



# Journal of the Senate

Number 19

Tuesday, May 2, 1978

The Senate was called to order by Senator Henderson 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 Pat Thomas (by request)—

SB 1189—A bill to be entitled An act relating to corporations; amending s. 607.397, Florida Statutes; providing liability of directors, officers, agents or employees of a corporation for knowingly making fraudulent statements; providing penalty for corporations and individuals filing false corporate information with the Department of State; prohibiting the use of certain trade names or styles connoting incorporation by unincorporated persons and unauthorized foreign corporations; providing a penalty; providing a penalty for corporations guilty of criminal violations; providing an effective date.

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

By Senator Pat Thomas (by request)—

SB 1190—A bill to be entitled An act relating to corporations; adding s. 607.154(5), Florida Statutes; providing for an acknowledgement of the meeting of the board of directors to be filed with the Department of State when there is a change of officers within a corporation not indicated in the annual report; providing for a filing fee; 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 Scarborough—

SB 1191—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.055, Florida Statutes, imposing as a condition upon the levy of local occupational license taxes the requirement that an applicant for such a license for certain businesses dealing in adult material make certain disclosures; providing an effective date.

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

By Senators Dunn, Spicola, Castor and MacKay—

SB 1192—A bill to be entitled An act relating to courts; amending ss. 26.031(1)(d), (g), (m), 34.022(50), Florida Statutes; providing an additional circuit judge in the Fourth, Seventh, and Thirteenth Judicial Circuits; providing an additional county court judge in Palm Beach County; providing an effective date.

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

By Senator Plante—

SB 1193—A bill to be entitled An act relating to abortion; providing that no funds of the state shall be expended for any procedures or services involved in abortions except in certain instances; providing an effective date.

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

By Senator Scott—

SB 1194—A bill to be entitled An act relating to municipal public works; amending s. 180.22, Florida Statutes, authorizing a municipality to utilize certain methods to finance any extra-

territorial exercise of its eminent domain powers for municipal public works projects; providing an effective date.

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

By Senator Gordon—

SB 1195—A bill to be entitled An act relating to abuse of children; amending s. 827.07(12), Florida Statutes; requiring a court appointed guardian ad litem in any child-abuse judicial proceeding; providing an appropriation to the offices of public defender; providing an effective date.

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

By Senator W. D. Childers—

SB 1196—A bill to be entitled An act relating to taxation of leasehold estates; amending s. 196.199(3), Florida Statutes; prohibiting ad valorem taxation of certain leasehold estates under certain circumstances; providing that all taxes and all interest and penalties on taxes previously paid or due with respect to any such leasehold estate shall be due and payable until this act takes effect; providing severability; providing an effective date.

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

By Senator W. D. Childers—

SB 1197—A bill to be entitled An act relating to nonprofit dental service plan corporations; creating part III of chapter 637, Florida Statutes, authorizing the creation of nonprofit dental service plan corporations, deemed charitable and benevolent institutions by this act, under the supervision of the Department of Insurance; providing for the incorporation of such dental service plans; providing that contracts between such corporations and subscribers are subject to approval by the department; providing for the contractual liability of such corporations; providing for insurance; requiring certain working capital; prohibiting employees or representatives of dental service plan corporations from performing certain actions; authorizing examinations, and requiring the Department of Insurance to examine such corporations under certain circumstances; providing that such corporations be licensed and regulated by the department; providing that funds of nonprofit dental service plan corporations may be invested in specified securities; prohibiting persons or corporations who are not certified by the Department of Insurance from holding themselves out as nonprofit dental service plan corporations; providing for the dissolution of nonprofit dental service plan corporations; providing for revocation of licenses; declaring corporations licensed under this act to be charitable and benevolent institutions and exempt from certain taxation; providing for the disposition of nonprofit dental service plan corporations in existence before the passage of this act; providing penalties; providing an effective date.

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

By Senator MacKay—

SB 1198—A bill to be entitled An act relating to dentistry; creating s. 466.261, Florida Statutes; providing purpose; requiring the Florida State Board of Dentistry to adopt rules regulating advertising by dentists; authorizing a dentist to advertise; requiring certain information to be contained in such advertisements; authorizing certain information to be contained in such advertisements; prohibiting such an advertisement from

containing certain statements; limiting the size of such advertisements; amending s. 466.24(3)(g), (k), Florida Statutes; deleting the prohibition against claims of professional superiority; requiring the suspension or revocation of the license of a dentist who advertises in a manner not authorized by statute or rule; authorizing the identification of a dentist by name and as a dentist for certain purposes; amending s. 466.27(3), Florida Statutes; authorizing the mailing of certain announcement cards; 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 Scarborough—

SB 1199—A bill to be entitled An act relating to racing; amending s. 550.37(13), Florida Statutes; establishing requirements which harness racing permit holders must meet in order to apply for and receive a license to conduct dograce meetings in lieu of harness racing at such tracks; providing an effective date.

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

By Senator Trask—

SB 1200—A bill to be entitled An act relating to pesticides; providing conformity of certain sections with the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.031(1)(a), (6), (7), and (8), Florida Statutes, providing for dealer licenses and applicator licenses to replace "permits"; eliminating provisions authorizing label amendments of registered pesticides; amending s. 487.041(4) and (5), Florida Statutes, eliminating authorization for special lot registration and for registration of discontinued products; amending s. 487.042(2), (3), and (4), Florida Statutes, requiring a dealer license or an applicator license to engage in certain activities relating to the sale, distribution, and use of pesticides; deleting provisions relating to certain administrative procedures to conform with provisions of chapter 120, Florida Statutes; amending s. 487.160, Florida Statutes, requiring certain licensees to keep records with respect to the application of restricted pesticides for a certain time period; providing an effective date.

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

By Senator Plante—

SB 1201—A bill to be entitled An act relating to prescription drugs; amending s. 465.30(2), (3)(a), and (9), Florida Statutes, and adding a subsection; providing for substitution by a pharmacist of less expensive generic drugs for name brand drugs under certain conditions; requiring the pharmacist to notify the customer of the actual price difference; providing that there shall be no conflict with federal Medicaid requirements; providing an effective date.

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

By Senator Wilson—

SB 1202—A bill to be entitled An act relating to legal holidays; adding a new paragraph (e) to s. 683.01(1), Florida Statutes, designating Susan B. Anthony's birthday as a legal holiday; providing an effective date.

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

By Senator McClain—

SB 1203—A bill to be entitled An act relating to education; amending ss. 228.061 and 232.05, Florida Statutes, to reclassify nursery schools as prekindergarten schools and to change the manner of support therefor; lowering the age for admission; amending s. 236.081(1)(c), Florida Statutes, to provide a cost

factor for prekindergarten education; providing conditions for the application of such cost factor; providing an effective date.

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

By Senator Castor—

SB 1204—A bill to be entitled An act relating to motor carriers; amending s. 323.02, Florida Statutes, the introductory paragraph of s. 323.03, Florida Statutes, and s. 323.032(1), Florida Statutes; adding subsection (6) to s. 323.05, Florida Statutes; and amending the introductory paragraph of s. 323.29, Florida Statutes; allowing exempt and permitted motor carriers to engage upon return trips in certain types of transportation usually limited to certificated carriers; 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 Castor—

SB 1205—A bill to be entitled An act relating to the Housing Authorities Law; amending ss. 421.05(1), 421.091, 421.11, 421.21(2), 421.25 and 421.47, Florida Statutes; amending s. 421.10(1)(c), Florida Statutes, and adding paragraph (d); amending s. 421.15(1) and (2), Florida Statutes, and adding subsection (3); and adding subsection (3) to s. 421.20, Florida Statutes; amending 421.27(2), Florida Statutes, and adding subsection (4); providing for appointment of commissioners of an authority to fill vacancies; providing for biennial audits and for the fiscal year of authorities; providing for acceptance of tenants; providing that certain fees be charged; restricting interlocal agreements; providing for interest rate and sale of debentures; authorizing sale of debentures when a public sale produces no bid or all bids are rejected; specifying that provisions exempting real property of an authority from execution sale shall not apply to mortgages executed for purposes of participating in housing programs issuing from the federal government; correcting references to certain federal agencies; providing for the appointment of commissioners of a housing authority created for a county by the chairman of the board of county commissioners; providing an effective date.

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

By Senator Williamson—

SB 1206—A bill to be entitled An act relating to regulation of public utilities; creating s. 366.075, Florida Statutes; requiring the Public Service Commission to adopt certain procedures whereby it may annually determine fuel costs for each electric utility for the succeeding year; requiring commission to direct each such utility to place in effect tariff provisions for which customer charges based on determination of costs by the commission; requiring commission to adopt procedures for quarterly review of such charges to provide for correction of over-recovery or under-recovery; directing commission to disallow recovery of any unreasonable fuel cost or any fuel cost incurred as a result of the failure of any company to make every reasonable effort to minimize fuel costs; 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 1207—A bill to be entitled An act relating to insurance; amending s. 627.351(7)(d) and (g), Florida Statutes, eliminating the automatic termination date with respect to the temporary joint underwriting plan adopted by the Department of Insurance with respect to medical malpractice insurance; providing an effective date.

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

By Senator Jon Thomas—

SB 1208—A bill to be entitled An act relating to governmental reorganization; adding s. 20.05(1)(c) and amending s. 20.05(2), Florida Statutes; providing duties of department heads with respect to special improvement districts on Indian reservations; providing an effective date.

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

By Senator Jon Thomas—

SB 1209—A bill to be entitled An act relating to public school funding; amending s. 236.013(2)(c), Florida Statutes, providing the method for calculating hospital and homebound part-time students as a portion of a full-time equivalent student membership; providing an effective date.

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

By Senator Jon Thomas—

SB 1210—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 409.016, 409.026(1), (2), (5), and (6), 409.085, 409.145, 409.165, 409.175(1) and (2), 409.185, 409.235(1), (2), and (3), 409.2567, 409.266, 409.335, and 409.345, Florida Statutes, and creating ss. 402.34, 409.210, 409.220, and 409.2351, Florida Statutes; revising and updating chapter 409, Florida Statutes, and providing corrections, many of which are necessitated by departmental reorganization; designating the department as the state agency responsible for administering social service funds under Titles XIX and XX of the Social Security Act; modifying definitions; clarifying general social and economic functions of the department; modifying provisions relating to transfer of surplus funds between programs; modifying provisions relating to care of dependent children; clarifying eligibility requirements with respect to financial assistance to needy persons; providing for mandatory or optional supplementation payments to certain persons, under specified conditions; modifying provisions relating to aid to families with dependent children (AFDC); providing for administration of emergency disaster assistance programs; removing an application fee for child support collection and paternity determination services; providing for third party coverage for medical services; providing services of a nurse midwife; expanding the department's role in recovery of overpayments; modifying provisions relating to debt of recipient of public assistance payments; transferring ss. 409.055, 409.065, and 409.135, Florida Statutes, relating to general authority of the department, to specified sections in chapter 402, Florida Statutes; transferring ss. 409.360-409.3639, 409.3641-409.3649, 409.511, and 409.514, Florida Statutes, relating to aging and adult services, to specified sections in chapter 410, Florida Statutes; repealing ss. 409.075, 409.095, 409.155, 409.195-409.225, 409.235(4), 409.364, 409.375, and 409.385, Florida Statutes, relating to deposit of federal funds; administrative service areas; fees for adoption placement costs; exclusions from consideration in determining amount of financial assistance; separate assistance categories for old age assistance, aid to the blind, and aid to the totally and permanently disabled; consideration of suitability of the home in determining eligibility for AFDC assistance; and departmental authority to set fees for aging and adult services, to destroy obsolete records, and to photograph, microphotograph, etc., records and destroy originals of same; providing an effective date.

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

By Senator Zinkil—

SB 1211—A bill to be entitled An act relating to the regulation of public utilities; adding subsection (5) to s. 366.06, Florida Statutes, prohibiting the inclusion within any rate schedule of any public utility of a cost recovery clause of any type except a fuel cost or purchased power cost recovery clause; 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 Graham and W. D. Childers—

SB 1212—A bill to be entitled An act relating to the Florida Industrial Development Financing Act; amending ss. 159.26, 159.27(5), Florida Statutes; providing clarifying language to facilitate financing of capital projects for agricultural processing and storage facilities; providing an effective date.

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

By Senator Winn—

SB 1213—A bill to be entitled An act relating to financial accounts and expenditures of school districts; amending s. 237.211(2), Florida Statutes, relating to school depositories, to authorize each school board to commingle certain of its funds in a single checking account under certain conditions; 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 Winn—

SB 1214—A bill to be entitled An act relating to tangible personal property owned by governmental entities; amending s. 274.02, Florida Statutes, providing that when there is a change in property ownership between governmental custodians, the gaining custodian must sign for the property; providing for inventories of such property; providing an effective date.

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

By Senator Winn—

SB 1215—A bill to be entitled An act relating to public food service establishments and other eating places; amending s. 509.241(2)(b), Florida Statutes, providing that certain eating establishments exempted from licensure as public food service establishments are not exempt from certain other provisions of law; creating s. 509.265, Florida Statutes; requiring display of diagrams or illustrations of noninstrumental choking-saving techniques in public food service establishments and certain other eating places in the kitchen area; providing for approval of diagrams or illustrations; protecting from liability persons negligently rendering, or failing to render, emergency assistance to a choking person; providing an effective date.

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

By Senator Winn—

SB 1216—A bill to be entitled An act relating to motor vehicle repair; providing definitions; requiring motor vehicle repair shops to provide repair orders under certain circumstances; providing the content of such orders; restricting the imposition of a charge for a repair estimate; prohibiting demand of waiver of a customer's rights under the act; requiring notification if repairs exceed the estimate by a specified amount; restricting the imposition and collection of payment for unauthorized repairs; providing for return of vehicle; requiring the shop to provide the customer with an invoice of repairs made; providing the content of the invoice; permitting imposition of a storage fee; requiring shops to maintain certain records; prohibiting enforcement of a lien by a shop or refusal to return the vehicle if the shop fails to comply with the act; providing penalties for failure of a shop to comply with certain provisions of the act; providing an effective date.

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

By Senator Barron—

SB 1217—A bill to be entitled An act relating to railroads; providing that certain injured persons are prohibited from recovering damages for injuries received while on or about a railroad train or railroad track; providing exceptions; providing an effective date.

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

By Senator Pat Thomas (by request)—

**SB 1218**—A bill to be entitled An act relating to corporations; adding s. 607.114(7), Florida Statutes; providing for the reporting to the Department of State of certain changes in directors of a corporation; providing a filing fee; providing an effective date.

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

By Senators Dunn, McClain, Myers, Winn, Ware, Zinkil, Spicola, Williamson and Hair—

**SB 1219**—A bill to be entitled An act relating to the judiciary; creating s. 38.24, Florida Statutes; providing annual base salary rates for justices of the Supreme Court and judges of the state court system; providing for certain adjustments to the base salaries of such judges; repealing ss. 26.031(2), 26.51, 34.024, 35.19, Florida Statutes, relating to salaries of judges; providing an effective date.

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

By Senators Dunn, McClain, Vogt, Lewis, Graham, MacKay, Spicola, Gallen, Zinkil, Gorman, Hair, Scarborough, Holloway, Trask, Plante, Tobiassen, Poston, W. D. Childers, Peterson, Henderson and Winn—

**SB 1220**—A bill to be entitled An act relating to abortion clinics; providing definitions; providing for licensing, inspection, and regulation by the Department of Health and Rehabilitative Services; prescribing license fees; providing for department's powers and rulemaking authority; providing for renewal, denial, suspension and revocation of licenses; providing administrative penalties; prohibiting certain acts and providing penalties; providing injunctive relief; providing severability; providing an effective date.

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

By Senator Dunn—

**SB 1221**—A bill to be entitled An act relating to criminal justice; creating the Florida Commission on Criminal Justice; providing for appointments by the Governor, membership, terms, staffing, meetings, replacement and reimbursement of expenses; providing responsibilities, powers and duties; providing for annual reports; amending s. 20.31(3)(e), Florida Statutes; renaming the Bureau of Criminal Justice Planning and Assistance and setting forth duties and powers; providing for a transition period and interim commissioners; providing for transfer of funds; providing an effective date.

