



# Journal of the Senate

Number 15

Wednesday, April 26, 1978

The Senate was called to order by Senator Johnston 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.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1134 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Richmond and Culbreath—

**HCR 1134**—A concurrent resolution declaring April 28 as Founders Day for the Town of Hudson in Pasco County and declaring June 17, 1978, as Pioneer Centennial Celebration Day for the Town of Hudson.

—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 HM 242 and HM 243 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

**HM 242**—A memorial requesting the United States Congress and the Veterans Administration to provide a cemetery for veterans in central Florida.

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

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

**HM 243**—A memorial to the Congress of the United States, urging Congress to retain the United States Veterans Administration as it is presently constituted.

—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 173**                      **HB 583**                      **HB 1011**  
**CS for HB 456**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Jennings—

**HB 173**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 372.01(1), Florida Statutes, providing for Senate confirmation of com-

mission appointees to conform statutory provisions to s. 9, Art. IV of the State Constitution; providing an effective date.

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

By Representative Jennings—

**HB 583**—A bill to be entitled An act relating to search warrants; adding subsection (8) to s. 933.18, Florida Statutes; authorizing the issuance of a search warrant to search a private dwelling wherein the laws in relation to cruelty to animals have been or are being violated; providing a limitation; providing that property relating to violation of such laws may be taken from the dwelling; providing an effective date.

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

By Representative Hattaway—

**HB 1011**—A bill to be entitled An act designating and naming the bridge spanning the St. Johns River on State Road 415 the "Douglas Stenstrom Bridge"; providing for appropriate signs and markers to be erected by Department of Transportation; providing an effective date.

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

By the Committee on Judiciary and Representative Kiser and others—

**CS for HB 456**—A bill to be entitled An act relating to the Florida Mobile Home Landlord and Tenant Act; amending s. 83.760(2), Florida Statutes; providing for leases offered by a mobile home park owner to be for a 1-year term or more, unless otherwise agreed upon in writing; requiring all leases offered within the same park to include the same terms and conditions; amending s. 83.765(1), Florida Statutes; prohibiting a mobile home park rule that prohibits the mobile home owner from placing a "for sale" sign on or in his mobile home; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 738 and CS for HB 320 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hector—

**HB 738**—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.08(5), Florida Statutes; providing that the landing or possession of any food fish or the landing of headless jewfish is prima facie evidence of a crime; providing an effective date.

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

By the Committee on Criminal Justice and Representative Melvin—

**CS for HB 320**—A bill to be entitled An act relating to the security of communications; amending s. 934.03(2)(a), Florida Statutes, and adding paragraph (g), permitting officers, em-

ployees, and agents of communication common carriers to provide certain assistance to law enforcement officers in interception of wire or oral communications; authorizing certain persons to intercept and record wire communications; amending s. 934.09(4), Florida Statutes, requiring, upon request, that the court order authorizing interception of a wire or oral communication direct certain persons to assist in the interception; providing for compensation for such assistance; amending s. 934.10, Florida Statutes, providing an additional defense to liability; providing an effective date.

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

The Senate recessed at 8:34 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 10:00 a.m.; Senator Gorman from 9:20 a.m. until 9:50 a.m. to attend a House Committee meeting; Senator Vogt

Prayer by Dr. Eugene Zimmerman, pastor, Trinity Methodist Church:

Lord of the universe, Creator of us all, we thank you that your dwelling place is in the midst of the people and at all times and in all places we have felt your presence.

We believe you are engaged in human affairs and that you give us inspiration and strength to act for the greatest good. Therefore, gracious God, we ask these blessings upon those assembled here, that they might have your aid as they act for all of us. We thank you for the beauty of our state and all of its rich diversity of people. Grant that each one of them may have their place in the sun and be blessed by the labor of those gathered here. Amen.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar recommends the following bills be placed on the Special Order Calendar for Wednesday, April 26, 1978:

SB 545	SB 735	SB 408	SB 601
SB 439	SB 267	SB 598	SB 635
SB 273	SB 380	SB 634	
SB 748	SB 576	SB 602	
SB 699	SB 410	SB 474	

And all bills remaining on the Special Order Calendar for Tuesday, April 25, 1978.

