Business.

Chris H. Bentley, Tallahassee, Director, Division of Administrative Hearings, Department of Administration, to serve at the Pleasure of the Administration Commission

—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 434.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 299 and SB 354.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended HB 18.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives again has refused to concur in Senate Amendments 1 and 2 to HB 936 and acceded to the request of the Senate for a conference committee. The Speaker has appointed Representatives Hazelton, Girardeau and James as the conferees on the part of the House.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 5 and 6 to SB 209, again requests the Senate to concur, and in the event the Senate refuses to concur requests a Conference Committee.

*Allen Morris, Clerk*

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.**

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives requests the return of SB 209.

*Allen Morris, Clerk*

On motion by Senator Ware, SB 209 was returned to the House as requested.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed with 4 amendments—

By Senator Trask—

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

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 27, after the word “Commission” insert: *or Division of Forestry*

**Amendment 2**—On page 1, line 17, strike the deleted word “paved” and reinsert the word “paved”

**Amendment 3**—On page 1, line 19, strike the deleted word “paved” and insert: “paved”

**Amendment 4**—On page 1, line 5 in title, insert after the word “any” and before the word “public”, the word “paved”

On motions by Senator Trask, the Senate concurred in the House amendments.

SB 516 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—3

Childers, Don Henderson Wilson

The bill was ordered engrossed and then enrolled.

*The Honorable Lew Brantley, President*

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

By Senator Henderson—

SB 70—A bill to be entitled An act relating to occupational therapists; amending s. 468.203(4), Florida Statutes; requiring an occupational therapy assistant to work under the supervision of an occupational therapist; amending s. 468.209(2), Florida Statutes, and adding subsection (3) to said section; changing the period of years that is required before certain occupational therapy assistants may take the examination to be licensed as an occupational therapist; authorizing the State Board of Medical Examiners to issue a temporary permit to practice occupational therapy; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 4 insert: *Those persons currently enrolled in the occupation therapy assistants' program in Florida shall not be affected by the passage of this act.*

On motion by Senator Henderson, the Senate concurred in the House amendment.

SB 70 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Jon Thomas and Wilson

The bill was ordered engrossed and then enrolled.

*The Honorable Lew Brantley, President*

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

By Senator Trask—

SB 175—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.-283(2), Florida Statutes; authorizing the Division of Consumer Services to seek settlement of a consumer complaint under certain circumstances; repealing s. 570.283(9), Florida Statutes, which limits the authority of the department, the division, and the Florida Consumers' Council; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 27, after the word “using” insert: *formal and/or*

On motion by Senator Trask, the Senate concurred in the House amendment.

SB 175 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The bill was ordered engrossed and then enrolled.

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Sayler, by two-thirds vote House Bills 284 and 464 were withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator W. D. Childers, by two-thirds vote SB 261 was placed at the end of the special order calendar for April 26.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 883 was withdrawn from the Committee on Education and by two-thirds vote placed first on the special order calendar for this day.

On motion by Senator W. D. Childers, by two-thirds vote SB 729 was placed second on the special order calendar for this day.

Senator W. D. Childers moved that SB 301 be placed on the special order calendar to be taken up at 11:00 a.m. this day. The motion was adopted by two-thirds vote. Senator Plante objected.

**MATTERS ON RECONSIDERATION**

The motion by Senator Scarborough that the Senate reconsider the vote by which SB 340 passed April 20 was not taken up and therefore considered abandoned.

On motion by Senator Henderson, the rules were waived and the Senate immediately reconsidered the vote by which—

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.

—as amended passed on April 20.

On motion by Senator Henderson the Senate reconsidered the vote by which SB 311 was placed on third reading.

On motions by Senator Henderson the Senate reconsidered the votes by which Amendments 2 and 3 were adopted on April 20.

By permission Amendments 2 and 3 were withdrawn.

Senator Henderson moved the following amendment which was adopted:

**Amendment 6**—On page 11, strike all of lines 22 and 23 and on line 24, strike the word "Knowingly" and on line 16 after the word "to" insert: *intentionally or willfully* and on line 22, insert: (b) ~~(e)~~ Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.

Senators Holloway and Poston offered the following amendments which were moved by Senator Henderson and adopted:

**Amendment 7**—On page 14, line 2, 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.*

**Amendment 8**—On page 2, line 8 in title, after "certificate;" insert: providing exceptions;

On motion by Senator Henderson, by two-thirds vote SB 311 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Trask
Castor	Hair	Poston	Ware
Chamberlin	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Saylor	Wilson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Gordon	Myers	Tobiasen	

Nays—5

Childers, Don	Graham	Johnston	Plante
Glisson			

On motion by Senator Henderson, the rules were waived and SB 311 after being engrossed was ordered immediately certified to the House.