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

By Senator Plante—

**SB 1222**—A bill to be entitled An act relating to the Florida Credit Union Guaranty Corporation Act; amending ss. 657.25, 657.251, 657.253, 657.254, 657.256, 657.257, 657.258, 657.259, 657.260, 657.261(1), 657.262(1) and (2), 657.263, 657.265, 657.267, and 657.268, Florida Statutes, relating to definitions, creation of the corporation, board of directors, membership and eligibility, powers and duties of the corporation, plan of operation, powers and duties of the Department of Banking and Finance, effect of paid claims, detection and prevention of insolvencies, examination of the corporation, stays of proceedings and reopening of default judgments, advertising and displays, and rules of the department; deleting obsolete language; repealing s. 657.255, Florida Statutes, relating to the interim board of directors; providing an effective date.

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

By Senator Plante—

**SB 1223**—A bill to be entitled An act relating to consumer protection; creating s. 501.2101, Florida Statutes; providing that any payment of money received by an enforcing authority in settlement of any proceedings, which money is to be used for

purposes other than reimbursement to individual consumers, shall be deposited in the General Revenue Fund unallocated; providing an effective date.

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

By Senator Ware—

**SB 1224**—A bill to be entitled An act relating to consumer protection; amending ss. 501.203(4), 501.213(2), Florida Statutes; defining the term "enforcing authority" to include, under certain circumstances, a local governmental department of consumer affairs created pursuant to special act; providing that part I of chapter 501, Florida Statutes, does not preempt local consumer protection ordinances authorized by special act; 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 Ware—

**SB 1225**—A bill to be entitled An act relating to county budgets; amending s. 129.01(2)(b), Florida Statutes, providing that both the receipts and appropriations divisions of county annual budgets shall reflect countywide and non-countywide revenues and expenditures; creating s. 129.021, Florida Statutes, requiring all county officers to submit certain budget information to the Board of County Commissioners; providing an effective date.

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

By Senator Spicola—

**SB 1226**—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, Florida Statutes; authorizing the sheriff of each county to adopt a uniform policy and procedure for the issuance of licenses to carry concealed pistols on the person; providing requirements and criteria for the issuance of such licenses; providing an effective date.

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

By Senator Jon Thomas—

**SB 1227**—A bill to be entitled An act relating to mental health; amending s. 394.50, Florida Statutes; establishing children's residential and day treatment centers under the supervision and control of the Department of Health and Rehabilitative Services; amending ss. 394.56-394.62, Florida Statutes; providing for voluntary admission, involuntary admission, transfer of records, fees for care and treatment, transfer of patients, discharge from a center, and age limits; repealing ss. 394.51, 394.52, 394.53, 394.54, and 394.55, Florida Statutes, relating, respectively, to employment of the director of the Children's Division of the South Florida State Hospital, and of other necessary personnel, to powers, duties, and compensation of the director and other employees, to bonds required of employees, and to removal of employees; providing an effective date.

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

By Senator Scott (by request)—

**SB 1228**—A bill to be entitled An act relating to health facilities and health services planning; amending s. 381.498, Florida Statutes; removing the requirement that the Department of Health and Rehabilitative Services automatically grant a certificate of need in the event of the destruction of any part of a health-care facility or health maintenance organization; requiring the department to expedite a certificate of need determination under such circumstances; providing an effective date.

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

By Senator Winn—

**SB 1229**—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; directing the department to study and make recommendations with respect to creating the licensed practice of podology; providing an effective date.

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

By Senator Gordon—

**SB 1230**—A bill to be entitled An act relating to the sale of gasoline; amending s. 526.111, Florida Statutes, requiring the conspicuous display of prices of gasoline offered for sale at retail service stations; requiring the posting on gasoline pumps of octane ratings of the grades of gasoline offered for sale; providing a penalty; providing an effective date.

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

By Senator Holloway—

**SB 1231**—A bill to be entitled An act relating to motor vehicles; adding s. 320.01(29), Florida Statutes; defining commercial vehicle; creating s. 320.066, Florida Statutes; requiring commercial vehicles to have certain identification signs; requiring removal of such signs prior to sale, lease, or transfer of the vehicle; prohibiting the issuance of inspection certificates to vehicles not in compliance; providing penalties; adding s. 325.19(8), Florida Statutes; providing for inspection of commercial vehicle identification signs; providing an effective date.

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

By Senator Renick (by request)—

**SB 1232**—A bill to be entitled An act relating to marketing practices; prohibiting certain wholesale distributors from selling certain products at retail or with the intent or knowledge that such products will be sold at retail by another wholesale distributor; prohibiting certain wholesale distributors from failing to offer the same quantity of a product to reseller-retailers at equally low prices; prohibiting certain wholesale distributors from terminating, canceling, or failing to renew certain agreements without certain notice; providing exceptions; prohibiting certain wholesale distributors from fixing prices or imposing resale prices; prohibiting certain wholesale distributors from prohibiting another wholesale distributor or reseller-retailer from carrying products of another or requiring such wholesale distributor or reseller-retailer to accept certain products; prohibiting certain wholesale distributors from requiring assent to a release from certain liabilities; prohibiting certain wholesale distributors from imposing certain terms or conditions on another wholesale distributor or on a reseller-retailer; prohibiting certain wholesale distributors from attempting to prevent the transfer of certain interests; providing exceptions; requiring certain wholesale distributors to accept return of and make payment for certain products under certain circumstances; providing liability for treble damages for violations; providing for award of costs and attorney's fees; providing severability; providing an effective date.

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

By the Committee on Governmental Operations and Senators Zinkil, Henderson, Scarborough, Gorman, Dunn, Castor and Toblissen—

**SB 1233**—A bill to be entitled An act relating to regulation of barbering; providing a short title; providing a purpose; providing definitions; providing for exemptions; creating the Florida Barbers' Board; providing for the appointment and terms of the board members; providing for per diem and mileage allowances for board members; providing for removal of board members; providing for personnel, legal and investigative services; providing for board meetings; providing for receipt and use of fees; providing for the adoption of rules; providing for the adoption and enforcement of rules; providing procedures for the application by and the examination of applicants for licensure; providing for issuance of a license to a successful

applicant; providing for biennial renewal of licenses; providing requirements for the registration of barber assistants and licensure of barbers; providing qualifications for barbers and apprentices from other states; providing for barbershop registration; specifying that certain acts are unlawful; providing a civil penalty; providing grounds for suspending, revoking, or refusing to grant a license or certificate of registration; providing for records of the board; providing for the establishment of complaint procedures; providing for civil proceedings; amending s. 120.54(11)(a), Florida Statutes; requiring the board to submit certain statements to the Administrative Procedures Committee along with certain proposed rules; providing a saving clause; providing for repeal of the act; providing for legislative review; providing severability; providing for retroactivity; providing an effective date.

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

By Senator Pat Thomas—

**SB 1234**—A bill to be entitled An act relating to roads; amending s. 335.075(1), Florida Statutes; exempting certain roads from application of the uniform standards and criteria for the design, construction, and maintenance of public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, bicycle trails, underpasses, and overpasses used by the public for vehicular and pedestrian traffic; authorizing the board of county commissioners of any county to set the speed limits for such exempted roads below a specified speed; providing an effective date.

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

By Senator Henderson—

**SB 1235**—A bill to be entitled An act relating to dispensing opticians; amending s. 484.02, Florida Statutes; including within the definition of "dispensing optician" one who takes certain measurements; providing an effective date.

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

By Senator Holloway—

**SB 1236**—A bill to be entitled An act relating to state, county, or municipal contracts; amending s. 446.101(3), Florida Statutes; exempting certain state, county, or municipal contracts from requirements to employ a certain number of apprentices or trainees; providing an effective date.

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

By Senator Trask—

**SCR 1237**—A concurrent resolution in recognition of Rodney Ford as Boys' Clubs of America Boy of the Year in Florida.

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

By Senator MacKay—

**SB 1238**—A bill to be entitled An act relating to geriatrics; providing legislative intent; providing for the creation of a Geriatrics Education Program; providing for the administration of the program pursuant to rules adopted by the Board of Regents; providing duties of the Board of Regents; providing duties of the program; providing an appropriation; providing an effective date.

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

By Senator MacKay—

**SJR 1239**—A joint resolution proposing an amendment to Section 9, Article VII of the State Constitution, relating to

local taxes, to prohibit school districts from levying ad valorem taxes except under certain conditions and to delete authorization of certain tax levies in excess of stated millage limits.

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

By Senator Scarborough (by request)—

SB 1240—A bill to be entitled An act relating to unemployment compensation; amending s. 20.17(5) to change the title of the Board of Review to the Unemployment Appeals Commission; providing an effective date.

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

By Senator Dunn—

SB 1241—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 Glisson—

SB 1242—A bill to be entitled An act relating to medical malpractice; amending s. 768.47(1), Florida Statutes; declaring a claimant responsible for certain defense costs and reasonable attorney's fees in certain situations involving decisions of the Medical Liability Mediation Panel; providing an effective date.

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

By Senator Peterson—

SB 1243—A bill to be entitled An act relating to waiver of sovereign immunity, amending s. 768.28(1), Florida Statutes, providing for recovery for bodily injury rather than personal injury; providing an effective date.

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

By Senator Plante—

SB 1244—A bill to be entitled An act relating to state officers and employees; amending s. 112.20(3), Florida Statutes; providing a means of calculating terminal payment for accumulated unused sick leave; establishing a maximum payment for such leave accumulated on or after a certain date; providing an effective date.

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

By Senator Wilson—

SB 1245—A bill to be entitled An act relating to the manatee; providing for the erection of barricades to protect manatees' winter feeding waters; providing for relocation of the manatee in certain cases; providing for formulation of long-range policy; providing an effective date.

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

By Senator Ware—

SB 1246—A bill to be entitled An act relating to health studio services; creating part III of chapter 501, Florida Statutes, consisting of ss. 501.301-501.309, Florida Statutes; providing legislative intent; providing definitions; providing for cancellation of certain health studio service contracts within certain time periods; providing for refunds; making it unlawful to collect or accept contract payments in advance without establishment and operation of trust accounts for deposit of at least

50 percent of such contract payments; providing for withdrawal therefrom on a pro rata basis; providing for the contents of contracts; providing for injunctive relief, costs, damages, and attorney's fees; providing other civil remedies; providing for applicability; repealing s. 501.012, Florida Statutes, relating to regulation of health studio services; 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 Sayler—

SB 1247—A bill to be entitled An act relating to relief acts; amending s. 11.02, Florida Statutes, and adding a subsection to s. 11.065, Florida Statutes, requiring advance notice of certain relief acts in the manner presently provided for special or local legislation; providing the content of such notice; providing an effective date.

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

By Senator Jon Thomas—

SB 1248—A bill to be entitled An act relating to blood transfusions; amending s. 381.601, Florida Statutes; providing definitions; prohibiting the use of blood obtained from a paid donor in any transfusion unless the physician performing the transfusion has determined that other blood is not available for the transfusion; providing penalties; providing for injunctive relief; providing an effective date.

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

By Senator Jon Thomas—

SB 1249—A bill to be entitled An act relating to hospital licensing and regulation; adding s. 395.20(5), Florida Statutes; prohibiting the assessment of charges for blood transfusions if arrangements are made for replacement blood; providing an effective date.

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

By the Committee on Transportation—

SB 1250—A bill to be entitled An act relating to transportation; creating s. 334.215, Florida Statutes; providing for the creation of a metropolitan planning organization within each urbanized area in the state where a planning organization is necessary to meet federal requirements for obtaining and expending federal transportation funds; providing for membership and appointment; providing for the invalidity of provisions of this act which are in conflict with federal requirements; requiring the full operation of all metropolitan planning organizations by July 1, 1979; providing an effective date.

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

By Senator Gorman—

SB 1251—A bill to be entitled An act relating to the Florida Real Estate License Law; amending s. 475.451(2) and (4), Florida Statutes, providing educational requirements and continuing educational requirements with respect to applicants for permits as chief administrators or instructors of real estate schools as well as permits to operate such schools; creating s. 475.4511, Florida Statutes, providing criteria with respect to advertising by real estate schools; providing an effective date.

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

By Senator Tobiassen—

SB 1252—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.213(2), Florida Statutes; prescribing minimum educational standards for the licensing of such institutions; amending s. 246.215, Florida Stat-

utes; prohibiting the continued operation of, or the establishment of, any independent postsecondary vocational, technical, trade, or business school unless such school submits a notarized application to, and obtains a license from the board; prohibiting an employee or agent of such school from soliciting for remuneration any prospective student unless the school is licensed by the board and such employee or agent has submitted a notarized application to, and obtained from the board an agent's license; amending s. 246.219(1), (2), Florida Statutes; increasing the license fees; amending s. 246.220, Florida Statutes; providing that under specified circumstances surety bonds or insurance may be required of any school licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; 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 Barron—

SB 1253—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.05(3), Florida Statutes; reducing the discount on the purchase of cigarette tax stamps by agents; providing alternative methods for the purchase of stamps; extending the time limitation on the payment of tax stamp liability; providing an effective date.

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

By Senator Barron—

SB 1254—A bill to be entitled An act relating to preneed funeral service and preneed burial supply contracts; amending s. 639.13, Florida Statutes; providing that upon the termination by cancellation or default of a preneed funeral service or preneed burial supply contract, the contract purchaser may demand a refund of the entire amount actually paid on such contract from the person issuing or writing such contract; deleting provision which requires the refund to include interest at a specified percentage; requiring the refund to be made within a specified time; prohibiting such contracts from restricting any contract purchaser who is receiving public assistance from the Department of Health and Rehabilitative Services from making his contract irrevocable in accordance with department rules; amending s. 639.14, Florida Statutes; requiring disbursements of funds discharging any preneed funeral service or preneed burial supply contract to be made to the person issuing or writing such contract upon the receipt of certain information relating to the death of the contract beneficiary; amending s. 639.15, Florida Statutes; requiring the Department of Insurance to examine the business of any person writing preneed funeral service or preneed burial supply contracts at least once every 3 years; providing an effective date.

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

By Senator Hair—

SB 1255—A bill to be entitled An act relating to corporations; amending s. 607.277(2), Florida Statutes; prescribing contents of the notice of hearing required to be published prior to appointment of a liquidating receiver; amending s. 607.304(1), Florida Statutes; requiring a foreign corporation to publish notice of its intention to transact business in this state as a prerequisite to having the right to transact such business; amending s. 607.-261(2), Florida Statutes; requiring publication of certain notice prior to the filing of articles of dissolution; providing an effective date.

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

By Senator Dunn—

SB 1256—A bill to be entitled An act relating to computer crimes; creating chapter 815, Florida Statutes; providing a short title; providing legislative intent; providing definitions; providing for offenses against intellectual property; providing for offenses against computer equipment and supplies; providing for offenses against computer users; providing penalties; pro-

viding that provisions of this chapter are not exclusive; providing an effective date.

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

By Senator Ware—

SB 1257—A bill to be entitled An act relating to the regulation of public utilities; creating s. 366.042, Florida Statutes, requiring the Florida Public Service Commission to disallow from the operating expenses of public utilities certain contributions or other expenses with respect to the consideration of rate increases; providing for the exclusion of certain items from a utility's rate base; requiring public utilities seeking rate increases to demonstrate that any purchase of services, as defined in the act, made from certain affiliate companies were procured at the lowest price available; providing that public utilities which have been granted a rate increase shall not be entitled to an additional increase for a 24-month period; requiring independent management audits under certain circumstances; requiring utilities granted a rate increase to pay 1 percent of the revenues derived from the increase to the public counsel; 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 Ware—

SB 1258—A bill to be entitled An act relating to educational finance; amending s. 236.081(1)(d), Florida Statutes, to provide that certain procedures relating to determination of full-time equivalent student membership to be used in calculating the annual allocation from the Florida Education Finance Program to the school districts shall not apply to special programs for exceptional students; providing an effective date.

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

By Senator Gallen—

SB 1259—A bill to be entitled An act relating to the practice of pharmacy; creating s. 465.32, Florida Statutes, to allow licensed pharmacists to fill or refill valid prescriptions on file with another pharmacy under certain conditions; providing an effective date.

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

By Senator Jon Thomas—

SB 1260—A bill to be entitled An act relating to solar energy; designating the State Board of Administration as the state fiscal agency to make certain determinations relating to solar energy; providing for the determination of the amount of state bonds for solar energy; providing a limitation on the amount; providing for the use of funds in the trust fund account; providing for the issuance of state bonds in accordance with constitutional provisions; providing for bond repayment; providing for the financing, construction, acquisition, maintenance, and operation of equipment, authorizing certain lease-purchase agreements; providing certain powers for the Solar Energy Center; exempting the equipment from taxation except the corporate income tax; providing an effective date.