Respectfully submitted,  
W. D. Childers, Chairman

The committee on Finance, Taxation and Claims recommends the following pass: SB 452 with 1 amendment

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

SB 512 with 1 amendment	SB 594 with 2 amendments
SB 523	SB 802

The Committee on Governmental Operations recommends the following pass: SB 268 with 2 amendments, SB 836

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

The Committee on Agriculture recommends the following pass: HB 733

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

SB 655	SB 659
SB 656 with 3 amendments	SB 660
SB 658 with 1 amendment	SB 661

The Committee on Health and Rehabilitative Services recommends the following pass: SB 467 with 3 amendments

The Committee on Governmental Operations recommends the following pass: SB 691

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

The Committee on Governmental Operations recommends the following pass: SB 511 with 1 amendment

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 679 with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 892 with 2 amendments

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 596

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

The Committee on Governmental Operations recommends the following pass: SB 206

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Agriculture recommends the following pass: SB 703 SB 704 HB 358

The Committee on Rules and Calendar recommends the following pass: SM 427

The Committee on Governmental Operations recommends the following pass: SB 93 SB 789 SB 860

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 330, SB 812

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 824

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

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 469

The Committee on Finance, Taxation and Claims recommends the following not pass: SB 87, SB 654

The Committee on Governmental Operations recommends the following not pass: SB 714

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

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SCR 811 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator W. D. Childers—

SCR 811—A concurrent resolution honoring all secretaries throughout the State of Florida during National Secretaries Week, April 23-29, 1978.

—was taken up out of order by unanimous consent and by two-thirds vote read the second time in full, adopted and certified to the House.

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Graham, Holloway

Senators Barron, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson, Winn and Zinkil were recorded as co-introducers of SCR 811.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 108 was withdrawn from the Committee on Appropriations.

On motion by Senator Tobiassen, by two-thirds vote SB 83 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Gallen, by two-thirds vote SB 827 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator W. D. Childers, by two-thirds vote HCR 1702 was withdrawn from the Committee on Rules and Calendar.

REQUESTS FOR EXTENSION OF TIME

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

SB 399 by Senator Vogt	Conduct and Rep.
SB 566 by Senator Pat Thomas	Kershaw
CS for HB 180 by Committee on Standards and Conduct and Rep. Martin	CS for HB 398 by Committee on Standards and Conduct and Rep. Hattaway
CS for HB 245 by Committee on Standards and	HB 701 by Representative Martin

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

SB 98 by Senator Graham	SB 222 by Senator Gordon
SB 99 by Senator Graham	SB 233 by Senator Dunn
SB 100 by Senator Graham	SB 334 by Senator Pat Thomas
SB 120 by Senator Glisson	
SB 179 by Senator Sayler	

SB 501 by Senator Ware	SB 794 by Senator Gordon
SB 502 by Senator Dunn	SB 798 by Senators Gordon and Barron
SB 562 by Senator Firestone	SB 825 by Senator Glisson
SB 607 by Senator Glisson	

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

SB 621 by Senator Vogt	SB 622 by Senator Vogt
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SPECIAL ORDER

SB 545—A bill to be entitled An act relating to writs of attachment; amending s. 76.03, Florida Statutes; requiring a writ of attachment to be issued by a judge; amending s. 76.08, Florida Statutes; requiring a writ of attachment to be supported by a verified petition or affidavit; amending s. 76.18, Florida Statutes; providing restoration of attached property to the defendant or other person giving bond and prescribing the required amount of such bond; amending s. 76.24(1), Florida Statutes; requiring an immediate post-seizure hearing; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 2, line 2, strike the word "petition" and insert: complaint

Amendment 2—On page 2, lines 3 and 29, strike the word "petitioner" and insert: plaintiff

Amendment 3—On page 1 in title, line 7, strike the word "petition" and insert: complaint

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 2, line 3, strike "separate affidavit of the plaintiff" and insert: separate supporting affidavit

On motion by Senator Hair, by two-thirds vote SB 545 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—Graham, McClain

SB 439—A bill to be entitled An act relating to motor vehicles; amending s. 316.610, Florida Statutes; prohibiting any person from driving or moving, or the owner or his representative from causing or knowingly permitting the operation of certain unsafe vehicles, vehicles which do not contain parts or equipment required by law, or vehicles on which required equipment is not in proper repair and adjustment; requiring an officer to given written notice to the driver of such vehicle; prescribing the time period within which a vehicle found in unsafe condition, or found to have a required part or equipment not present or not in proper repair and adjustment, to have such condition corrected; permitting an officer to require

certain vehicles to be immediately repaired or removed from use; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 439 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Votes after roll call:

Yea—Graham, MacKay, McClain, Myers, Williamson

SB 273—A bill to be entitled An act relating to dogracing; creating s. 550.0831, Florida Statutes; providing that a permit holder conducting dogracing in 1977 and thereafter in a county having only one such racetrack may conduct dog race meets or meetings upon the days and dates of such permit holder's choice, not to exceed the total of 105 racing days in each racing year, plus charity and scholarship days, subject to approval of the Board of Business Regulation; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Dunn and adopted:

**Amendment 1**—On page 1, line 22, after "choice"; insert: except that no racing shall be conducted on Sunday

**Amendment 2**—On page 1, lines 24 and 25, strike "subject to the approval of the Board of Business Regulation"

**Amendment 3**—On page 1 in title, line 8, after "choice" insert: excluding Sundays

**Amendment 4**—On page 1 in title, lines 10 and 11, strike "subject to approval of the Board of Business Regulation"

On motion by Senator Dunn, by two-thirds vote SB 273 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gordon	Myers	Thomas, Pat
Castor	Gorman	Plante	Trask
Chamberlin	Hair	Poston	Ware
Childers, Don	Henderson	Scarborough	Wilson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	Johnston	Spicola	Zinkil
Gallen	Lewis	Thomas, Jon	

Nays—1

Peterson

Votes after roll call:

Yea—Graham, MacKay, McClain, Williamson

SB 748—A bill to be entitled An act relating to state agencies and public officials; providing state policy; restricting the exchange of information between state agencies and public officials and INTERPOL; providing an exception: providing a definition; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 748 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Childers, Don	Henderson	Sayler	Wilson
Childers, W. D.	Lewis	Scott	Winn
Firestone	Myers	Skinner	
Glisson	Peterson	Thomas, Jon	
Gordon	Plante	Thomas, Pat	

Nays—7

Chamberlin	Johnston	Ware	Zinkil
Dunn	MacKay	Williamson	

Votes after roll call:

Yea—Holloway, McClain  
Nay—Spicola

Consideration of SB 699 was deferred.

SB 735—A bill to be entitled An act relating to performance bonds for highway construction and maintenance contracts; amending s. 337.18(1), Florida Statutes; permitting the contractor to choose, within certain limits, the form of such security regardless of the type of contract or the contract price; providing for waiver of such bond for certain contracts; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike all of line 28 through and including line 30 and insert: equipment and supplies therefore; provided, however, that wherever an improvement, demolition or removal contract price is \$100,000 ~~\$2,500~~ or less, the security bond may, in the discretion of

**Amendment 2**—On page 2, strike all of line 2 through and including line 5 and insert: postal money order.

Senator Pat Thomas moved the following amendments which were adopted:

**Amendment 3**—On page 1, line 13, insert: Section 1. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restriction.—

(1) Any person desiring to bid for the performance of any contract in excess of \$100,000 which the Department of Transportation proposes to let must first be certified by the department as qualified pursuant to law and regulations of the department. The department shall adopt regulations for the qualification of persons to bid on contracts in excess of \$100,000, which regulations shall include requirements with respect to the equipment, past record, experience, and organizational personnel of the applicant. Each applicant seeking qualification to bid on contracts in excess of \$100,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information with respect to his financial resources, equipment, past record, experience, and organizational personnel, together with such other information as the department may deem necessary. Each application for certification shall be accompanied by a financial statement of the applicant, which financial statement shall reflect the financial condition of the applicant as of a date not more than 120 days prior to the date of filing the application. No applicant may be certified as qualified to bid on such contracts unless his financial statement is accompanied by an opinion of a certified public accountant or public accountant approved by the department. *The information required by this subsection shall be confidential and exempt from the provisions of chapter 119.* The department shall act upon the application for qualification within 30 days after the same is presented.

(Renumber subsequent sections.)

**Amendment 4**—On page 1, strike all of line 4 and insert: amending s. 337.14(1), Florida Statutes; providing for confidentiality of information; amending s. 337.18(1), Florida Statutes;

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

**Amendment 5**—On page 1, strike all of lines 8 and 9 and insert: contract price; providing an

On motion by Senator Myers, by two-thirds vote SB 735 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**Senator Scarborough presiding**

**SB 267**—A bill to be entitled An act relating to the protection of hermit crabs; creating s. 370.115, Florida Statutes; prohibiting the taking of certain hermit crabs from the waters, shores, or beaches of the state for purpose of sale; providing that possession of a specified number of such crabs is prima facie evidence of violation; providing penalty; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Renick and adopted:

**Amendment 1**—On page 1, strike all of lines 22, 23 and 24

(Reletter subsequent paragraphs.)