**SPECIAL ORDER**

SB 883 was taken up and on motion by Senator Peterson, by two-thirds vote HB 1314 was withdrawn from the Committee on Education. On motion by Senator Peterson—

**HB 1314**—A bill to be entitled An act relating to education; adding a subsection to s. 239.72, Florida Statutes, to authorize the Department of Education to sell student loan notes to the federal Student Loan Marketing Association and to enter agreements applicable to federal law and regulations calling for the repurchase of student loan notes sold to the Student Loan Marketing Association; providing an effective date.

—a companion measure, was substituted for SB 883 and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1314 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Pat Thomas, Spicola

SB 883 was laid on the table.

**SB 729**—A bill to be entitled An act relating to charitable organizations; adding a paragraph to s. 496.04(1), Florida Statutes, to exempt little league baseball organizations from the registration provisions of chapter 496; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 729 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—35

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

## Nays—None

Vote after roll call:

Yea—Pat Thomas

**SB 303**—A bill to be entitled An act relating to the Condominium Act; adding s. 718.103(19), (20), Florida Statutes; defining "time-share estate" and "time-share unit"; adding s. 718.104(4)(n), Florida Statutes; requiring time-share estates to be provided for in the declaration of a condominium; creating s. 718.1045, Florida Statutes; prohibiting the creation of such estates if not provided for in the declaration; creating s. 718.1065, Florida Statutes; prohibiting actions for partition of time-share units; amending s. 718.110(1), Florida Statutes, and adding a new subsection to said section; requiring unanimous consent of unit owners and lienholders for amendment of declaration to authorize the creation of time-share estates; amending s. 718.116(1), Florida Statutes; prescribing liability of owners of time-share estates for assessments and charges; amending s. 718.403(6), Florida Statutes, and adding a new paragraph to subsection (2) of said section; requiring time-share estates to be provided in the original declaration of a phase condominium; amending s. 718.503(3)(b), Florida Statutes, and adding a new paragraph to subsection (1) of said section; amending s. 718.504(5), Florida Statutes; providing for disclosure of time-share estates in contracts for sale or transfer of units, in sales brochures, and in prospectuses or offering circulars; providing an effective date.

—was read the second time by title. On motion by Senator Johnston by two-thirds vote SB 303 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

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

## Nays—1

Dunn

Vote after roll call:

Yea—Pat Thomas

**SB 43**—A bill to be entitled An act relating to state capital projects for environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972; amending s. 380.05(1)(a), Florida Statutes; providing that the state land planning agency include, in its recommendations to the Administration Commission for designation of an area as an area of critical state concern, recommendations as to the purchase of lands within such area as environmentally endangered lands or outdoor recreation lands; adding s. 259.04(3), Florida Statutes; requiring the Department of Natural Resources to consider recommendations of the state land planning agency and to make recommendations to the Governor and Cabinet as to the purchase for such purposes of any interest in lands within an area of critical state concern; providing an effective date.

—was amended, referred to the Committee on Appropriations on point of order on April 13, subsequently reported favorably by the committee and retained on second reading pursuant to Rule 4.8.

Senator Graham moved that the rules be waived and SB 43 be read the third time by title, and the motion failed. The vote was:

## Yeas—12

Mr. President	Hair	Renick	Thomas, Pat
Childers, W. D.	McClain	Scott	Williamson
Gallen	Peterson	Thomas, Jon	Wilson

## Nays—18

Castor	Gordon	Myers	Trask
Chamberlin	Holloway	Scarborough	Winn
Childers, Don	Johnston	Skinner	Zinkil
Dunn	Lewis	Spicola	
Firestone	MacKay	Tobiassen	

Vote after roll call:

Nay—Graham

**SB 281**—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.622, Florida Statutes; defining "solar energy water heating system"; providing for a reduction in the assessed value of property on which a solar energy water heating system is installed; providing procedures for claiming the right of such assessment; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote SB 281 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—30

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

## Nays—None

Votes after roll call:

Yeas—McClain, Firestone, Spicola and Wilson

**SB 89**—A bill to be entitled An act relating to motor vehicle license taxes; adding s. 320.10(1)(i), Florida Statutes; exempting from license taxes motor vehicles owned or leased by certain nonprofit organizations to transport minors or persons who are elderly, handicapped, or disabled; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 89 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

**SB 284**—A bill to be entitled An act relating to civil actions for unpaid wages; creating s. 448.08, Florida Statutes; authorizing the award of costs and a reasonable attorney's fee to a successful litigant in an action for unpaid wages; providing an effective date.