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

By Senator Graham—

SCR 1261—A concurrent resolution directing that a review be made of the feasibility of consolidating the statutes relating to the rights of the handicapped.

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

By Senator Hair—

SB 1262—A bill to be entitled An act relating to judicial sales; amending s. 45.031(1), Florida Statutes; providing that a judicial sale shall not be ordered less than a specified time after the entry of such order or final judgment; prescribing the manner of publishing notice of such sale; providing an effective date.

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

By Senator Trask—

SB 1263—A bill to be entitled An act relating to the Teachers' Retirement System; amending s. 238.06(4), Florida Statutes; providing that certain persons receiving or entitled to receive a pension or annuity from another governmental entity are entitled to out-of-state prior service credit or membership service credit; 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 Castor—

SB 1264—A bill to be entitled An act relating to staff members of regulatory agencies; defining terms; prohibiting such a staff member from accepting employment with an entity regulated by the agency for a certain period after termination of his employment with the agency; providing an exception; requiring such agencies to give certain notice to current and prospective staff members; providing a civil penalty; providing a defense; providing an effective date.

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

By Senator Winn (by request)—

SB 1265—A bill to be entitled An act relating to dispensing opticians; amending s. 484.08(2), (3), Florida Statutes; authorizing the State Board of Dispensing Opticians to employ attorneys; providing that the Department of Legal Affairs may be the non-exclusive legal advisor of such board; providing an effective date.

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

By Senator Renick—

SB 1266—A bill to be entitled An act relating to retail installment sales; adding s. 520.08(5), Florida Statutes; exempting a retail installment contract for the purchase of a mobile home from the finance charge limitations of the Motor Vehicle Sales Finance Act under certain circumstances; providing an effective date.

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

By Senator Gallen—

SB 1267—A bill to be entitled An act relating to importers of alcoholic beverages; amending s. 561.351, Florida Statutes; providing for the annual issuance of a license to import alcoholic beverages; providing an effective date.

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

By Senator Trask—

SB 1268—A bill to be entitled An act relating to osteopathic physicians; amending s. 459.03(1), Florida Statutes, and adding a subsection thereto; specifying applicability of chapter 459, Florida Statutes, and including certain students practicing under licensed osteopathic physicians; amending s. 459.05, Florida Statutes, providing 4-year terms for members of the State Board of Osteopathic Examiners; amending s. 459.09, Florida Statutes, providing for reexamination; amending s. 459.10(1) and (2)(b), Florida Statutes, providing for licensure of ap-

plicants; amending s. 459.11(1) and (2), Florida Statutes, including osteopathic physicians who have passed the exam for admission into the United States Air Force Medical Corps under provisions exempting certain applicants from examination, deleting certain reciprocal licensing provisions, and providing a fee for endorsement; authorizing rather than requiring, the board to grant reciprocal licensing; amending s. 459.14(2)(e), Florida Statutes, and adding subsections (9) and (10) thereto; including certain advertising and claims under grounds for refusal, revocation or suspension of license; providing for advertising and providing limitations thereon; providing protection against liability for persons furnishing information on violations to the board; prohibiting continuance of certain administrative licensing proceedings after a license has been suspended; creating s. 459.142, Florida Statutes, providing for supersedeas; amending s. 459.161, Florida Statutes, relating to change of address notification; amending s. 459.19, Florida Statutes, providing for biennial rather than annual license renewal; amending s. 459.191(1),(4)(c), Florida Statutes, and adding a subsection thereto; conforming education requirements to biennial licensing provisions and specifying that certain hours of refresher or postgraduate study be related to the practice of osteopathic medicine; providing credit for educational requirements and exemption from certain fees to members of the Commissioned Corps of the United States Public Health Service; amending s. 459.20(2) and (4)(a), Florida Statutes, providing for reinstatement of a license suspended for failure to make a biennial renewal; providing for license renewal in certain cases; amending s. 459.21, Florida Statutes, relating to compensation and expenses; amending s. 459.225(12), Florida Statutes, deleting fee for certification of approved osteopathic physician's assistant programs; creating s. 459.23, Florida Statutes, requiring reports by physicians administering or dispensing drugs on authorized drug treatment programs; providing that a list of patients on such programs be filed with the board; requiring the treating physician to specify that prescriptions be filled at the same pharmacy; requiring certain other reports; providing an effective date.

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

By Senator Spicola—

SB 1269—A bill to be entitled An act relating to eminent domain proceedings; amending s. 74.011, Florida Statutes; providing that any regional water supply authority may take possession and title of property in advance of the entry of final judgment in any properly instituted eminent domain proceeding; providing an effective date.

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

By Senator Gallen—

SB 1270—A bill to be entitled An act relating to importers of alcoholic beverages; amending s. 561.41, Florida Statutes; requiring each such importer to maintain its principal office within the state; requiring regularly defined business hours for such office; providing an effective date.

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

By Senator Jon Thomas—

SB 1271—A bill to be entitled An act relating to health claim forms; repealing s. 627.6111, Florida Statutes, which required the Department of Insurance to prescribe standard health claim forms to be used by hospitals, physicians and pharmacists, and requiring acceptance of such forms by insurers and the Department of Health and Rehabilitative Services; providing an effective date.

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

By Senator Winn—

SB 1272—A bill to be entitled An act relating to education; creating s. 230.645, Florida Statutes; adding ss. 230.761(2)(c), 240.052(6), Florida Statutes; providing that a dependent child

of a special risk member of the Florida Retirement System shall be given a waiver of certain postsecondary fees if the special risk member was killed in the line of duty; providing an effective date.

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

By Senator Renick—

SB 1273—A bill to be entitled An act relating to saltwater products dealers; amending s. 370.07, Florida Statutes; providing that such dealers be licensed and regulated by the Department of Natural Resources; changing to "saltwater products" certain references to "seafood products"; providing for regulation of any person who deals in certain saltwater products; providing definition of "saltwater products dealer"; placing certain requirements on any person dealing in certain saltwater products; providing that failure to comply with any such requirement is a misdemeanor; providing a penalty; providing an effective date.

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

By the Committee on Transportation—

SB 1274—A bill to be entitled An act relating to the Florida Transportation Code; renumbering s. 339.08(3), (4), (5), Florida Statutes, and adding a new subsection (3) to said section; authorizing the Department of Transportation to use available funds for the preparation of certain plans and estimates; providing requirements with respect to the sale of bonds which contain a covenant to complete provision from the proceeds of the first gas tax; providing that the covenant to complete for project additions must be approved by the Legislature; providing that in lease-purchase agreements, the Department of Transportation shall provide for the repayment of all costs incurred by the department from certain excess tolls or second gas tax proceeds; repealing s. 339.12(5)(c), (d), Florida Statutes, relating to the payment of department funds for preliminary engineering plans and to the department's use of proceeds of the first gas tax; providing an effective date.

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

By the Committee on Judiciary-Civil—

SB 1275—A bill to be entitled An act relating to garnishment; amending s. 77.031(1), Florida Statutes; providing that a prejudgment writ of garnishment shall be supported by a verified motion or affidavit stating facts sufficient to make a prima facie showing of certain facts; adding s. 77.031(4), Florida Statutes; providing that a prejudgment writ of garnishment be issued only upon the signed order of a judge; amending s. 77.07(1), Florida Statutes; providing procedure for dissolution of writ of garnishment; providing an effective date.

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

By Senator Jon Thomas—

SB 1276—A bill to be entitled An act relating to infancy hygiene; amending s. 383.14, Florida Statutes; requiring the Department of Health and Rehabilitative Services to screen infants born in Florida for certain metabolic, hereditary, and congenital disorders; requiring the department to adopt certain rules after consultation with the Infant Screening Advisory Council; requiring the department to assure the availability and quality of certain tests; requiring the department to promote education about the prevention and management of such disorders; requiring the department to maintain a confidential registry of cases and to maintain certain other information; requiring the department to promote genetic studies and counseling; creating an Infant Screening Advisory Council; prescribing qualifications and terms of members of such council; providing that such members shall serve without pay or reimbursement; providing for meetings and purposes of such council; providing an effective date.

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

By Senator Gallen—

SB 1277—A bill to be entitled An act relating to importers of alcoholic beverages; amending s. 561.24, Florida Statutes; prohibiting the licensing of certain out-of-state manufacturers and certain other persons as importers; prohibiting the renewal of such licenses; providing a penalty; providing an effective date.

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

By Senator Gallen—

SB 1278—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.22, Florida Statutes; prohibiting the issuance or renewal of a license to import alcoholic beverages to a vendor of alcoholic beverages and to certain persons associated with a vendor; prohibiting the issuance or renewal of a license to sell alcoholic beverages to an importer of alcoholic beverages and to certain persons associated with an importer; providing an effective date.

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

By Senator Plante—

SB 1279—A bill to be entitled An act relating to solicitation of funds by persons or organizations in the name of any law enforcement body; providing definitions; providing duties and powers of the Department of State to issue, deny, suspend, or revoke certificates of persons or organizations desiring to solicit funds in the State of Florida in the name of any law enforcement body; providing conditions, fees, and information necessary for registration; authorizing the Department of State to promulgate rules, conduct investigations, take necessary civil actions, and recommend criminal actions to appropriate prosecution authorities; providing for registration and fees for professional solicitors; providing for prohibition of certain acts; providing for limitations on costs of solicitation in relation to gross receipts; providing for exemptions from registration fee; providing for hearings on denial of registration, suspension, or revocation; providing information received to be public record; requiring certain records to be kept; providing for reciprocal agreements; prohibiting use of registration except under certain conditions; prohibiting certain misrepresentations; prohibiting use of the words "charity or charitable"; requiring identification; requiring disclosure that the person or organization is not a charitable organization; providing for out-of-state organizations and service of process; providing for enforcement and penalties; providing an effective date.

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

By the Committee on Judiciary-Civil—

SB 1280—A bill to be entitled An act relating to distress for rent; amending s. 83.11, Florida Statutes; providing for the filing of an affidavit in support of an action for a distress writ; amending s. 83.12, Florida Statutes; providing that a judge of any competent court may issue a distress writ if such affidavit is filed; providing that a clerk of that court may issue such writ under certain circumstances; creating s. 83.135, Florida Statutes; providing for an immediate hearing on motion of the defendant; providing an effective date.

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

By Senator Renick—

SB 1281—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.14(3)(b), Florida Statutes, exempting certain disabled veterans from the license fee charged for crawfishing in a manner consistent with certain other provisions of law; providing an effective date.

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

By Senator Renick—

SB 1282—A bill to be entitled An act relating to the admissions tax; amending s. 212.02(16), Florida Statutes; redefining the term "admissions" to exclude certain charges for admission; 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 Holloway—

SB 1283—A bill to be entitled An act relating to public health; providing legislative intent; creating s. 20.191, Florida Statutes; creating a Department of Public Health; providing the purpose of the department; providing for the secretary of the department; providing for a deputy secretary; creating the Florida Center for Disease Control; creating the Office of Comprehensive Health Planning; creating divisions; providing for local public health services; creating a Public Health Advisory Council; providing for a departmental budget; providing for the transfer of powers, duties, functions, and personnel to the department from the Department of Health and Rehabilitative Services; providing a date of implementation; providing an effective date.

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

By Senator Holloway—

SB 1284—A bill to be entitled An act relating to workmen's compensation and employer's liability insurances; renumbering s. 627.091(4), Florida Statutes, and adding a new subsection (4) to said section; providing a maximum basis of premium included for rate-making purposes; amending s. 627.151(1), Florida Statutes; providing that such maximum basis of premium for rate-making purposes shall be given consideration by the Department of Insurance in determining whether to approve or otherwise permit to become effective a filing as to workmen's compensation or employer's liability insurance; providing an effective date.

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

By Senator Myers—

SB 1285—A bill to be entitled An act relating to the medical assistance program; adding s. 409.267(5), Florida Statutes; requiring counties in certain instances to participate in the cost of providing outpatient hospitalization services and establishing certain limitations on county participation; providing for establishment of a trust fund; providing for functions of the Departments of Administration and Health and Rehabilitative Services; providing an effective date.

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

By Senator Gordon—

SB 1286—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Act; amending ss. 501.210, 501.211(2), Florida Statutes; providing that any interested party or person may bring a civil action against persons committing unfair or deceptive trade practices; providing for the award of reasonable court costs and attorney's fees under certain circumstances; providing for submission of sworn affidavits to the trial judge by the attorney when attorney's fees are awarded; providing that the trial judge shall award court costs and attorney's fees based on attorney's affidavit; providing an effective date.

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

By Senator Scott—

SB 1287—A bill to be entitled An act relating to alcoholic beverages; creating s. 565.16, Florida Statutes; requiring a price affirmation and a price schedule for distilled spirits sold to Florida distributors; requiring that certain distilled spirits sale inducements be offered to Florida distributors under certain circumstances; providing a penalty; providing for injunc-

tions; repealing s. 565.15, Florida Statutes, as amended, relating to price affirmation; providing an effective date.

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

By Senator Henderson—

SB 1288—A bill to be entitled An act relating to alcoholic beverages; creating s. 564.07, Florida Statutes; requiring a price affirmation and a price schedule for wine sold to Florida distributors; requiring that certain sale inducements be offered to Florida distributors under certain circumstances; providing penalties; providing for injunctions; providing an effective date.

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

SB 1289—Withdrawn prior to introduction.

By Senator McClain—

SB 1290—A bill to be entitled An act relating to adoption; amending s. 63.022(2)(j), Florida Statutes, providing an exception to certain intent provisions; amending s. 63.082(3), Florida Statutes; providing that a consent to adoption executed by the natural parent or parents, the Department of Health and Rehabilitative Services, a licensed child-placing agency, or the court shall be accompanied by a family medical history which shall contain certain information relating to the adoptive child and his natural parents, if such information is available or readily obtainable; requiring the department to provide forms in certain cases; adding subsection (5) to s. 63.162, Florida Statutes; requiring that said information be furnished to the adopting parents and to the adopted child under certain circumstances; providing for confidentiality with respect to natural parents' names; adding subsection (5) to s. 409.145, Florida Statutes, requiring the Department of Health and Rehabilitative Services and licensed child-placing agencies to endeavor to obtain family medical histories whenever children are placed under their care; providing an effective date.

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

By Senator Plante—

SB 1291—A bill to be entitled An act relating to evaluation of university faculty members; amending s. 241.731(2)(c), Florida Statutes; providing standards for rules of the Board of Regents for the purposes of identifying and evaluating quality teachers; providing for a report; providing an effective date.

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

By Senator Plante—

SCR 1292—A concurrent resolution creating the Joint Committee to Study Business and Industry Tax Reform.

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

By Senator Plante—

SB 1293—A bill to be entitled An act relating to public meetings and records; amending s. 286.011, Florida Statutes; providing that meetings of the Legislature, or of advisory bodies, boards, and commissions of certain agencies and authorities which pose a substantial likelihood of impacting significantly upon a matter of public concern are public meetings; providing that the time, place, or subject matter of a public meeting be recorded and open to public inspection; providing that the minutes of a public meeting at which official acts are to be taken be recorded and open to the public; providing penalty for certain persons attending meetings not in compliance; providing exceptions; amending s. 240.042(2)(d), Florida Statutes; providing for appointment and removal of heads of institutions or agencies in the State University System by Board of Regents upon recommendation of a committee of representatives of faculty, students, and alumni of the affected university; providing an effective date.

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

By Senator Plante—

SB 1294—A bill to be entitled An act relating to election of judicial officers; repealing ss. 105.031(3), 105.035, Florida Statutes, which provide for payment of a qualifying fee and provide alternative method for qualifying; amending s. 105.031(1), Florida Statutes; conforming language to changes made by act; providing an effective date.

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

By Senator Trask—

SB 1295—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating the Antifreeze Act of 1978 to be administered by the department; providing definitions; requiring the manufacturer, packager or person whose name appears on the label of antifreeze to apply to the department for registration for each brand of antifreeze he desires to distribute; providing a fee; providing criteria for the determination of whether or not antifreeze is adulterated or mislabeled and prohibiting such activity; authorizing the department to inspect, sample and analyze antifreeze; providing a list of prohibited activities with respect to antifreeze; authorizing the department to issue and enforce stop-sale orders against distributors in violation of the act; authorizing the department to require registrants to provide antifreeze formulas under certain circumstances; providing for the adoption of certain standards with respect to antifreeze; authorizing the department to adopt specified rules; providing a penalty; authorizing the department to levy fines; providing for suspension or revocation of said registration; providing injunctive relief; providing severability; providing an effective date.