Senator Renick moved that the rules be waived and SB 267 as amended be read the third time by title. The motion failed.

By the Committee on Governmental Operations and Senator Firestone—

**CS for SB 380**—A bill to be entitled An act relating to corporations not for profit; amending s. 617.02, Florida Statutes; requiring such corporations, in filing an amended charter or articles of incorporation, to include with such filing a statement that it has acted in accordance with its existing charter, articles of incorporation, or bylaws in adopting such amended charter or articles of incorporation; providing an effective date.

—was read the first time by title and SB 380 was laid on the table.

On motions by Senator Firestone, by two-thirds vote CS for SB 380 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Scott

Consideration of SB 576 was deferred.

**SB 410**—A bill to be entitled An act relating to horse shows, sales, and exhibitions; amending s. 535.12, Florida Statutes; providing a penalty for showing or allowing to be shown certain horses; requiring a person convicted of such acts to be temporarily barred from certain related activities; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 410 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yeas—Myers, Peterson

**SB 408**—A bill to be entitled An act relating to vehicle equipment safety inspection; amending s. 325.16, Florida Statutes, providing that when a motor vehicle fails inspection because of a defective part which must be ordered, the motor vehicle may be operated beyond the 30-day period allowed for the correction of defects under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike all of lines 2 and 3 and insert: *part is received which time period shall not exceed 90 days.* The vehicle may be reinspected one time for such defects within 30 days *when the owner does not have to wait on a part to be received, or within 90 days when the owner has the authorized receipt and statement together with a dated copy of the order for the part, at the safety equipment inspection*

On motion by Senator Holloway, by two-thirds vote SB 408 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Myers

**SB 598**—A bill to be entitled An act relating to change of name; amending s. 68.07(7), Florida Statutes, and adding a new subsection, to provide that a petition for a change of name shall not be denied on the basis of sex or marital status; amending s. 382.28, Florida Statutes, which requires the Department of Health and Rehabilitative Services to prescribe the form for marriage licenses, to require that such licenses

include provisions allowing each person to select a legal surname for either or both; providing that any combination of the premarrriage or former legal surnames of both persons may be used by both persons and their children; 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 Gordon and failed:

**Amendment 1**—On page 2, strike all of lines 11 through and including line 13 and insert: *The marriage or former legal surname of each person or any combination thereof may be used by either person and the children thereof.*

By permission, Amendment 2 by the Committee on Judiciary-Civil was withdrawn.

Senator Gordon moved that the rules be waived and SB 598 be read the third time by title. The motion failed.

**SB 634**—A bill to be entitled An act relating to assessments; amending s. 193.062, Florida Statutes; requiring that tangible personal property and inventory tax returns be filed by April 15; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 634 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Thomas, Pat

By the Committee on Agriculture and Senators Trask and Peterson—

**CS for SB 602**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending the introductory paragraph and subsections (1) and (3) of s. 570.23, Florida Statutes, providing for members who represent grape growers and foliage plants on the State Agricultural Advisory Council; providing an effective date.

—was read the first time by title and SB 602 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 602 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Gorman	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
Glisson	McClain	Skinner	Winn
Gordon	Myers	Spicola	Zinkil

Nays—None

**SB 474**—A bill to be entitled An act relating to nonpartisan elections for judicial officers; creating s. 105.085, Florida Stat-

utes, providing for establishment of judicial trust funds consisting of contributions to candidates for circuit and county court judge; providing for approval thereof; providing restrictions and limitations with respect thereto; providing for certain reports; providing an effective date.

—was read the second time by title.

Senator Skinner presiding

Senator Scarborough presiding

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

**Amendment 1**—On page 2, lines 18-19, strike “contributor to the judicial trust fund” and insert: member of The Florida Bar

On motion by Senator Poston, the Senate reconsidered the vote by which Amendment 1 was adopted. The question recurred on Amendment 1 which was adopted.

Senator Gallen moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 28, insert: Said poll shall be conducted in such a manner as to protect the confidentiality of each persons vote.