—was read the second time by title. On motion by Senator Chamberlin, by two-thirds vote SB 284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

Senator MacKay presiding

SB 124—A bill to be entitled An act relating to prestige license plates for motor vehicles; amending s. 320.0805(9)(c), Florida Statutes, and adding s. 320.0805(9)(d), Florida Statutes; requiring former members of the State Legislature or of the Congress to whom certain prestige license plates have been issued to apply for a replacement license plate after leaving office; providing a penalty for failure to make such application or for display on any vehicle of such prestige license plate after receipt of the replacement license plate; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of line 24 and insert: at no cost, other than the fees required by ss. 320.04 and 320.06-(6), when the person to whom such plates have been

On motion by Senator Sayler, by two-thirds vote SB 124 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Wilson

Consideration of SB 620 was deferred.

SB 199—A bill to be entitled An act relating to motor vehicles; amending s. 320.18, Florida Statutes; exempting owners of motor vehicles kept in dead storage and not operated from the requirement that an owner, before being issued a new registration, pay the registration fee for any previous periods for which registration should have been made; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of line 22 and insert: (2) An owner of a motor vehicle, except a mobile home with MH or RP tags, shall be exempted from

On motion by Senator Zinkil, by two-thirds vote SB 199 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

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

Nays—None

SB 640—A bill to be entitled An act relating to elections; amending s. 98.081(1), Florida Statutes; providing for the removal of names from the voter registration books under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 9, strike "5" and insert: 3

On motion by Senator Wilson, by two-thirds vote SB 640 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

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

Nays—None

SB 214—A bill to be entitled An act relating to the Florida Income Tax Code; amending s. 220.62(1), Florida Statutes; redefining the term "bank" for purposes of part VII of the code to include certain international banking associations, corporations, or other similar organizations; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 214 was read the third time by title, passed and 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	Trask
Dunn	Johnston	Sayler	Ware
Firestone	Lewis	Scarborough	Williamson
Gallen	MacKay	Scott	Wilson
Gordon	McClain	Skinner	Winn
Gorman	Myers	Spicola	Zinkil

Nays—None

The President presiding

SB 584—A bill to be entitled An act relating to taxation; amending s. 192.001(11)(a), Florida Statutes; providing that

household goods and personal effects are not taxable; amending s. 193.114(1)(b), Florida Statutes; deleting a reference to taxable household goods; repealing s. 196.181, Florida Statutes, relating to an exemption for household goods and personal effects of persons residing and making their permanent homes in this state; providing for retroactive operation; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims offered the following amendments which were moved by Senator Williamson and adopted:

**Amendment 1**—On page 2, lines 22 and 23, strike Section 3. Section 196.181, Florida Statutes 1977, is hereby repealed.

Renumber subsequent sections.

**Amendment 2**—On page 1 in title, lines 7 through 11, after the words "household goods;" strike "repealing s. 196.181, Florida Statutes, relating to an exemption for household goods and personal effects of persons residing and making their permanent homes in this state;"

On motion by Senator Williamson, by two-thirds vote SB 584 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Hair	Renick	Thomas, Pat
Castor	Henderson	Saylor	Tobiassen
Chamberlin	Johnston	Scarborough	Trask
Childers, Don	Lewis	Scott	Ware
Childers, W. D.	McClain	Skinner	Williamson
Firestone	Peterson	Spicola	Wilson
Gorman	Poston	Thomas, Jon	Zinkil

Nays—5

Gallen	Holloway	MacKay	Winn
Graham			

Votes after roll call:

Yea—Glisson  
Nay—Gordon, Myers

The hour of 11:00 a.m. having arrived, the Senate proceeded to consideration of—

**SB 301**—A bill to be entitled An act relating to the Department of State; providing an appropriation to the Division of Cultural Affairs of the Department of State; providing an effective date.

—which was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 301 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Plante	Thomas, Jon	Williamson
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Votes after roll call:

Yea—Poston  
Nay to Yea—Jon Thomas

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

#### 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 CS for HB 11 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary and Representative Davis and others—

**CS for HB 11**—A bill to be entitled An act relating to the dissolution of marriage; amending s. 61.08, Florida Statutes, specifying certain factors which the court must consider in determining a proper award of alimony; providing an effective date.

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

#### SPECIAL ORDER, continued

SB 620 was taken up and on motion by Senator Scarborough, by two-thirds vote CS for HB 11 was withdrawn from the Committee on Judiciary-Civil. On motions by Senator Scarborough, CS for HB 11 a companion measure, was substituted for SB 620 and by two-thirds vote read the second time by title. On motion by Senator Scarborough, further consideration of CS for HB 11 was deferred.