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

By Senators Dunn, Winn, Johnston, Plante, Castor, Gorman and MacKay—

SB 1296—A bill to be entitled An act relating to minor criminal and civil disputes; authorizing the establishment and operation of a mediation center for any county for the resolution of such disputes; establishing objectives for such centers; providing for mediation hearings and establishing eligibility for participation in such hearings; providing for confidentiality of certain disclosures and information; providing for written settlements; authorizing the State Courts Administrator to administer and distribute funds available to the state for certain dispute settlement programs; authorizing the boards of county commissioners to seek, accept, and expend funds to carry out the purposes of the act; providing an effective date.

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

By Senator Hair—

SB 1297—A bill to be entitled An act relating to corporations; adding s. 607.344(3), Florida Statutes; providing for publication of a list of corporations whose authority to transact business in the state has been revoked; renumbering s. 607.271(4), (5) and (6), Florida Statutes, and adding a new subsection (4) to said section; providing for publication of a list of corporations which have been issued certificates of dissolution; providing an effective date.

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

By Senator Scarborough (by request)—

SB 1298—A bill to be entitled An act relating to unemployment compensation; amending s. 443.07(4), Florida Statutes; providing for changing the title of appeals referees to deputy commissioners; transferring authority for appointment of deputy commissioners to the unemployment appeals commission; providing the duties of the chief deputy commissioner; providing that deputy commissioners shall have the qualifications established by the career service commission; providing that the division may file an appeal from any determination; providing

that the division may file an appeal from the decision of a deputy commissioner; providing that the division shall have the right to initiate judicial review of commission orders; providing an effective date.

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

By Senator MacKay—

SB 1299—A bill to be entitled An act relating to district mental health boards; adding s. 394.69(6), Florida Statutes; authorizing local governing bodies to appropriate moneys to be expended for purposes provided in approved district mental health plans; requiring annual audits thereof and the furnishing of such audits to participating local governing bodies; providing an effective date.

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

By Senator Skinner—

SB 1300—A bill to be entitled An act relating to the taxation of motor fuels; amending and renumbering s. 206.20(2), Florida Statutes, and adding a new subsection (2) to said section; adding s. 316.640(1)(c), Florida Statutes; creating s. 316.546, Florida Statutes; imposing a penalty on the transportation of certain excess motor fuel into the state; authorizing the Department of Agriculture and Consumer Services to enforce such provision and adopt appropriate rules; requiring payment of penalties collected and a report of certain information to the Department of Revenue; amending s. 570.44(3), Florida Statutes; authorizing the Bureau of Road Guards to make certain inspections; providing an effective date.

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

By Senators W. D. Childers and Toblissen—

SB 1301—A bill to be entitled An act relating to the oil and gas tax; amending s. 211.06(2), Florida Statutes; changing the limitation on claims for refund of overpayment of oil and gas taxes; authorizing the Department of Revenue to waive such limitation in certain instances; providing an effective date.

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

By Senator MacKay (by request)—

SB 1302—A bill to be entitled An act relating to social work; providing a short title; providing intent, purpose, and definitions; creating the Social Workers Council to the Florida State Board of Examiners of Psychology; providing for its membership, powers, and duties; requiring a license issued by the board upon recommendation of the council to practice social work in this state; prescribing qualifications for a license; prescribing fees for licenses and for reinstatement and renewal thereof; prohibiting the independent practice of social work without a certain license; requiring the display of the license certificate to practice social work; providing certain exemptions from the licensing requirements; providing for rules and procedures; providing for renewal of licenses; prescribing grounds for denying, revoking, or suspending licenses; providing for reinstatement of licenses; providing authority to seek injunctions and temporary restraining orders, to investigate violations, and to issue cease and desist orders; providing a statute of limitations; providing that certain records constitute prima facie evidence in courts; providing for disposition and expenditure of fees collected pursuant to this act; prohibiting unlicensed persons from practicing or advertising as practicing social work; providing a penalty; providing for confidentiality of certain communications; providing severability; providing an effective date.

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

By Senators Tobiassen and W. D. Childers—

SB 1303—A bill to be entitled An act relating to Santa Rosa County; prohibiting any person, firm, or corporation from using any net in certain designated salt waters of Santa Rosa County or near the entrances to such waters; providing an exception; providing penalties; 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 Tobiassen and W. D. Childers—

SB 1304—A bill to be entitled An act relating to Escambia and Santa Rosa Counties; prohibiting the use of certain fishing nets in any of the salt waters of such counties; prohibiting the use of any net within a certain distance of another net in such waters; prohibiting the fishing of more than one net from a single boat in such waters; providing penalties; 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 Tobiassen and W. D. Childers—

SB 1305—A bill to be entitled An act relating to Escambia County; prohibiting the use of fishing nets, except hand cast nets, in described waters of Escambia County; prescribing minimum mesh size for fishing nets used in waters where fishing with nets is permitted by law; repealing chapter 6266, Laws of Florida, 1911, chapter 7009, Laws of Florida, 1915, chapter 21214, Laws of Florida, 1941, chapter 24498, Laws of Florida, 1947, and chapter 30732, Laws of Florida, 1955, relating to the use of fishing nets and to the prohibition of commercial fishing in certain waters of Escambia County; providing a penalty; 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 1306—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.199(2), Florida Statutes; exempting leasehold interests in government property if the leasehold interest was entered into prior to January 1, 1978, and was created pursuant to legislation or agreement to exempt or indemnify the lessee from ad valorem taxes; repealing s. 196.199(3), Florida Statutes; which provides that nothing in s. 196.001, or s. 196.199, Florida Statutes, requires the taxing of leasehold interests containing a covenant not to tax; providing a conditional effective date.

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

By Senator Vogt—

SB 1307—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06(2)(a), (4)(a), Florida Statutes; providing that only those types of developments identified by the guidelines and standards adopted by the Administration Commission and approved by the Legislature shall be reviewed pursuant to s. 380.06, Florida Statutes; providing that any local government having jurisdiction over a proposed development may request a determination from the state land planning agency as to whether such a development would be a development of regional impact or whether certain rights are vested; 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 Senators Barron, MacKay, Myers, Plante, Scarborough, Brantley, Zinkil, W. D. Childers, Firestone and Winn—

SB 1308—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727(7), Florida Statutes; providing

that uninsured motorist coverage shall not include damages for pain and suffering except for specified injuries or death; amending s. 627.732(1), Florida Statutes; providing definitions of "motor vehicle", "private passenger motor vehicle", and "commercial motor vehicle"; amending s. 627.737(2), Florida Statutes; providing for limitations on rights to damages for pain, suffering, mental anguish, and inconvenience in tort actions arising out of use of a motor vehicle; amending s. 627.7372(1), Florida Statutes; providing for the admission into evidence in certain actions the amount of all collateral sources paid or payable to the claimant, and prohibiting an award of damages which are otherwise paid or payable; creating s. 627.7405, Florida Statutes; providing personal injury protection benefits for the insured, certain relatives, operators, and passengers of a commercial motor vehicle or other Florida residents struck by a commercial motor vehicle in Florida; repealing s. 627.735(2), Florida Statutes, relating to the compliance of motor vehicle liability insurance policies with financial responsibility or compulsory insurance laws of other states; providing for review by the Department of Insurance of the rates of all licensed motor vehicle insurers; providing for issuance of orders by the Department of Insurance to require new rate schedules where existing rates are unfairly discriminatory; providing an effective date.

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

By Senator Gordon—

SB 1309—A bill to be entitled An act relating to cannabis; providing for a county option on the cultivation, possession, and sale of cannabis; authorizing such cultivation, possession, and sale in approving counties; providing certain conditions relating to the sale and taxation of cannabis; providing for the distribution of proceeds of such taxation; authorizing the board of county commissioners in approving counties to adopt certain ordinances; providing an effective date.

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

By Senator Barron—

SB 1310—A bill to be entitled An act relating to professional engineers; adding s. 471.05(7), Florida Statutes; providing for the exemption of certain persons from the provisions of chapter 471, Florida Statutes; providing an effective date.

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

By Senator Graham—

SB 1311—A bill to be entitled An act relating to economic development; requiring that the Economic Development Advisory Committee appointed by the Governor shall annually submit to certain persons a plan for the use of state funds appropriated for economic development in the state; providing an effective date.

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

By Senator Poston—

SB 1312—A bill to be entitled An act relating to municipal taxation; amending s. 166.231(1)(a), Florida Statutes; providing an exemption from the municipal public service tax for the first 1,000 kilowatt-hours of electricity purchased by any person in any month; 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 W. D. Childers—

SB 1313—A bill to be entitled An act relating to the Department of Natural Resources; authorizing the department to acquire certain parcels in Escambia County for outdoor recreational purposes; providing an effective date.

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

By Senator Gallen—

SB 1314—A bill to be entitled An act relating to the Beverage Law; adding s. 561.14(5), Florida Statutes; providing for an importer's license; defining "importer"; providing restrictions; providing for reports; adding s. 565.03(4), Florida Statutes; providing for a \$500 annual license tax for importers; providing an effective date.

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

By Senator Trask—

SB 1315—A bill to be entitled An act relating to soil and water conservation; amending s. 582.06(2), Florida Statutes; increasing the membership of the Soil and Water Conservation Council of the Department of Agriculture and Consumer Services from five to nine; amending s. 582.18, Florida Statutes; changing election procedures for supervisors of soil and water conservation districts; providing for the qualification of candidates for the 1978 elections; repealing s. 582.191, Florida Statutes, relating to election of successors to supervisors of existing districts; providing an effective date.

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

By Senator Peterson—

SB 1316—A bill to be entitled An act relating to environmental protection; amending s. 403.412(2)(a), (5), Florida Statutes; prescribing the persons and entities that may maintain an action for injunctive relief under s. 403.412, Florida Statutes; providing an effective date.

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

By Senator Vogt (by request)—

SB 1317—A bill to be entitled An act relating to water and sewer utilities; creating Part II of Chapter 367, Florida Statutes; providing definitions; authorizing privately owned water or sewer utilities to levy and collect assessments for assessable improvements against property benefitted; providing a lien against such property for unpaid assessments and providing that such lien is applicable to property owned by local government; providing for assessment of attorney's fees; providing an effective date.

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

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 HB 1339 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Dyer and others—

HB 1339—A bill to be entitled An act relating to state holidays; proclaiming May 3, 1978, as "Sun Day"; providing for observance and celebration thereof; providing an effective date.

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

*The Honorable Lew Brantley, President*

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

HB 35                      HB 268                      HB 415  
 HB 1169                    HB 447

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Maxwell—

HB 35—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112-0801, Florida Statutes, authorizing community colleges which provide group insurance plans for employees to continue such coverage with respect to retired employees under certain circumstances; 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 Representative Gustafson—

HB 268—A bill to be entitled An act relating to the Legislature; amending s. 11.02, Florida Statutes, relating to the publication in newspapers of notice of special or local legislation; providing an effective date.

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

By Representative Hutto and others—

HB 1169—A bill to be entitled An act relating to alimony and garnishment; amending s. 61.12(2), Florida Statutes, authorizing a court to issue a continuing writ of garnishment for the periodic payment of alimony; providing an effective date.

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

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

HB 447—A bill to be entitled An act relating to veterans; amending ss. 295.07, 295.09, 295.10, 295.11, and 295.14(1), Florida Statutes, relating to preferences in employment and promotion for certain veterans or their spouses by the state or its political subdivision; deleting references to certain time limitations; clarifying certain references to include certain veteran's spouses, widows, and widowers; specifying application of penalties for failure to file required reports; specifying that penalties apply to appointed officers of the state and its political subdivisions; providing an effective date.

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

By Representatives Hutto and Bloom—

HB 415—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413(4)(a) and (5)(a), Florida Statutes, providing that the operator of a motor vehicle shall be deemed in violation of the Florida Litter Law when litter is thrown or discarded from the motor vehicle; reducing the penalty for violation of the Florida Litter Law if the violation is for litter weighing less than 5 pounds; providing jurisdiction; providing for the assessment and collection of fines; providing for the disbursement of monies collected; providing certain civil penalties; providing an effective date.

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

The Senate recessed at 8:41 a.m.

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

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

Prayer by the Rev. Ray Finklea, pastor, St. Paul's United Methodist Church:

Our Father, God

I thank you for this day. I thank you for this day in this state of Florida; in this free land of United States. I thank you for those who have lived before us and have helped to make it the great land that it is.

Now, Lord, I pray for these state senators who have been elected to the task of keeping this a great state in a free land. Guide them in their work. Inspire them in their thinking. Prod them into doing those things; enacting that legislation; achieving that compromise that will be for the good of the people and the benefit of this state.

I pray with praise and thanksgiving. Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 2, 1978:

All bills remaining on the Special Order Calendar for May 1, 1978.

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

The Committee on Commerce recommends the following pass:

CS for SB 456                      SB 604  
CS for SB 466                      SB 786

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

The Committee on Commerce recommends the following pass: SB 541, SB 848

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

The Committee on Commerce recommends the following pass:

CS for SB 395                      SB 707 with 2 amendments  
SB 417                              SB 756  
SB 628 with 4 amendments      SB 764 with 1 amendment  
SB 645                              SB 774  
SB 665 with 1 amendment      SB 777 with 1 amendment  
SB 676                              SB 806  
SB 691                              SB 830

The bills were placed on the calendar.

The Committee on Commerce recommends the following not pass: SB 618

The bill was laid on the table.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote House Bills 378 and 467 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Zinkil, by two-thirds vote SB 255 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Jon Thomas, the rules were waived and by two-thirds vote HB 1339 was withdrawn from the Committees on Commerce, Governmental Operations and Rules and Calendar and by two-thirds vote placed first on the special order calendar.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 769 was withdrawn from the Committee on Appropriations and by two-thirds vote placed second on the special order calendar.

On motion by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to consider SB 871 May 3.

On motion by Senator Gallen, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to meet May 4 from 2:00 p.m. until 5:00 p.m. in lieu of 3:30 p.m. until 5:00 p.m. as scheduled.

On motion by Senator Barron, the rules were waived and the Committee on Governmental Operations was granted permission to consider SB 564 this day.

On motion by Senator Pat Thomas, by two-thirds vote SB 419 was placed at the end of the special order calendar.

On motion by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to consider SB 1308 May 3.