The President presiding

Senator Myers moved that further consideration of SB 474 as amended be deferred. The motion failed. The vote was:

Yeas—16

Barron	Gorman	Myers	Thomas, Jon
Chamberlin	Graham	Plante	Thomas, Pat
Childers, Don	Holloway	Poston	Williamson
Firestone	McClain	Scott	Zinkil

Nays—18

Mr. President	Hair	Peterson	Tobiassen
Castor	Henderson	Renick	Ware
Childers, W. D.	Johnston	Scarborough	Wilson
Dunn	Lewis	Skinner	
Gallen	MacKay	Spicola	

On motion by Senator Myers, by two-thirds vote SB 474 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—20

Chamberlin	Graham	Myers	Thomas, Jon
Childers, Don	Holloway	Poston	Trask
Dunn	Johnston	Renick	Williamson
Firestone	MacKay	Scarborough	Winn
Gordon	McClain	Scott	Zinkil

Nays—17

Mr. President	Gorman	Plante	Ware
Barron	Hair	Skinner	Wilson
Castor	Henderson	Spicola	
Childers, W. D.	Lewis	Thomas, Pat	
Gallen	Peterson	Tobiassen	

On motion by Senator Lewis, the Senate reconsidered the vote by which the motion to waive the rules to read SB 267 the third time failed.

On motion by Senator Renick, by two-thirds vote the Senate reverted to—

**SB 267**—A bill to be entitled An act relating to the protection of hermit crabs; creating s. 370.115, Florida Statutes; prohibiting the taking of certain hermit crabs from the waters, shores, or beaches of the state for purpose of sale; providing

that possession of a specified number of such crabs is prima facie evidence of violation; providing penalty; providing an effective date.

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

Amendment 1 failed.

On motion by Senator Renick, by two-thirds vote SB 267 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Castor	Henderson	Poston	Trask
Glisson	Holloway	Renick	Wilson
Gordon	Lewis	Scarborough	Winn
Gorman	MacKay	Skinner	
Graham	McClain	Spicola	
Hair	Peterson	Tobiassen	

Nays—12

Mr. President	Childers, W. D.	Johnston	Thomas, Pat
Barron	Dunn	Plante	Williamson
Chamberlin	Firestone	Scott	Zinkil

Vote after roll call:

Yea—Jon Thomas

The President recognized Senator Pat Thomas who introduced Senator Michael B. Yeats, a long time member of the Irish Senate. Senator Thomas remarked that Senator Yeats had been conferred the honorary doctorate of laws by Florida State University in recognition of his lifelong contributions to the fields of government, economics, law, literature and music. Also introduced were Dr. George Harper, a friend of Senator Yeats and professor of English at Florida State University and Dr. Bernard Sliger, President of Florida State University.

On motion by Senator W. D. Childers, by two-thirds vote HCR 1702 was placed at the end of the special order calendar for this day.

#### Special Order, continued

On motion by Senator Barron, the Senate reverted to—

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

—which was read the second time by title.

On motion by Senator Barron, by two-thirds vote SB 699 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Peterson

SB 601—A bill to be entitled An act relating to the Health Facilities Authorities Law; amending s. 154.205(9), Florida

Statutes, 1975, modifying the definition of "local agency" to include municipalities as well as counties, thereby authorizing each municipality to create a health facilities authority under said law; amending s. 154.245, Florida Statutes, providing that no certificate of need shall be prerequisite to the validation and issuance of revenue bonds for refunding or refinancing purposes; retroactively validating certain bonds and proceedings; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 601 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Holloway

SB 635—A bill to be entitled An act relating to the John and Mable Ringling Museum of Art; amending s. 265.27, Florida Statutes; providing for the temporary loan of objects of art to certain institutions located outside the state; specifying institutions and organizations within the state to which such loans may be made for educational purposes; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 635 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Hair, Holloway

Senator Scarborough moved that the Senate reconsider the vote by which SB 474 passed this day. The motion was placed on the calendar for consideration April 27.

By the Committee on Judiciary-Civil and Senators Scott, Skinner, Poston, Peterson, Trask and Tobiassen—

CS for SB 261—A bill to be entitled An act relating to private property rights; providing intent and definitions; providing procedures for landowners to challenge the validity of land use restrictions; providing for relief when the restriction is determined to be valid but the landowner is found to have assumed an inordinate burden; providing for determination of compensation or for alternatives to the proposed restrictions; providing for court costs and attorney's fees; limiting certain restrictions to a reasonable length of time and providing for determination thereof; providing an effective date.