**SB 262**—A bill to be entitled An act relating to service charges and fees of county officers; repealing s. 28.2401(2), (3), Florida Statutes, as amended, relating to imposition of service charges in probate matters in excess of those set by law in certain circumstances; repealing ss. 30.232, 125.0166, Florida Statutes, as created by chapter 77-234, Laws of Florida, relating to the imposition of discretionary surfees for service of summons, subpoenas, and executions; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 22, strike all of said line and insert: Section 3. Section 30.231, Florida Statutes, is amended to read:

30.231 Sheriffs' fees for service of summons, subpoenas and executions.—

(1) The sheriffs of all counties of the state in civil cases shall charge fixed, nonrefundable fees for docketing and service of process, according to the following schedule:

(a) All summons or writs except subpoenas and executions: ~~\$7.50~~ \$12.00 for each person or respondent to be served.

(b) All writs except executions requiring a levy or seizure of property: \$5. in addition to the \$7.50 fee as stated in paragraph (a); ~~\$17.00~~

(c) Witness subpoenas: ~~\$5~~ \$7.00 for each witness to be served.

(d) Execution:

1. \$5 \$7.00 for docketing and indexing each writ of execution regardless of the number of persons involved;

2. \$5 \$7.00 for each levy.

3. \$2 \$3.00 for advertisement of sale under process.

4. \$2 \$5.00 for sale under process.

5. ~~\$2~~ \$5.00 for deed or bill or sale.

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

The Committee on Finance, Taxation and Claims offered the following amendments which were moved by Senator Gallen and failed:

**Amendment 2**—On page 1, lines 16 through 18, strike all of said lines and renumber subsequent sections

**Amendment 3**—On page 1, line 3, strike "repealing s. 28.2401(2), (3), Florida Statutes, as amended, relating to imposition of service charges in probate matters in excess of those set by law in certain circumstances;" and insert: amending s. 30.231, Florida Statutes, relating to sheriffs' fees for service of summons, subpoenas and executions;

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

**Amendment 4**—On page 1 in title, line 7, strike the comma and insert: the word "and"

On motion by Senator Gallen, by two-thirds vote SB 262 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

The Senate resumed consideration of—

**CS for HB 11**—A bill to be entitled An act relating to the dissolution of marriage; amending s. 61.08, Florida Statutes, specifying certain factors which the court must consider in determining a proper award of alimony; providing an effective date.

Senator Dunn moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 6, strike all after "and career" on line 6. and insert: and the advancement of the other party's education or career.

On motion by Senator Scarborough the Senate reconsidered the vote by which Amendment 1 was adopted. By permission Senator Dunn withdrew the amendment.

On motion by Senator Scarborough, by two-thirds vote CS for HB 11 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of SB 525 was deferred.

**SB 316**—A bill to be entitled An act relating to the State University System; requiring the Board of Regents to prepare and submit to the Legislature a report on graduate programs at the University of Florida and Florida State University; providing an exemption; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 11, strike "1979" and insert: 1980

**Amendment 2**—On page 1, line 13 after the word, "programs" insert: in the State University System

**Amendment 3**—On page 1, lines 14 - 15, strike ", at the University of Florida and Florida State University;"

**Amendment 4**—On page 1, lines 19 and 20, strike ", not including Florida State University and the University of Florida,"

**Amendment 5**—On page 1, lines 5 and 6, strike "at the University of Florida and Florida State University" and insert: in the State University System

Senator Ware moved the following amendment:

**Amendment 6**—On page 1, line 21, after the word "institution" insert: in terms of service to the public

**ENROLLING REPORTS**

SB 52 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 1978.

*Joe Brown, Secretary*

SB 434 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 25, 1978.

*Joe Brown, Secretary*

**CO-INTRODUCERS**

Senator Zinkil—Senate Bills 740, 636, 837; Senator Myers—SB 832; Senator Pat Thomas—SB 791; Senator Ware—SB 281; Senator Trask—SB 301; Senator Scott—SB 547; Senator Don Childers—Senate Bills 281 and 584; Senator Tobiassen—SB 687; Senator Peterson—Senate Bills 301 and 883; Senator Castor—SB 903; Senator Poston—Senate Bills 547 and 301; Senator Hair—SB 693

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of April 21 and 20 were corrected and approved.

The Journal of April 13 was further corrected and approved as follows:

Page 127, lines 15 and 17, counting from bottom of column 1, strike "24" and insert: 43

The Journal of April 6 was further corrected and approved as follows:

Page 90, column 2, counting from bottom, line 17, after "strike" insert: warden

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:03 p.m. to convene at 8:30 a.m., Wednesday, April 26, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.