#### REQUESTS FOR EXTENSION OF TIME

May 2, 1978

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

SB 40 by Senator Graham	SB 779 by Senator Ware
SB 243 by Senator Renick	SJR 840 by Senator Sayler
SB 509 by Senator Chamberlin	SB 847 by Senator Sayler
SB 613 by Senator Pat Thomas	HB 73 by Representative Woodruff

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

SB 42 by Senator Graham	SB 468 by Senator Castor
SB 56 by Senator Zinkil	SB 510 by Senator Peterson
SB 260 by Senator Gordon	SB 522 by Senator Gordon
SB 265 by Senator Tobiassen	SB 542 by Senator Dunn
SB 270 by Senator Gordon	SB 548 by Senator Johnston
SB 328 by Senator Tobiassen	SB 550 by Senator Johnston
SB 239 by Senator Firestone	SB 788 by Senator Gordon
SB 360 by Senator Holloway	SB 818 by Senator Dunn
SB 463 by Senator Jon Thomas	SB 823 by Senator MacKay
SB 465 by Senator MacKay	SB 829 by Senator Spicola

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

SB 93 by Senator Graham	HB 617 by Representative Mixson
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The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following:

SB 53 by Senator Zinkil	sumer Affairs Committee
SB 77 by Economic, Community and Consumer Affairs Committee	SB 168 by Senator Firestone
SB 78 by Economic, Community and Consumer Affairs Committee	SB 170 by Senator Firestone
SB 79 by Economic, Community and Consumer Affairs Committee	SB 263 by Senator Gallen
	SB 293 by Senator Firestone
	SB 304 by Senator Firestone
	SB 528 by Senator Sayler
	SB 572 by Senator MacKay
	SB 725 by Senator Gallen
	SB 615 by Senator Gallen

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

SB 153 by Senator Scarborough	SB 513 by Senator Dunn
SB 236 by Senator Glisson	SB 515 by Senators Trask and Renick
SB 369 by Senator Dunn	SB 614 by Senator Pat Thomas
SB 393 by Senator Lewis	
SB 394 by Senators Williamson and Dunn	

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

SB 842 by Senators Plante and Dunn	SB 850 by Senator Dunn (by request)
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The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

- SCR 3 by Senator Wilson and others
- SJR 4 by Senator Wilson and others
- SR 5 by Senator Wilson and others
- SB 6 by Senator Wilson and others
- SJR 11 by Senator Zinkil and others
- SM 13 by Senator Jon Thomas
- SM 21 by Senator Saylor and others
- SB 50 by Senator Graham
- SB 60 by Senator Saylor
- SCR 62 by Senator Saylor
- SB 66 by Senator Renick
- SB 91 by Senator Graham
- SCR 123 by Senator Saylor
- SJR 126 by Senator Hair
- SB 140 by Senator Williamson
- SR 174 by Senator W. D. Childers
- SM 218 by Senator Skinner
- SB 246 by Senator Johnston
- SM 251 by Senator Glisson
- SJR 282 by Senator Jon Thomas
- SJR 288 by Senator Chamberlin and others
- SJR 344 by Senator Saylor
- SB 374 by Senator Henderson
- SB 440 by Senator Gordon
- SB 471 by Senator Vogt
- SJR 485 by Senator W. D. Childers
- SM 529 by Senator Renick
- SB 568 by Senator Vogt and others
- SCR 574 by Senator Henderson
- SB 595 by Senator Gallen
- SB 610 by Senator Johnston and others
- SB 626 by Senator Vogt
- SJR 652 by Senator McClain
- SM 709 by Senator Dunn
- SB 785 by Senator Vogt
- SCR 791 by Senator Brantley and others
- SCR 810 by Senator Henderson
- SCR 820 by Senator Renick
- SM 826 by Senator Renick
- SB 828 by Senator Spicola and others
- SJR 844 by Committee on Judiciary-Civil
- SR 861 by Senator Tobiasen and others
- SB 914 by Senator Johnston
- HM 7 by Representatives Nuckolls and Hodges
- HB 141 by Representative Hutto and others
- HM 240 by Committee on Veterans Affairs and others
- HM 341 by Representative Lewis, T., and others
- HM 488 by Committee on Veterans Affairs and others
- HM 622 by Representative Warner and others

May 1, 1978

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

- SB 808 by Senator Gallen
- SB 809 by Senator Myers and others
- SB 814 by Senator Dunn
- SB 827 by Senator Gallen
- SB 841 by Senator Saylor
- SB 846 by Senator Firestone
- SB 851 by Senator Dunn
- SB 871 by Senator Hair
- SB 872 by Senator Vogt
- SB 873 by Senator Firestone
- SB 876 by Senator Jon Thomas and others
- SB 887 by Senator Scott
- SB 901 by Senator Plante
- SB 905 by Senator Castor
- SB 912 by Senator Plante
- SB 913 by Senator Chamberlin
- HB 6 by Representative Mixson
- HB 54 by Representative Ready and others
- HB 169 by Representative Cherry and others
- HB 170 by Representative Culbreath and others
- HB 718 by Committee on Tourism and Economic Development and others

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

**Appointments Subject to Confirmation by the Senate**

The Secretary of State on April 27, 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:

John W. Daniels, Saint Augustine, Member of the Board of Trustees of Saint Johns River Community College, for term ending May 31, 1981

Robert Wilbur Padrick, Fort Pierce, Member of the South Florida Water Management District, for term ending July 1, 1982

—which were referred to the Committee on Executive Business.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 392 and SB 414.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

**MATTERS ON RECONSIDERATION**

The motion by Senator Ware on May 1 that the Senate reconsider the vote by which SB 499 passed on May 1, was taken up and adopted; and the Senate reconsidered the vote.

On motions by Senator Ware, by two-thirds vote—

**HB 192**—A bill to be entitled An act relating to district school depositories; adding subsection (4) to s. 237.211, Florida Statutes; authorizing district school boards to establish the form of warrants for the payment or disbursement of moneys out of the school depository; authorizing direct deposit of funds under certain circumstances; providing an effective date.

—a companion measure was substituted for SB 499 and read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Ware and adopted:

**Amendment 1**—On page 1, after the period on line 31 insert: *The State Board of Education shall adopt rules prescribing minimum security measures that must be implemented by any school board prior to establishing the system authorized herein.*

On motion by Senator Ware, by two-thirds vote HB 192 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

- |                 |           |             |            |
|-----------------|-----------|-------------|------------|
| Mr. President   | Gordon    | Plante      | Vogt       |
| Barron          | Gorman    | Poston      | Ware       |
| Castor          | Hair      | Renick      | Williamson |
| Chamberlin      | Henderson | Scott       | Wilson     |
| Childers, Don   | Johnston  | Spicola     | Winn       |
| Childers, W. D. | Lewis     | Thomas, Jon | Zinkil     |
| Firestone       | MacKay    | Thomas, Pat |            |
| Gallen          | McClain   | Tobiasen    |            |
| Glisson         | Peterson  | Trask       |            |

Nays—None

Votes after roll call:

Yea—Dunn, Graham, Myers

SB 499 was laid on the table.

**SPECIAL ORDER**

On motion by Senator Jon Thomas, by two-thirds vote—

**HB 1339**—A bill to be entitled An act relating to state holidays; proclaiming May 3, 1978, as "Sun Day"; providing for observance and celebration thereof; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote HB 1339 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

- |                 |           |             |            |
|-----------------|-----------|-------------|------------|
| Mr. President   | Gorman    | Plante      | Trask      |
| Barron          | Hair      | Poston      | Vogt       |
| Castor          | Henderson | Renick      | Ware       |
| Chamberlin      | Holloway  | Scarborough | Williamson |
| Childers, Don   | Johnston  | Scott       | Wilson     |
| Childers, W. D. | Lewis     | Spicola     | Winn       |
| Gallen          | MacKay    | Thomas, Jon |            |
| Glisson         | McClain   | Thomas, Pat |            |
| Gordon          | Peterson  | Tobiasen    |            |

Nays—None

Votes after roll call:

Yea—Dunn, Firestone, Graham, Myers

SB 769—A bill to be entitled An act relating to the Florida State University Law Review; amending s. 283.26, Florida Statutes; authorizing the granting of reprint rights, the sale of stock and inventories of published issues, and the retention of various proceeds from publication; creating a trust fund for moneys retained to be used for payment of printing or publication costs; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 769 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Graham, Myers, Peterson

SB 473—A bill to be entitled An act relating to automobile insurance; authorizing a research project; providing an appropriation; requiring a report; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 12, 13, 14, strike “alternative compensation systems and investigate the equity of various cost distribution programs relating to automobile insurance.” and insert: alternative systems for the compensation of automobile accident victims and investigate the equity of various claims cost distribution programs designed to spread the cost of such compensation throughout the automobile insurance system.

On motion by Senator Scarborough, by two-thirds vote SB 473 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—Holloway, Myers, Wilson

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

CS for SB 688—A bill to be entitled An act relating to the Human Rights Act of 1977; providing legislative intent; amending s. 13.261(8)(b), Florida Statutes; permitting the involuntary retirement of certain persons; providing an effective date.

—was read the first time by title and SB 688 was laid on the table.

On motions by Senator W. D. Childers, by two-thirds vote CS for SB 688 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Glisson	Wilson
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Senator Barron presiding

On motion by Senator Gallen consideration of SB 205 was deferred.

HB 935—A bill to be entitled An act relating to autopsies; amending s. 872.04, Florida Statutes, defining “autopsy”; providing conditions under which consent is required and methods by which it may be given; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote HB 935 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—Graham, Hair

SB 534—A bill to be entitled An act relating to highways; naming United States Highway 90 between Tallahassee and Quincy, Florida, in honor of veterans of United States military service; directing the Department of Transportation to erect appropriate markers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 23 and 26 strike “Parkway” and insert: Highway

On motion by Senator Pat Thomas, by two-thirds vote SB 534 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	Henderson	Sayler	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, Don	Johnston	Scott	Williamson
Childers, W. D.	Lewis	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Glisson	Myers	Thomas, Pat	
Gordon	Poston	Tobiassen	
Gorman	Renick	Trask	

Nays—None

Votes after roll call:

Yea—Graham, Hair, Peterson

SB 754—A bill to be entitled An act relating to fire investigation; amending s. 633.111, Florida Statutes, requiring the State Fire Marshal to maintain certain records; creating s. 633.175, Florida Statutes, requiring insurance company personnel to release information to the State Fire Marshal or an agent appointed pursuant to s. 633.02, Florida Statutes, with respect to an insurance claim relating to loss of real or personal property upon request; providing specified information to be released; requiring insurance companies to report certain information relative to fire losses; limiting liability with respect to such information; providing for the confidentiality of disclosed information; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31, after the word "inspection" insert: under the provisions of Section 119.07(1)

Amendment 2—On page 1, line 30, after the word "confidential" insert: public records

On motion by Senator McClain, by two-thirds vote SB 754 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yea—Graham, Hair, Holloway

SB 110—A bill to be entitled An act relating to political advertisements; amending s. 106.142, Florida Statutes; excluding the campaign messages designed to be worn on the person of a candidate or his supporters from the definition of a "political advertisement;" renumbering s. 106.143(4), Florida Statutes, and adding a new subsection (4) to said section; prohibiting any candidate or person on behalf of a candidate from disseminating any political advertisement which contains a factual statement that is untrue or is misleading; providing a penalty; 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 Sayler and adopted:

Amendment 1—On page 2, line 6, strike "or that is misleading"

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

Amendment 2—On page 2, line 5, after the word "which" insert: knowingly

Senators Sayler and Scott offered the following substitute amendment which was moved by Senator Sayler and adopted:

Amendment 3—On page 2, line 4, insert the word "knowingly" after the word "to"

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

Amendment 4—On page 1 in title, lines 12 and 13, strike "or is misleading"

On motion by Senator Sayler, by two-thirds vote SB 110 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	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Sayler	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lewis	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil
Gordon	Peterson	Thomas, Pat	

Nays—None

Votes after roll call:

Yea—Graham, Hair

SB 326—A bill to be entitled An act relating to the Florida Casualty Insurance Risk Management Trust Fund; amending s. 284.34, Florida Statutes; providing that certain coverages are excluded unless authorized by the Department of Insurance; providing that certain self-insurance programs of the Board of Regents shall not be affected; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 326 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Graham

SB 500—A bill to be entitled An act relating to insurance; creating s. 624.433, Florida Statutes; requiring any products liability insurer to submit certain information annually to the Department of Insurance; requiring the department to publish a summary of such information annually; providing an effective date.

—was read the second time by title.

Senator Ware moved the following amendment which was adopted:

Amendment 1—On page 2, lines 11-12-13-14, strike all of said lines and re-letter, and on line 26 strike "4" and insert: 3

On motion by Senator Ware, by two-thirds vote SB 500 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	Peterson	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn
Gordon	Myers	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Graham

SB 274—A bill to be entitled An act relating to veterans; amending s. 292.11(1), Florida Statutes, requiring counties to employ county veteran service officers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 12, strike “shall may” and insert: may

Amendment 2—On page 2, between lines 7 and 8, insert: (2) Any county which provides services to veterans for any other county which does not employ a county veterans service officer shall be reimbursed for actual expenses for providing such services by the county for which the services are provided.

(Renumber subsequent section.)

Senator Firestone moved the following amendment which was adopted:

Amendment 3—On page 1, line 10, after “amended” insert: , and a new subsection (2) is added,

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

Amendment 4—On page 1 in title, lines 3 and 4, strike “requiring counties to employ county veteran service officers” and insert: providing for reimbursement for services provided between certain counties

Senator Firestone moved the following amendment to Amendment 4 which was adopted:

Amendment 4A—Before “providing” insert: adding s. 292.11 (2);

Amendment 4 as amended was adopted.

On motion by Senator Glisson, by two-thirds vote SB 274 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	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

Vote after roll call:

Yea—Graham

SB 552—A bill to be entitled An act relating to health; defining terms; requiring the Department of Health and Rehabilitative Services to establish certain pilot programs or contract with existing pilot programs; providing for the use of existing resources and of volunteers in such programs; providing for liability insurance for such volunteers; authorizing the department to accept funds; allowing the department to enter into contracts providing services for such programs; providing for funding support from entities entering into such contracts with the department; authorizing the department to require clients to help pay for the services provided by such programs; providing for fee schedules for such services; pro-

viding for the adoption of rules; requiring reports by the department; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 552 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Graham

By the Committee on Appropriations and Senators Castor and Peterson—

CS for SB 296—A bill to be entitled An act relating to the establishment and funding of school district programs; creating s. 230.2315, Florida Statutes; providing for educational alternative programs for students who are disruptive or unsuccessful in a normal school environment; providing legislative intent; providing definitions; amending ss. 236.081(1)(c), (d), (5), 229-565(2)(c), Florida Statutes; providing for annual funding of district school programs; providing for periodic evaluation of district student selection procedures for educational alternative programs; repealing ss. 229.542, 229.543, 229.545, 230.23(4)(n), 232.255, Florida Statutes, relating to district programs for educational leadership training, exceptional children, and safety of the school environment from vandalism and disruption; providing an effective date.

—was read the first time by title and SB 296 was laid on the table.

On motion by Senator Castor, by two-thirds vote CS for SB 296 was read the second time by title.

Senators Peterson, Castor and Dunn offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 9, line 9, insert a new Section 4.: Section 4. Paragraph (a) of subsection (3) of section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) For each program established in subparagraphs paragraph 236.081(1)(c)1. and 4., and for the aggregate of all programs in subparagraphs 236.081(1)(c)2. and 3., computed separately for each subparagraph, each district, on an aggregate basis, shall expend an amount equal to at least 80 percent of the funds generated for that program on the total school costs for that program.

Renumber subsequent sections.

Amendment 2—On page 4, line 18, after “programs” insert: , including maximum case loads for part-time programs,

Amendment 3—On page 1, in title, line 14, after the “;” insert: amending s. 237.34(3)(a), Florida Statutes, providing for program expenditure requirements;

On motion by Senator Castor, by two-thirds vote CS for SB 296 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Scott	Zinkil
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Votes after roll call:

Yea—Graham, Williamson  
 Nay—Sayler

SB 575—A bill to be entitled An act relating to teacher education centers; repealing s. 231.611, Florida Statutes, which requires statewide implementation of such centers, authorizes the Department of Education to approve centers, and prescribes the procedure for such approval; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 575 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Chamberlin	MacKay
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Votes after roll call:

Yea—Williamson  
 Nay—Graham  
 Yea to Nay—Firestone

SB 276—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.11(1), Florida Statutes; prescribing the filing deadline for tax returns; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote SB 276 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Graham

SB 551—A bill to be entitled An act relating to education; amending s. 228.041(10), (13), (21), Florida Statutes; defining terms; amending s. 228.051, Florida Statutes; deleting provisions classifying schools into kindergartens, elementary schools,

and secondary schools; amending s. 228.195(2), (3), Florida Statutes; providing for state and school district responsibility for school food service programs; amending s. 229.831(1), Florida Statutes; clarifying certain language; amending s. 230.03(4), Florida Statutes; providing for delegation of responsibility for school administration; amending s. 230.2313(2), (3)(d), (5), Florida Statutes; providing scope of student service programs; prescribing procedures for conducting follow-up studies; providing for supervision and duties of occupational and placement personnel; amending s. 236.39, Florida Statutes; deleting requirement that a voter in an election on a school district bond issue be a freeholder; amending s. 237.091(1), Florida Statutes; deleting requirement that a school district budget be approved by the Department of Education before the school board may determine the millage; amending s. 237.101, Florida Statutes; deleting requirement that Department of Education be made a party to certain suits; redesignating s. 233.0671, Florida Statutes as s. 230.7751, Florida Statutes; repealing ss. 229.065, 229.0651, Florida Statutes, relating to authorization of bond issues for 1971-1973 and 1973-1975 bienniums; repealing s. 229.514, Florida Statutes, relating to reorganization of the Department of Education; repealing ss. 229.542, 229.543, 229.545, Florida Statutes, relating to educational leadership training; repealing s. 229.806, Florida Statutes, relating to promotion and advertising of the advantages of teaching in Florida; repealing s. 229.821, Florida Statutes, relating to the bond or insurance required of private vocational schools and other such schools; repealing s. 230.232(2)-(7), Florida Statutes, relating to assignment of pupils; repealing s. 230.29, Florida Statutes, relating to the location of the office of the superintendent of schools; repealing s. 230.65, Florida Statutes, relating to the participation of area vocational-technical centers in the minimum foundation program; repealing s. 230.651, Florida Statutes, relating to the allocation of vocational education funds; repealing s. 230.67, Florida Statutes, relating to job placement and follow-up services; repealing ss. 230.7661, 230.767(2), (4)(b), Florida Statutes, relating to transportation funding for community colleges; repealing s. 232.255, Florida Statutes, relating to the school safety fund; repealing s. 233.066, Florida Statutes, relating to counseling services for elementary and secondary school pupils; repealing s. 233.0681, Florida Statutes, relating to occupational specialists; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, line 21, insert after "schools":  
*or programs*

**Amendment 2**—On page 8, line 26, insert a new Section 7:

Section 7. Subsection (1) of section 232.27, Florida Statutes, is amended to read:

232.27 Authority of teacher.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him by the principal or his designated representative and shall keep good order in the classroom and in other places in which he is assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

(1) The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. *However, this subsection shall not be construed as giving the principal the authority to prohibit the use of corporal punishment.*

Renumber subsequent sections

**Amendment 3**—On page 5, lines 3 and 4, strike "~~which shall be 196 days or longer,~~" and insert: which shall be 196 days or longer,

**Amendment 4**—On page 6, after line 27, insert: (4) ~~LEVEL OF STATE SUPPORT.~~—The state shall provide for the state matching requirements. The funds provided shall be distributed in such manner as to comply with the requirements for state

matching under the federal school lunch program. the per meal difference, when the computed cost of meals served to economically needy children exceeds:

- (a) Income from federal sources, and
- (b) Receipts from the sale of reduced price meals.