—was read the first time by title and SB 261 was laid on the table.

On motions by Senator Scott, by two-thirds vote CS for SB 261 was read the second time by title.

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

**Amendment 1**—On page 2, line 18, strike the word “obtain” and insert: maintain

Senator Spicola moved the following amendment:

**Amendment 2**—On page 2, lines 1 and 2, strike the comma and everything thereafter and insert: *. The term shall not include comprehensive plans or elements adopted by a local government or a county-wide planning entity under the authority of the Local Government Planning Act or under the authority of special act; nor shall the term include any code, rule, or regulation which implements such plans or elements including but not limited to zoning regulations.*

On motion by Senator Scott, further consideration of CS for SB 261 as amended was deferred.

**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; adding s. 380.08(4), Florida Statutes, providing that any government agency which adopts a rule or regulation pursuant to chapter 380, Florida Statutes, which results in the diminution of the value of the property of any person, shall be required to either purchase such property outright or to recompense the owner of such property in an amount arrived at as a result of good faith negotiations between the agency and the property owner; providing for judicial determination of a just value in the event of an impasse; providing an effective date.

—was read the third time by title.

On motion by Senator Graham further consideration of SB 43 was deferred.

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 taken up with pending Amendment 6 which was adopted:

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

On motion by Senator Gordon, by two-thirds vote SB 316 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Barron	Gorman	Peterson	Thomas, Jon
Castor	Henderson	Plante	Trask
Childers, Don	Holloway	Poston	Ware
Firestone	Lewis	Renick	Williamson
Glisson	McClain	Scott	Winn
Gordon	Myers	Spicola	Zinkil

Nays—12

Chamberlin	Graham	MacKay	Thomas, Pat
Childers, W. D.	Hair	Scarborough	Tobiassen
Dunn	Johnston	Skinner	Wilson

Senator Plante presiding

By the Committee on Natural Resources and Conservation and Senator Skinner—

**CS for SB 321**—A bill to be entitled An act relating to the illegal taking and possession of deer and wild turkey; adding s. 372.99(5), Florida Statutes; providing that possession for sale or sale of deer or wild turkey is a felony of the third degree; providing severability; providing an effective date.

—was read the first time by title and SB 321 was laid on the table.

On motion by Senator Skinner, by two-thirds vote CS for SB 321 was read the second time by title.

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

**Amendment 1**—On page 1, line 17, insert after the word “turkey”: taken in violation of this chapter or the rules and regulations of the commission.

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

**Amendment 1A**—On page 1, line 2, strike “or the rules and regulations of the Commission”

Amendment 1 as amended was adopted.

On motion by Senator Skinner, by two-thirds vote CS for SB 321 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Chamberlin

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 499, 298 and 457 were withdrawn from the Committee on Appropriations.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 244 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jon Thomas, by two-thirds vote Senate Bills 275 and 9 were withdrawn from the committees of reference and indefinitely postponed.

**Special Order, continued**

**SB 477**—A bill to be entitled An act relating to veteran service officers; amending s. 292.11(2), Florida Statutes, requiring a county or city desiring to employ veteran service officers to notify the Division of Veterans' Affairs of the Department of Community Affairs of its intention to do so

and to furnish the division with a list of persons nominated for certification; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 477 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

Votes after roll call:

Yeas—MacKay, Peterson

SB 351—A bill to be entitled An act relating to the sales and use tax; amending s. 212.04(2)(b), Florida Statutes; providing a sales tax exemption on dues, membership fees, and admission charges imposed by certain not-for-profit community or recreational facilities; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 28, after the phrase “not-for-profit” insert: *sponsoring organizations or*

**Amendment 2**—On page 1, strike all existing language on line 30 through the word “qualifies” on line 31 and insert: *sponsoring organization or facility must qualify*

**Amendment 3**—On page 1 in title, line 6, after the word “certain” insert: *organizations and*

On motion by Senator Gordon, by two-thirds vote SB 351 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—36

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

## Nays—None

SB 426—A bill to be entitled An act relating to public printing; amending ss. 283.03, 283.05, 283.08, 283.09, 283.10(1), 287.102, Florida Statutes; providing that public printing may be done outside the state under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 426 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—35

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

## Nays—None

SB 416—A bill to be entitled An act relating to ancient motor vehicles; amending s. 325.12, Florida Statutes; providing that licensed ancient motor vehicles are exempt from safety equipment inspection requirements; repealing s. 325.18, Florida Statutes, concerning safety equipment inspection of ancient automobiles; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 416 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—34

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

## Nays—None

Senator Scarborough moved that consideration of SB 101 be deferred and the motion failed.

By the Committee on Commerce and Senators Spicola and Gallen—

CS for SB 101—A bill to be entitled An act relating to bookmaking; amending s. 849.25, Florida Statutes; redefining bookmaking; providing penalties; providing for conspiracy; providing an exception; creating s. 550.361, Florida Statutes; prohibiting bookmaking at a pari-mutuel track or fronton; denying attendance to tracks and frontons of known bookmakers; providing penalties; specifying duties of track employees with regard to bookmaking; requiring the display of warning against bookmaking; providing exceptions; repealing s. 849.24, Florida Statutes, relating to bookmaking; providing an effective date.

—was read the first time by title and SB 101 was laid on the table.

On motion by Senator Spicola, by two-thirds vote CS for SB 101 was read the second time by title.

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

**Amendment 1**—On page 1, line 27, after “beasts,” insert: *fowl, motor vehicles,*

**Amendment 2**—On page 3, line 4, strike the period after “state” and insert: *during their racing seasons or operating dates, including any practice or preparational days.*

Senator Spicola moved the following amendments which were adopted:

**Amendment 3**—On page 2, line 3, insert after “s. 775.084.”: *Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.*

**Amendment 4**—On page 2, line 7, insert: *Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.*

**Amendment 5**—On page 2, line 27, insert after “s. 775.084.”: *Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.*

**Amendment 6**—On page 2, line 31, insert after “s. 775.084.”: *Notwithstanding the provisions of s. 948.01, any person convicted under the provisions of this subsection shall not have adjudication of guilt suspended, deferred, or withheld.*

Pending further consideration of CS for SB 101 as amended, on motions by Senator Spicola, the rules were waived and by two-thirds vote HB 143, a companion bill to CS for SB 101, was withdrawn from the Committees on Commerce and Judiciary-Criminal and placed on the calendar.

On motion by Senator Spicola, further consideration of CS for SB 101 was deferred.

**SB 389**—A bill to be entitled An act relating to community colleges; requiring athletic scholarship recipients to be graduates of Florida public or private high schools or to have been a Florida resident for the preceding 2 years; providing a savings clause; providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendment:

**Amendment 1**—On page 1, strike all of lines 11 through 14 and insert: Section 1. No fewer than 50 percent of the athletic scholarships given for participation in any sport by a public community college shall be given to persons who are graduates of Florida public or private high schools or who have been Florida residents for the preceding 2 years.

Senator Jon Thomas moved that the Senate reconsider the vote by which CS for HB 11 passed on April 25.

The motion was placed on the calendar for consideration April 27.

#### Conference Committee on HB 936

The President announced the appointment of Senators Pat Thomas, W. D. Childers and Scott as conferees on HB 936.

On motion by Senator Barron the following resolution was ordered printed in the Journal:

A resolution honoring Senator Wyon D. Childers for saving the honor of the Florida Senate through a valiant demonstration of skill and strength.

WHEREAS, a small Senate delegation on a casual venture suddenly found itself defending the honor of the Upper Chamber in a log sawing contest, and

WHEREAS, the Senate was faced with determined teams and superior numbers from a very competitively inclined House of Representatives, and

WHEREAS, this competitive endeavor required the cutting of a massive timber in record time, and

WHEREAS, the House gained the initial advantage in the event through undue and unscrupulous influence over the time-keeper, and

WHEREAS, Wyon D. Childers, a modest and unassuming member of this body stepped forward from the crowd and against overwhelming odds, single-handedly severed the log, easily surpassing the record earlier set by the best the House had to offer, and

WHEREAS, Senator Wyon D. Childers thereby saved the day and upheld the dignity and reputation of the Florida Senate through this gallant and courageous demonstration of skill and strength, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida that its members publicly recognize Senator Wyon D. Childers for this valiant act and present him with this saw as a token of their appreciation and a permanent memento of the occasion.

#### ENROLLING REPORTS

SB 299 and SB 354 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 26, 1978.

*Joe Brown, Secretary*

#### CO-INTRODUCERS

Senator Tobiassen—SB 261; Senators Skinner and Renick—SB 557; Senator Vogt—SB 819

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to convene at 8:30 a.m., April 27, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.