The computed cost of meals shall not exceed the necessary cost of obtaining, preparing, and serving such meals as prescribed by regulations of the state board.

**Amendment 5**—On page 6, strike all of line 15 and insert: Section 3. Subsections (2), (3), and (4) of section 228.195,

**Amendment 6**—On page 1 in title, line 19, insert after the “;”: amending s. 232.27(1), Florida Statutes, providing that school principals do not have the authority to prohibit the use of corporal punishment;

**Amendment 7**—On page 1 in title, line 8, after “(3),” insert: (4),

On motion by Senator Peterson, by two-thirds vote SB 551 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Graham

Senator Brantley moved that the Senate reconsider the vote by which SB 575 passed this day.

The motion was placed on the calendar for consideration May 3.

**SB 481**—A bill to be entitled An act relating to medical malpractice; amending s. 627.351(7)(d), Florida Statutes; providing for the termination of the temporary medical malpractice joint underwriting plan on July 1, 1981; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On pages 1 and 2, strike everything after the enacting clause and insert: Section 1. Subsection (7) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance Risk Apportionment Plan.—

(7)(a) The Department of Insurance shall, after consultation with insurers as set forth in paragraph (b), adopt a temporary joint underwriting plan as set forth in paragraph (d).

(b) Entities licensed to issue casualty insurance as defined in paragraphs 624.605(1)(b), (j), and (p) and self-insurers authorized to issue medical malpractice insurance under s. 627.357 shall participate in the plan and shall be members of the Temporary Joint Underwriting Association.

(c) The Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney to

be named by The Florida Bar, a physician to be named by the Florida Medical Association, and a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. The Board of Governors shall during the first meeting of the board after June 30 of each year choose one of its members to serve as chairman of the board, and another member to serve as vice chairman of the board.

(d) The temporary joint underwriting plan shall function for a period not exceeding 3 years from the date of this act of its adoption by the Department of Insurance, and if still in existence at the end of such 3-year period, it shall automatically terminate. The plan shall provide coverage for claims arising out of the rendering of, or failure to render, medical care or services and, in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities, in appropriate policy forms for all health care providers as defined in paragraph (i). The plan shall include, but not be limited to:

1. *Classifications* Rules for the classification of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for:

- a. Insureds who are retired or semiretired.
- b. The estates of deceased insureds.
- c. Part-time professionals.

4. Protection in an amount to be determined by the Insurance Commissioner. For those hospitals licensed under chapter 395 whose policies have been canceled since April 1, 1975, that have not been able otherwise to secure coverage in the standard market, the plan shall provide continuous coverage at the limits available in the plan from the above date.

5. Rules to implement the orderly dissolution of the plan at its termination.

The Insurance Commissioner may, in his discretion, require that insurers participating in the Joint Underwriting Association offer excess coverage.

(e) In the event an underwriting deficit exists for at the end of any policy year the plan is in effect, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the premium payment paid by such policyholder to the association for that policy year. The association shall pay no further claims on any policy for which the policyholder who fails to pay the premium contingency assessment.

1. Any deficit sustained under the plan shall first be recovered through the premium contingency assessment. ~~Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound.~~

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year immediately preceding the end of the policy year for which there is a deficit assessment bears to the aggregate net direct premiums written in this state by all members of the association. “Premiums” as used herein shall mean premiums for the lines of insurance defined in paragraphs 624.605(1)(b), (j), and (p), including premiums for such coverage issued under package policies.

(f) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan. In the event no insurer is able and willing to provide such services, the Joint Underwriting Association is authorized to perform any and all such services in an identical manner as though it were an authorized insurer.

(g) The Department of Insurance, prior to termination of the plan, shall determine whether a need reasonably exists for continuing coverage for those who have been insured by the plan, as to claims solely for incidents which occurred during the existence of the plan. If such need is found, the Department of Insurance shall establish a plan for the purchase of such coverage for a reasonable time, prior to termination of the plan.

(h) All books, records, documents, or audits relating to the Joint Underwriting Association or its operation shall be open to public inspection, except that a claim file in the possession of the Joint Underwriting Association shall not be available for review during the processing of that claim.

(i) As used in this subsection:

1. "Health care provider" means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopaths licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; clinical laboratories registered under chapter 483; physicians' assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part II of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facility as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Ambulatory surgical center" "Other medical facility" means a facility the primary purpose of which is to provide elective surgical care or human medical diagnostic services or medical care or treatment or a facility providing non-surgical human medical treatment and in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center "other medical facility".

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part II of chapter 641, or ambulatory surgical center licensed under chapter 395, or "other medical facility" as defined in subparagraph 2.

(j) The manager of the plan or his assistant is the agent for service of process for the plan.

Section 2. Section 768.54, Florida Statutes, 1977 is amended to read:

768.54 Limitation of liability and patient's compensation fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

- (a) "Fund" means the Florida Patient's Compensation Fund.
- (b) "Health care provider" means any:
  - 1. Hospital licensed under chapter 395.
  - 2. Physician licensed, or physician's assistant certified, under chapter 458.
  - 3. Osteopath licensed under chapter 459.
  - 4. Podiatrist licensed under chapter 461.
  - 5. Health maintenance organization certificated under part II of chapter 641.
  - 6. Ambulatory surgical center, as defined in paragraph (c) licensed under chapter 395.
  - 7. "Other medical facility" as defined in paragraph (c).
  - 8. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(c) "Ambulatory surgical center" "Other medical facility" means a facility the primary purpose of which is to provide

elective surgical care or human medical diagnostic services or medical care or treatment, or a facility providing nonsurgical human medical treatment and in which the patient is admitted to and discharged from said facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine, shall not be construed to be an ambulatory surgical center "other medical facility".

(d) "Hospital" means a hospital licensed under chapter 395.

(e) "Health maintenance organization" means any health maintenance organization certificated under part II of chapter 641.

(2) LIMITATION OF LIABILITY.—

(a) All hospitals shall, unless exempted under paragraph (c), and all health care providers other than hospitals may, prior to practicing or operating during any fiscal year of the fund, pay the yearly fee and assessment or, in cases in which such hospital or health care provider joined the fund after the fiscal year had begun, a prorated assessment into the fund pursuant to subsection (3).

(b) A health care provider shall not be liable for an amount in excess of \$100,000 per claim for claims covered under subsection (3) in this state if, the health care provider had paid the fees required pursuant to subsection (3) for the year in which the incident occurred for which the claim is filed, an adequate defense for the fund is provided, and pays at least the initial \$100,000 or the maximum limit of the underlying coverage maintained by the health care provider on the date when the incident occurred for which the claim is filed, whichever is greater, of any settlement or judgment against the health care provider for the claim in accordance with sub-paragraph (3)(c) hereof. A health care provider may have the necessary funds available for payment when due or an adequate defense for the fund may be provided by the use of: at the time the incident giving rise to the cause of the claim occurred, the health care provider:

1. Had:

a. Posted 1. A bond in the amount of \$100,000 per claim and three times the per claim limit in the aggregate per year, plus an additional amount as determined by the Department of Health and Rehabilitative Services which is sufficient to meet claims defense and expenses;

b. Proved financial responsibility 2. An adequate escrow account in the amount of \$100,000 per claim and three times the per claim limit in the aggregate per year, plus an additional amount as determined by the Department of Health and Rehabilitative Services which is sufficient to meet claims defense and expenses; to the satisfaction of the board of governors of the fund through the establishment of an appropriate escrow account;

c. Obtained medical 3. Medical malpractice insurance in the amount of \$100,000 or more per claim from private insurers or the Joint Underwriting Association established under subsection 627.351(7); or

d. Obtained self insurance 4. Self insurance as provided in s. 627.357, providing coverage in an amount of \$100,000 or more per claim and three times the per claim limit in the aggregate per year, plus an additional amount as determined by the Department of Health and Rehabilitative Services which is sufficient to meet claims defense and expenses, and.

2. Had paid, for the year in which the incident occurred for which the claim was filed, the fee required pursuant to subsection (3).

(c) Any hospital that can meet one of the following provisions demonstrating financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or failure to render medical care or services and for bodily injury or property damage to the person or property of any patient arising out of the insured's activities in this state shall not be required to participate in the fund:

1. Post bond in an amount equivalent to \$10,000 per claim for each hospital bed in said hospital, not to exceed a \$2,500,000 annual aggregate;

2. Prove financial responsibility Establish an escrow account in an amount equivalent to \$10,000 per claim for each

hospital bed in said hospital, not to exceed a \$2,500,000 annual aggregate, to the satisfaction of the Department of Health and Rehabilitative Services; board of governors of the fund, through the establishment of an appropriate escrow account;

3. Obtain professional liability coverage in an amount equivalent to \$10,000 or more per claim for each bed in said hospital from a private insurer, from the Joint Underwriting Association established under subsection 627.351(7), or through a plan of self-insurance as provided in s. 627.357; however, no hospital shall be required to obtain such coverage in an amount exceeding a \$2,500,000 annual aggregate.

(d) 1. Any health care provider who does not participate in the fund, or participates and does not meet the provisions of paragraph (b), shall be subject to liability under law without regard to the provisions of this section.

2. ~~Annually, the Department of Health and Rehabilitative Services shall require certification by each hospital that said hospital is in compliance, and shall remain in compliance, with the provisions of this section. The license of any hospital not in compliance, or failing to remain in compliance, with the provisions of this section, or of any hospital failing to provide such certification, shall be revoked or suspended by said department. Annually, the Department of Health and Rehabilitative Services shall require documentation by each hospital that said hospital is in compliance, and shall remain in compliance, with the provisions of this section. The Department shall review the documentation and then deliver the documentation to the Board of Governors. At least 60 days prior to the time a license will be issued or renewed, the Department shall request from the Board of Governors a certification that each hospital is in compliance with the provisions of this section. The Board of Governors shall not be liable under the law for any erroneous certification. The department shall not issue or renew the license of any hospital which has not been certified by the Board of Governors. The license of any hospital which fails to remain in compliance or fails to provide such documentation shall be revoked or suspended by the department.~~

(e) The limitation of liability and coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458 ~~who are not in a resident training program~~, physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, dentists licensed under chapter 466, and podiatrists licensed under chapter 461. ~~However, the limitation of liability afforded by the fund for a participating hospital shall apply to employed physicians in a resident training program or physicians performing purely administrative duties for the participating hospitals other than the treatment of patients.~~

### (3) PATIENT'S COMPENSATION FUND.—

(a) The fund.—There is created a "Florida Patient's Compensation Fund," hereinafter referred to as the "fund," for the purpose of paying that portion of any ~~medical malpractice claim for health care providers, or [claim] claim arising out of the rendering of or failure to render medical care or services for health care providers or any claim for~~ bodily injury or property damage to the person or property of any patient arising out of the insureds' activities for those health care providers set forth in subparagraphs (1)(b) 1., 5., 6. and 6., 7. which is in excess of the limits as set forth in paragraph (2) (b). The fund shall be liable only for payment of claims against health care providers who are in compliance with the provisions of paragraph (2)(b), of reasonable and necessary expenses incurred in the payment of claims, and of fund administrative expenses.

(b) *Fund administration and operation.*—Management of the fund shall be vested with the Joint Underwriting Association authorized by subsection 627.351(7), hereinafter referred to as the "JUA." The JUA shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the JUA, an attorney to be named by the Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, ~~and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. The Board of Governors shall during the first meeting after June 30 of each year choose one of its members to serve~~

*as chairman of the board, and another member to serve as vice chairman of the board.* In the event of termination or dissolution of said JUA with respect to providing professional liability, malpractice insurance, or insurance for bodily injury or property damage to the person or property of any patient arising out of the insureds' activities, the JUA shall continue to operate for the purpose of fund management as provided in this subsection.

(c) Fees and assessments.—Annually, each health care provider, as set forth in subsection (2), electing to comply with paragraph (2)(b) shall pay the fees established under this act, for deposit into the fund, which shall be remitted for deposit in a manner prescribed by the Insurance Commissioner. ~~The coverage limitation of liability provided by the fund shall begin July 1, 1975, and run thereafter on a fiscal year basis. For the first year of participation membership, each participating health care provider covered under the fund shall pay a base fee for deposit into the fund in the amount of \$1,000 for any individual, or \$300 per bed, for any hospital. Those entering the fund after the fiscal year has begun shall pay a prorated share of the yearly fees for a prorated membership. The base fee charged after the first year of participation shall consist of a base fee of \$500 for any individual, or \$300 per bed, for any hospital. The base fees or assessments to be paid by those health care providers defined in subparagraphs (1)(b) 5., 6., 7. and 7. 8. shall be established by the fund on an actuarially sound basis. In addition, after the first year of operation, additional fees shall be assessed, may be charged but shall be appropriately prorated for the portion of the year for which the health care provider participated in the fund, based on the following considerations:~~

1. Past and prospective loss and expense experience in different types of practice and in different geographical areas within the state;
2. The prior claims experience of the members covered under the fund; and
3. Risk factors for persons who are retired, semiretired, or part-time professionals.

Said base fees may be adjusted downward for any fiscal year in which a lesser amount would be adequate and in which the additional fee would not be necessary to maintain the solvency of the fund. Said additional fee shall be based on not more than two geographical areas with three categories of practice and with categories which contemplate ~~individual separate~~ risk ratings for hospitals, for health maintenance organizations, ~~and for ambulatory surgical facilities and for other medical facilities.~~ Each fiscal year of the fund shall operate independently of preceding fiscal years. Participants shall only be liable for assessments for claims from years during which they were members of the fund; in cases in which a participant is a member of the fund for less than the total fiscal year, a member [the participant] shall be subject to assessments for that year on a prorata basis determined by the percentage of participation for the year ~~participated~~. The fund shall be maintained at not more than \$25,000,000 per fiscal year. ~~Fees and refunds~~ Additional fees, assessments or refunds shall be set by the Insurance Commissioner after consultation with the JUA. Nothing contained herein shall be construed as imposing liability for payment of any part of a fund deficit on the JUA or its member insurers. If the fund determines that the amount of money in an account for a given fiscal year is *in excess of, or not sufficient to satisfy the claims made against the account,* the fund shall certify the amount of the projected *excess or insufficiency* to the Insurance Commissioner and request the Insurance Commissioner to levy ~~an a deficit~~ assessment against *or refund* to all participants in the fund for that fiscal year, prorated, based on the number of days of participation during the year in question. The Insurance Commissioner shall order such refund to, or levy such ~~deficit~~ assessment against, such participants in amounts that fairly reflect the classifications prescribed above and are sufficient to obtain the money necessary to meet all claims for said fiscal year. In no case shall any ~~deficit~~ assessment for a particular year against any health care provider other than a ~~hospital~~ *those health care providers defined in subsection (1) (b) 1., 5., 6., and 7.* exceed an amount equal to the fees ~~or assessments~~ originally paid by such health care provider for participation in the fund for the year giving rise to such ~~deficit~~ assessment.

(d) Fund accounting and audit.—

1. Moneys shall be withdrawn from the fund only upon vouchers approved by the JUA as authorized by the board of governors.

2. All books, records, and audits of the fund shall be open for reasonable inspection to the general public, except that a claim file in possession of the fund shall not be available for review during processing of that claim.

3. Persons authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any fund moneys shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the fund shall furnish, upon request, audited financial reports to any fund participant and to the Department of Insurance and the Joint Legislative Auditing Committee. The reports shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee.

5. Moneys held in the fund shall be invested in interest-bearing investments by the JUA as administrator. However, in no case shall said moneys be invested for longer than 3 years or in the stock of any insurer participating in the JUA or in the parent company or company owning a controlling interest of said insurer. All income derived from such investments shall be credited to the fund.

6. Any health care provider participating in the fund may withdraw from such participation only at the end of a fiscal year; however, such health care provider shall remain subject to any deficit assessment or any refund pertaining to any year in which such person or hospital member participated in the fund.

(e) *Claims procedures.*—

1. Any person may file an action against a participating health care provider for damages covered under the fund, except that the person filing the claim shall not recover against the fund for any portion of a judgment for damages arising out of the rendering of, or failure to render, medical care or services against a health care provider for damages covered under the fund unless the fund was named as a defendant in the suit. The fund is not required to actively defend a claim until the provisions of s. 768.44 are completed or waived, suit instituted, and the fund is named therein. If, after the facts upon which the claim is based are reviewed, it appears that the claim will exceed \$100,000 or, if greater, the amount of the health care provider's basic coverage, the fund shall appear and actively defend itself when named as a defendant in the suit. In so defending, the fund shall retain counsel and pay out of the account for the appropriate year attorneys' fees and expenses, including court costs incurred in defending the fund. In any claim the attorney or law firm retained to defend the fund shall not be retained to defend the JUA. The fund is authorized to negotiate with any claimants having a judgment exceeding \$100,000 cost to the fund to reach an agreement as to the manner in which that portion of the judgment exceeding that \$100,000 cost is to be paid. Any judgment affecting the fund may be appealed under the Florida Appellate Rules of Procedure, as with any defendant.

2. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider who is also covered by the fund to provide an adequate defense on any claim filed which potentially affects the fund, with respect to such insurance contract or self-insurance contract. The insurer or self-insurer shall act in a fiduciary relationship toward the fund with respect to any claim affecting the fund. No settlement exceeding \$100,000, or any other amount which could require payment by the fund, shall be agreed to unless approved by the fund.

3. A person who has recovered a final judgment or a settlement approved by the fund against a health care provider who is covered by the fund may file a claim with the fund to recover that portion of such judgment or settlement which is in excess of \$100,000 or the amount of the health care provider's basic coverage, if greater, as set forth in paragraph (2)(b). In the event an account for a given year incurs liability exceeding \$100,000 to all persons under a single occurrence, the persons recovering shall be paid from the account at a rate not more than \$100,000 per person per year until the claim has been paid in full, except that court costs and reasonable attorney's fees shall be paid in one lump sum within 90 days after the settlement or judgment is rendered. Such fees shall not reduce the amount of the annual award.

4. Settlements or judgments against the fund shall be paid in the order received within 90 days after the date of settlement or judgment, unless appealed by the fund. If the account for a given year does not have enough money to pay all of the settlements or judgments, those claims received after the funds are exhausted shall be immediately payable from the assessments of participants for that year, in the order in which they are received.

5. If a health care provider participating in the fund has coverage in excess of \$100,000 per claim, such health care provider shall be liable for losses up to the amount of his coverage, and such health care provider shall receive an appropriate reduction of the fees and assessments for participation in the fund. Such reduction shall be granted only after that health care provider has proved to the satisfaction of the fund that such health care provider had such coverage during the period of membership of the fiscal year.

6. The manager of the JUA or his assistant is the agent for service of process for the plan.

Section 3. This Act shall become effective on July 1, 1978.

Amendment 2—On page 1, strike all of lines 1-6 and insert: A bill to be entitled An act relating to medical malpractice insurance and limitation of liability; amending subsection (7) of section 627.351, Florida Statutes, relating to Insurance Risk Apportionment Plan; extending the term during which the plan will function for 3 years from the effective date of this act; removing the insurance commissioner from the board of governors; providing for the election of the chairman and vice chairman of the board; deleting the requirement to provide coverage for hospitals whose policies had been cancelled between April 1, 1975 and July 1, 1975; providing a definition of "other medical facility"; including "other medical facility" in the definition of "health care facility"; amending section 768.54, Florida Statutes; removing the insurance commissioner from the board of governors; providing a definition of "other medical facility"; providing qualifications for limitation of liability; establishing qualifications for hospitals to be allowed not to participate in the fund; requiring documentation by hospitals of compliance with the financial responsibility requirements of such section and providing for the revocation of the license of subject hospitals for non-compliance; requiring the Department of Health and Rehabilitative Services to review hospital escrow accounts; providing a definition of the claims for which the fund will pay; providing for base fees, additional fees, refunds and assessments for the fund; modifying the requirements for investment of fund moneys; specifying claims procedures for the fund; providing an effective date.

On motion by Senator Ware, by two-thirds vote SB 481 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Graham, Jon Thomas

SB 720—A bill to be entitled An act relating to federal stock associations; amending s. 665.710, Florida Statutes; providing that such associations may convert to capital stock associations; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 665.061, Florida Statutes, is amended to read:

## 665.061 Conversion.—without change of business form.—

(1) CONVERSION INTO FEDERAL SAVINGS ASSOCIATION.—At an annual meeting or at any special meeting of the members or stockholders called to consider such action, any association or corporation of this state doing a home-financing business may convert itself into a federal savings association or federal savings and loan association, hereinafter called "Federal Association," in accordance with the laws of the United States, as now or hereafter amended, upon a vote of 51 percent or more of the total number of votes of the members or stockholders eligible to be cast. A copy of the minutes of the proceedings of such meeting of the members or stockholders, verified by the affidavit of the secretary or an assistant secretary, shall be filed with the department within 10 days after the date of such meeting. A sworn copy of the proceedings of such meeting, when so filed, shall be presumptive evidence of the holding and action of such meeting. Within 3 months after the date of such meeting, the association shall take such action in the manner prescribed and authorized by the laws of the United States as shall make it a federal association. There shall be filed with the department a copy of the charter issued to such federal association by the Federal Home Loan Bank Board or a certificate showing the organization of such association as a federal association, certified by the secretary or assistant secretary of the Federal Home Loan Bank Board. A similar copy of the charter or of such certificate, shall be filed by the association with the Department of State. No failure to file any such instruments with either the Department of Banking and Finance or the Department of State shall affect the validity of such conversion. Upon the grant to any association of a charter by the Federal Home Loan Bank Board, the association receiving such charter shall cease to be an association incorporated under this chapter and shall no longer be subject to the supervision and control of the department. Upon the conversion of any association into a federal association, the corporate existence of such association shall not terminate, but such federal association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles, and interest in all and to all property of whatever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately by operation of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such federal association into which the state association has converted itself, and such federal association shall have, hold, and enjoy the same in its own right as fully and to the same extent as the same was possessed, held, and enjoyed by the converting association. Such federal association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations and relations of the converting association. All pending actions and other judicial proceedings to which the converting state association is a party shall not be deemed to have abated or to have discontinued by reason of such conversion, but may be prosecuted to final judgment, order, or decree in the same manner as if such conversion into such federal association had not been made and such federal association resulting from such conversion may continue such action in its corporate name as a federal association, and any judgment, order or decree may be rendered for or against it which might have been rendered for or against the converting state association theretofore involved in such judicial proceedings. Any association or corporation, which has heretofore converted itself into a federal association under the provisions of the Laws of the United States and has received a charter from the Federal Home Loan Bank Board, shall hereafter be recognized as a federal association, and its federal charter shall be given full recognition by the courts of this state to the same extent as if such conversion had taken place under the provisions of this section; provided, however, that there shall have been compliance with the foregoing requirements with respect to the filing with the department of a copy of the federal charter or a certificate showing the organization of such association as a federal association. All such conversions are hereby ratified and confirmed, and all the obligations of such an association which has so converted shall continue as valid and subsisting obligations of such federal association, and the title to all of the property of such an association shall be deemed to have continued and vested, as of the date of issuance of such federal charter, in such federal association as fully and completely as if such conversion had taken place since the enactment of this chapter pursuant to this section.

(2) CONVERSION INTO STATE CHARTERED ASSOCIATION.—At an annual meeting or at any special meeting of the members or stockholders called to consider such action, any federal association may convert itself into an association under this chapter upon a vote of 51 percent or more of the total number of votes of the members or stockholders of such federal association eligible to be cast. Copies of the minutes of the proceedings of such meeting of members or stockholders, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the department and mailed to the Federal Home Loan Bank Board, Washington, D. C., within 10 days after such meeting. Such verified copies of the proceedings of the meeting when so filed shall be presumptive evidence of the holding and action of such meeting. At the meeting at which conversion is voted upon, the members or stockholders shall also vote upon the directors who shall be the directors of the state-chartered association after conversion takes effect. Such directors shall then execute two copies of the petition for certificate of incorporation and two copies of the bylaws. The department shall insert in the certificate of incorporation, at the end of the paragraph preceding the testimonium clause, the following: "This association is incorporated by conversion from a federal association." All of the directors who are chosen for the association shall sign and acknowledge the petition for certificate of incorporation as subscribers thereto and the proposed bylaws as incorporators of the association. The provisions of this chapter shall, so far as applicable, apply to such conversion under this chapter section. The department may provide, by regulation rule, for the procedure to be followed by any such federal association converting into a state-chartered association. All the provisions regarding property and other rights contained in the preceding subsection shall apply, in reverse order, to the conversion of a federal association into an association incorporated under this chapter, so that the state-chartered association shall be a continuation of the corporate entity of the converting federal association and continue to have all of its property and rights.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, lines 2 through 6, insert: An act relating to the Savings Association Act; amending §665-061, Florida Statutes, to provide for the conversion of federal stock associations to capital stock associations or vice versa; providing an effective date.

On motion by Senator MacKay, by two-thirds vote SB 720 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—31

Barron	Hair	Poston	Tobiasen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Johnston	Saylor	Vogt
Childers, W. D.	Lewis	Scarborough	Ware
Firestone	MacKay	Skinner	Williamson
Glisson	McClain	Spicola	Winn
Gordon	Myers	Thomas, Jon	Zinkil
Gorman	Peterson	Thomas, Pat	

## Nays—None

## Vote after roll call:

Yea—Graham

Consideration of Senate Bills 298, 637 and 193 was deferred.

## The President presiding

SB 195—A bill to be entitled An act relating to witnesses; adding s. 914.001(3), Florida Statutes; providing for service of certain witnesses subpoenas in criminal cases by certified mail, return receipt requested; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 195 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Graham

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.

—having been read the second time and amended April 26, was taken up together with pending Amendment 2, which was withdrawn by Senator Spicola.

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

**Amendment 3**—On page 1, strike everything after the enacting clause and insert: Section 1. Definitions.—As used in this act, unless the context otherwise requires:

(1) "Agency" means any official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of state government.

(2) "Permit" means any permit or license required by chapters 161, 253, 373, 380 or 403, Florida Statutes.

Section 2. In addition to any other remedy provided by law, any person aggrieved by a decision of any agency with respect to a permit may seek review of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located. Such review shall be initiated within 30 days following rendition of the agency decision.

Section 3. If the court determines the decision reviewed is an unreasonable exercise of the state's police power constituting a taking without just compensation, the court shall remand the matter to the agency which shall, within a reasonable time:

- (1) Agree to issue the permit; or
- (2) Agree to pay appropriate monetary damages; or
- (3) Agree to modify its decision to avoid an unreasonable exercise of police power.

Section 4. The agency shall submit a statement of its agreed upon action to the court in the form of a proposed order. If the action is a reasonable exercise of police power the court shall enter its final order approving the proposed order. If the agency fails to submit a proposed order within a reasonable time which specifies an action that is a reasonable exercise of police power the court may order the agency to perform any of the alternatives specified in section 3 hereinabove.

Section 5. The court may award reasonable attorney's fees and court costs to the prevailing party.

Section 6. The provisions of this act are cumulative and shall not be deemed to abrogate any other remedies provided by law.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect

without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 8. This act shall take effect upon becoming a law.

Senator MacKay moved the following amendment to Amendment 3 which was adopted:

**Amendment 3A**—On page 2, line 10, insert after the word "time": not to exceed 90 days

Senator McClain moved the following amendment to Amendment 3 which was adopted:

**Amendment 3B**—On page 1, lines 11, 14 and 15, strike on lines 14 and 15 "Such review shall be initiated within 30 days following rendition of the agency decision" and insert on line 11 after "Review": within 90 days of the rendering

Amendment 3 as amended was adopted.

Senator Scott moved the following amendment which was adopted:

**Amendment 4**—On page 1 in title, strike all of lines 3 through and including line 14 and insert: providing definitions; providing that any person aggrieved by a decision of a governmental agency with respect to a permit may seek review in the circuit court; providing remedies; providing an effective date.

On motion by Senator Scott, by two-thirds vote CS for SB 261 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Senator Lewis moved that the Senate reconsider the vote by which SB 445 passed on May 1.

The motion was placed on the calendar for consideration May 3.

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 571, 609, 668, 967 and 373 were withdrawn from the Committee on Appropriations.

On motion by Senator Jon Thomas, by two-thirds vote SB 1187 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Dunn, the rules were waived and the Committee on Judiciary-Criminal was granted permission to consider Senate Bills 570 and 1256 May 3.

On motions by Senator W. D. Childers, the rules were waived and the Committee on Rules and Calendar was granted permission to consider Senate Memorials 13, 251, 529, 709, and House Memorials 240, 242, 243 and 622 May 3.

Senator Zinkil moved that the Senate reconsider the vote by which CS for SB 261 passed this day.

The motion was placed on the calendar for consideration May 3.

On motion by Senator Myers, the rules were waived and the Committee on Transportation was granted permission to consider Senate Bills 1250, 1274 and 559 May 3.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 948 and 772 were withdrawn from the Committee on Appropriations.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 824 was withdrawn from the Committee on Natural Resources and Conservation.

#### SPECIAL ORDER, continued

SB 637—A bill to be entitled An act relating to life insurance; amending s. 626.9541(17)(a), Florida Statutes; permitting the solicitation or sale of life insurance, or collection of life insurance premiums, through a credit card facility or organization under certain circumstances; providing an effective date.

—was read the third time by title, having been read the second time and amended on May 1.

Senator Scarborough moved the following amendment:

Amendment 2—On page 2, line 13, strike the period and insert: provided, however, that the original solicitation of such life insurance may not be made by mail.

(And renumber.)

On motion by Senator McClain, further consideration of SB 637 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 taken up pending roll call.

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

Amendment 5—On page 1, line 20, through line 2 on page 2, strike everything following the semicolon on line 20 through the semicolon on line 2, and renumber

Senator Glisson moved the following amendment which was adopted:

Amendment 6—On page 3 in title, strike all of lines 17 through 29

SB 43 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Wilson

On motion by Senator Spicola, 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 Senators Brantley, Spicola, Castor and McClain—

SCR 1323—A concurrent resolution commending Richard A. Kelton.

—which was read the first time in full. On motion by Senator Spicola, by two-thirds vote SCR 1323 was read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Glisson

The President introduced Richard Kelton to the Senate.

#### SPECIAL ORDER, continued

SB 448—A bill to be entitled An act relating to the civil rights of law enforcement officers; amending s. 112.534, Florida Statutes; providing that certain law enforcement officers may seek an injunction to protect certain statutory rights; deleting enforcement provisions relating to the Police Standards and Training Commission and to the Department of Legal Affairs; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 30 and 31 and insert: Section 2. Subsections (10), (11), and (12) are added to section 943.12, Florida Statutes, to read:

943.12 Special powers; police officer training.—In connection with the employment and training of police officers, the commission shall have special power to:

(10) Make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission may determine are necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(11) Accept, for any of its purposes and functions, any and all donations of money from any governmental unit or

public agency or from any institution, person, firm, or corporation. Such moneys shall be deposited, disbursed, and administered in a trust fund as provided by law.

(12) Revoke any certificate of any person registered under this chapter should such registrant:

- (a) Practice any fraud or deceit in obtaining a certificate.
- (b) Be found guilty of any felony or crime involving moral turpitude by a court of competent jurisdiction.
- (c) Violate any rules adopted and promulgated by the commission pursuant to law.
- (d) Be discharged or released under any other than honorable conditions from any of the Armed Forces of the United States.

(e) Be guilty of immoral or unprofessional conduct, incompetency, negligence, or willful misconduct in the exercise of his responsibilities. Unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing practice in his area of expertise as determined by the commission.

Section 3. Subsection (9) of section 943.25, Florida Statutes, is amended to read:

943.25 Advanced training; program; costs; funding.—

(9)(a) The commission department, either by contract or agreement, may authorize any state university or community college in the state, or any other organization, to provide training for, or facilities for training, peace officers, which training shall include, but not be limited to, police techniques in detecting crime, apprehending criminals, and securing and preserving evidence.

(b) All law enforcement officers selected by the various law enforcement agencies, if their selection is approved by the commission department, shall receive such training without cost.

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

**Amendment 2**—On page 1 in title, line 9, after the semi-colon insert: Training Commission; adding subsections (10), (11), and (12) to s. 943.12, Florida Statutes; authorizing the commission to enter into contracts, to accept donations, and to revoke certificates upon specified grounds; amending s. 943.25(9), Florida Statutes; authorizing the commission to undertake specified duties relating to the training of peace officers;

**Amendment 3**—On page 1 in title, lines 2 and 3, strike the words "the civil rights of"

On motion by Senator Dunn, by two-thirds vote SB 448 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	Glisson	McClain	Thomas, Jon
Barron	Gordon	Myers	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Johnston	Scott	Zinkil
Firestone	Lewis	Skinner	
Gallen	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—Graham

By the Committee on Judiciary-Criminal and Senator Dunn—

CS for SB 193—A bill to be entitled An act relating to arrests; amending s. 901.25, Florida Statutes, relating to fresh pursuit; providing a definition; providing for powers and duties; providing for liability; providing an effective date.

—was read the first time by title and SB 193 was laid on the table.

On motions by Senator Dunn, by two-thirds vote CS for SB 193 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—34

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

Nays—None

On motion by Senator Scott, the rules were waived and CS for SB 688 was ordered immediately certified to the House.

On motion by Senator W. D. Childers, the Senate recessed at 10:43 a.m.

The Senate was called to order by Senator W. D. Childers at 10:50 a.m. A quorum present.

The Jacksonville University Dolphins were introduced to the Senate by Senator Hair, and the Presiding Officer introduced the Buffalo Blue Grass Band of Lakeland. A musical program was presented by each group.

Senator Scarborough moved that a committee be appointed to escort the President and Mrs. Brantley to the rostrum. The motion was adopted and the Presiding Officer appointed Senators Barron, Johnston, Myers and Plante. The President and Mrs. Brantley were escorted to the rostrum and seated.

The Presiding Officer then introduced the family of the President: Charles Brantley, his father; Charles Brantley, Jr., brother; Mr. and Mrs. Stuart H. Dent, father and mother of Mrs. Brantley; and the Brantleys' children, Karen, Linda, Robert and Allan. The Presiding Officer also introduced Mrs. Brantley's brother-in-law and sister and their daughters, Mr. and Mrs. Jim Pratt, Sissy and Holly; and friends Mr. and Mrs. Joe Thornton.

On motion by Senator Scarborough the following remarks were printed in the Journal:

**Senator Lewis:** Mr. President, Senators, friends and family, people in our gallery, and people around the State of Florida, this is the time in the biennium when we take a few moments out of our work schedule to recognize our presiding officer. It's a time when we have a chance to say "thank you" for a job well done. Sometimes the people think we do these things to self-aggrandize ourselves but the fact is the President's job is not an easy one.

Before I get into my remarks I want to thank Lew and Catherine. There couldn't have been a more gracious couple to be our first lady and our president. They have always been most hospitable and gracious, as all of you here know.

Since I've been in the Senate, under President Thomas, President Horne, Louis de la Parte when he was president for that brief time, the famous Senator Barron and Senator Brantley, I have observed one thing—the position of president isn't an easy one. It naturally draws criticism, and it takes a particular kind of individual to take that heat.

We look around and see all the armchair quarterbacks from around the state taking potshots at the president, whomever he may be. God willing, when I'm there I'm sure I will draw the same amount of fire as anybody else because that's where the decisions are made and where the buck stops.

Mr. President, Lew, you've had even a greater opportunity, serving at a time, an historical time, when we moved from the old to the new capitol. And one thing you will always have is

the distinction of being the first president to serve in these new and beautiful quarters paid for by the people of our great state.

We're all individuals, generally pretty strong-minded in our own ideas. We think we know all the answers and we're going to try to get our persuasions across to the president and the rest of the Senate. He has the job of melding that 39, at least until he gets 21 of them, to get a bill passed, to get a program through. And Senator Brantley has had not only to meld those 39 Senators, but he's had the job also of bringing the House together as well as the Governor of Florida.

By and large, our president has had the privilege and opportunity to work well with the presiding officer in the other house, and with Governor Askew. And that isn't always easy. Senator Brantley has never shirked his duty and he has had some gut issues to belly up to. He's never backed away from them. He has made his decision and lived by it.

Last year when we had to pass all those nasty taxes, Senator Brantley and I got closer than we did any other time. He didn't like them, he didn't want any taxes, none of us did. The pressure was put on Senator Brantley, because there were those who wanted a sales tax and those who wanted the business taxes and those who didn't want any taxes.

He took the leadership role and he had to pass something he hated like he hated poison, but he recognized his responsibility because it was the right thing to do. I've seen him on many occasions since then, and before, work to try to do what was right for the people of Florida.

Sometimes making the right decision, as many of you in this body know, is not the popular decision. What is right isn't always popular. He has had to make some of those decisions in his two year tenure, and, Mr. President, you've done an outstanding job.

When you asked me to be chairman of the Appropriations Committee, I told you I didn't want it. In your persuasive way you said, "You're going to take it, whether you like it or not." The one thing you have never done—and I thank you not only for myself, but for all of the Appropriations Committee, the Senate and the people of Florida—never one time have you come to us and tried to influence us in any way other than for the best interests of Florida. Senator Brantley said one of the things that must be made top priority this year was educational funding and I think we've lived up to that.

You have been a strong leader and a patient one. Particularly in your early days, Mr. President, you sure had a lot of heat, and you just kept smiling and taking that heat patiently and gracefully, keeping your good nature and we want to thank you for that. You have dedicated yourself, sacrificing time from your family and your business, for the best interest of this Senate and the people of Florida.

Catherine, you and your family have had to sacrifice a lot for the past twelve years, particularly during the past two years. For that we want to thank you. You have been so gracious in lending him to the people of Florida. Thank you and God bless both of you.

**Senator Barron:** Mr. President and Senators, as you all know I have very fond feelings for the President of the Senate. I'm proud that I had the opportunity to vote for him and we're all proud of the contribution he has made. He's tough, decisive, controversial.

Some forty-odd years ago he came to life up in south Georgia, the son of a sharecropper. His father is a real fine man I've also come to know.

Lew spent his formative years surveying the land there in Georgia using the posterior of a mule as a compass. He clawed his way out of the depression and hard times and he is now President of the Florida Senate. I think that is a great achievement.

He served in the Legislature for 12 years and has won the overwhelming acclaim of his constituency time after time. He has been tough when he needed to be tough.

Last year we were faced with a certain sales tax—odds on favor in the hall—you could get any bet that it was going to pass. We here in the Senate opposed it. I'm not sure, Mr. Presi-

dent, that you were always enthusiastically with us in the beginning, but you were in the end and it made the difference. We caught the limb on the way down on the sales tax and that's good for all the people of Florida.

This year you have balanced the budget through your leadership and you have put aside some money for a rainy day. I think that's highly responsible. You have learned in your life in government that you don't serve for the bridges that you get named after you or testimonial dinners, but rather satisfaction of knowing that you do what is right in your judgment; and you have done it well.

In trying to think of something profound that reminded me of you, I went back to read the words of Teddy Roosevelt who overcame his physical condition, which made him an underprivileged person and became the president of our country. Because of the great acclaim that you have received from the St. Petersburg Times from time to time, I think I need not remind you of the words of President Roosevelt, but I shall.

He said, "It's not the critic who counts. It's not the man who points out how the strong man stumbles or the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotion and spends himself in a worthy cause; who at best knows the triumph of high achievement and who at worst, if he fails, at least fails while daring greatly, so that his place shall never be among those cold and timid souls who know neither victory nor defeat."

We all know you're not going to be back with us, but I know you will be somewhere in the arena doing what you think is right in your mind and I think that's the greatest tribute that I could pay to you. Thank you.

**Senator Plante:** Mr. President, Senators, I tried to talk to some of my fellow Republicans because I had to say something nice about the President. I polled them and one of them said, "Well, he wears nice clothes." I called the former minority leader, David Lane, to see if he could give me anything to say and he said "Well, he has nice wavy hair." And that was about all I could get that they had good to say about him.

You know the press writes a lot of things from time to time, good and bad, about all of us but Mr. President, we all know there is no comparison between you and Adi Amin, you're not as big as he is.

Everybody always thinks if you cross the president, no matter who you are, that you've had it. If you don't support him, you've had it. Well, when the President won in that Democratic caucus about two years ago, he came by my office the next day to see me, to talk about it. I told him, "Well, I'm going to be honest with you, if I had been a Democrat and if I had been in that caucus, your opponent is a long time friend and I would have voted for him and not you."

Most people would think, "Well boy, that puts you on the outs," but it didn't. The President said, "Well, that's fine and that's over with and that's behind us all." I think he's been fair to the Republican members of this body. All you have to do is look at the number of bills that Senator Henderson gets on special order calendar. The President never complains since he knows they're not going to pass in the House, but we pass them through the Senate.

But we all get maligned. I think you do, Mr. President, more than any of the rest.

You've kept your mouth shut a lot of times when you could have spoken out, and possibly if you had spoken out, the headlines would have been different. But you sat quietly, and did what you thought was best, not only for the Senate, but for the people.

We know you're probably going to move on to better things. There's a lot of talk about a city east of here and a lot of people talking about wanting you to come back there and do something over there.

I think you have done an outstanding job, and it hasn't always been an easy time serving with you but it's always been a pleasure.

On behalf of the Senate, the Presiding Officer presented gifts to President and Mrs. Brantley. The President responded to the Senate with gratitude and appreciation.

Senator Holloway moved that a committee be appointed to escort the President Pro Tempore and Mrs. Winn to the rostrum. The motion was adopted and the Presiding Officer appointed Senators Castor, Firestone and Renick. The President Pro Tempore and Mrs. Winn were escorted to the rostrum where they were seated.

The Presiding Officer introduced Mr. and Mrs. Stephen Winn, son and daughter-in-law of President Pro Tempore and Mrs. Winn.

On motion by Senator Firestone, the following remarks were printed in the Journal:

Senator Henderson: Mr. President, fellow Senators and guests before I make my remarks I would like to make an announcement. Several of us have been discussing a proposed trade this morning. We decided that we'd like to offer Brantley and Scarborough and two first round draft choices for Haydon Burns. I see he's with us today and I would suggest such a trade.

I have worked on this speech for several weeks.

I got up this morning and I went over to a certain nefarious breakfast at the Hilton Hotel, where some of those fat cats meet and eat and some of us go in occasionally—only once in a while—have a very inexpensive breakfast, less than \$24.95. I said, first of all to Jack Lee, "Jack, give me some help, I've got to say something about Sherman Winn today, something funny because Senator Gordon is going to follow me and he's going to say all the serious things."

Jack said, "I've got a couple of things for you. Why don't you tell them he's Miami Beach's answer to Ned Sparks."

I said, "I don't know who Ned Sparks is. I don't think that would go over too big in the Senate."

He said, "Well, you can tell them about the time Mondale was down and he described to Senator Mondale that his being vice-president was like being pro-tempore in the Senate."

I said, "That's the same thing. That ain't funny, that's not going to sell."

Sugar Bob Lee came up and said, "Well, why don't you tell them about the day you introduced the resolution honoring Sherman Winn and it passed 19 to 18."

We cancelled that one out, couldn't use that.

Kenny Harley came by and said, "Can you work out anything about the fact that the AFL-CIO meets at the Balmoral?"

I said, "No, I can't work that out because I don't know how to spell AFL-CIO. Glen Woodard, what can I do?"

He said, "Ain't nothing funny about that trashy rascal."

I had to clean that one up a little bit, knowing there were ladies here. Somebody said to ask Walter Law, he'd know something, but no one knew Walter Law. I've heard of low profiles but this is ridiculous. So we skipped Walter Law.

Fortunately, I ran into Phil Blank. I asked him the question and he said "Who's Sherman Winn?"

John Roberts was the last one I asked, Sherman. You remember him, John Roberts? Seems several years ago he and Sherman were contemplating a divorce but they had a forced reconciliation, fortunately and the reason was they couldn't decide who was going to get custody of Steve Fisher.

Sherman came to us from the House in 1970 where he served his apprenticeship, arrived here in 1972 and was re-elected in 1974. He and his wife and four children have meant so very much

to all of us in the Senate. He's the kind of man who would go out to Florida State University and start the Sherman S. Winn Fund, for kids that need help going to college. He's the kind of fellow who would start a fund at the FSU School of Hotel and Restaurant Management, so that kids could know more about the kind of business he's been in all his life.

He's the kind of man that we thank today for his leadership, his guidance, his help and friendship. He's a man we've learned to love over the years.

Sherman, you're truly a Senator's Senator, and that's the kindest thing I can think of that all of us today can say to you. So my friend, shalom.

Senator Gordon: Mr. President, I think that probably the first thing we ought to recognize in Sherman Winn is the fact that he is the first President Pro Tem from Dade County ever to serve the Senate.

In 1913 a man named Hudson was the President of Florida Senate. He was the only Dade County person to ever serve as President of the Senate.

I think one of the major marks that Sherman has made on the Senate is that he has somewhat overcome the 64-year-old fright and at least Dade County has come back part of the way so that the gap from 1913 on the records now only exists to 1977. Who knows, maybe as the members of the Senate observe the fact that he served as president pro-tem without seriously upsetting any of those locked away goodies in all these little counties up here that we've never seen or heard of, perhaps that will clear the way in the future for someone, and perhaps even for him, to operate at the top level of the Senate.

To speak somewhat more seriously, I think Sherman has brought a couple of things to the Senate that are peculiarly brought together in his personality and has made him a real figure among all of us. One of them is, the experience he brought as a municipal official because I think that the perspective one gets from having participated in local government and then coming here is always helpful to the others who haven't had that experience.

I think another thing he has brought here is a long and close relationship with working people and the representatives of working people. There are a lot more of them than there are of the fat cats and Sherman's long relationship with organized labor and with working people has meant that there has been another point of view and another aspect of our work that he has been able to bring.

We're all very knowledgeable of Sherman's devotion to his family and the kind of very strong meaning that his wife and his children have upon him and upon the way he views any number of problems that come before us. He has brought that kind of concern and also concern that is really characterized by his name—by his Hebrew name—which is Peace, which is Shalom.

We're all very grateful and very pleased that he's been our President Pro-tem and brought these qualities to the Senate. Thank you, Mr. President.

On behalf of the Senate, the Presiding Officer presented gifts to the President Pro Tempore and Mrs. Winn. The President Pro Tempore expressed appreciation to the Senate.

The Presiding Officer introduced Harold A. Davis, Jr., artist of Tallahassee, who painted the portrait of the President. At the request of the Presiding Officer, Mrs. Brantley unveiled the portrait of her husband.

## ENROLLING REPORTS

SCR 811 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 2, 1978.

*Joe Brown, Secretary*

SB 692 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 2, 1978.

*Joe Brown, Secretary*

**CO-INTRODUCERS**

Senator Jon Thomas—CS for SB 824; Senator Firestone—SB 878

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 1 was corrected and approved.

The Senate adjourned at 12:27 p.m. to convene at 8:30 a.m., Wednesday, May 3, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.