



Journal of the Senate

Number 25

Wednesday, May 10, 1978

The Senate was called to order by Senator Don Childers at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 572 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Evans and others—

CS for HB 572—A bill to be entitled An act relating to Human Rights Advocacy Committees; amending s. 20.19(6)(e) and (7), Florida Statutes; providing a restriction with respect to members of the committees; providing for committee access to certain client files, reports and confidential information; providing a penalty for disclosing confidential information therein; providing that the statewide committee, rather than district administrator, shall determine areas of responsibility of district committees; providing that the statewide committee shall review the operations of district committees; modifying membership requirements with respect to district committees; decreasing terms served on district committees from 4 years to 2 years; providing that the district committee, rather than the district administrator, shall fill vacancies, subject to gubernatorial approval; providing that nonaction constitutes approval in certain cases; requiring district committees to comply with procedures established by the statewide committee; providing for certain reimbursement of district committee members; providing that members currently serving may complete terms to which appointed; amending s. 827.09(6), Florida Statutes, requiring the department within a certain time to notify the appropriate human rights advocacy committee that an abuse has occurred; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1370 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Frank and others—

CS for HB 1370—A bill to be entitled An act relating to the tax on the severance of solid minerals; amending s. 211.31(1), (3), (4), Florida Statutes, and adding new subsections to said section; providing a modification of the excise tax on the severance of phosphate rock after a specified date and changing the percentages of the distribution of the proceeds therefrom; providing for an excise tax rate of 8 percent on the severance of phosphate rock on and after July 1, 1983, and terminating the distribution of that portion of the proceeds to the Nonmandatory Reclamation Trust Fund; terminating the distribution of a portion of the proceeds to the Land Reclamation Trust Fund; creating the Nonmandatory Land Reclamation Trust Fund; creating the Phosphate Research Trust Fund; requiring annual reports on the sufficiency of the Nonmandatory Land Reclamation Trust Fund; amending s. 211.32(3)(d), (f), (h), (n),

Florida Statutes, deleting certain provisions relating to taxpayer refunds; limiting the availability of tax refunds; creating s. 211.35, Florida Statutes; creating the Land Use Advisory Committee; establishing duties of such committee; providing for such committee to develop a general land reclamation plan; creating s. 211.36, Florida Statutes; requiring the Department of Natural Resources to develop and adopt a master reclamation plan; providing criteria for the development of the master reclamation plan; creating s. 211.37, Florida Statutes; providing for the payment of funds for reclamation out of the Nonmandatory Land Reclamation Trust Fund; authorizing the Department of Natural Resources to purchase or condemn land for reclamation purposes; creating s. 211.38, Florida Statutes; creating the Florida Institute of Phosphate Research; providing duties of the institute; repealing s. 211.32(3)(m), Florida Statutes, relating to the Phosphate Land Reclamation Study Commission; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HM 1898 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

HM 1898—A memorial to the Congress of the United States urging Congress to direct the Administrator of the United States Veterans Administration to construct a veterans' administration hospital in East Central Florida.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 720, HB 359 and HB 485 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative James—

CS for HB 720—A bill to be entitled An act relating to proposed constitutional amendments; requiring the Department of State to prepare and distribute a pamphlet containing proposals adopted by the Constitution Revision Commission and the Legislature; specifying the content of the pamphlet; providing an appropriation; providing an effective date.

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

By Representative Grizzle—

HB 359—A bill to be entitled An act relating to sewage disposal facilities; adding paragraph (c) to s. 403.086(1), Florida Statutes, restricting the disposal of wastes into certain counties by new facilities for sanitary sewage disposal; providing an effective date.

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

By Representative Culbreath—

HB 485—A bill to be entitled An act relating to public food service establishments; amending s. 509.241(2)(b), Florida Statutes; exempting eating places maintained by nonprofit civic organizations for the use of their members, and eating places operated on a temporary, short-term basis by schools, colleges, churches, and religious, fraternal, or nonprofit civic organizations, from licensing requirements; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 1739 and HB 1180 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice—

HB 1739—A bill to be entitled An act relating to the "Florida Comprehensive Drug Abuse Prevention and Control Act"; amending s. 893.03, Florida Statutes; revising standards and schedules under which controlled substances are regulated to encompass recent federal amendments; providing an effective date.

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

By Representative Bell and others—

HB 1180—A bill to be entitled An act relating to investments by insurers; amending s. 625.320, Florida Statutes; removing the limitation on investments by insurers in savings and loan associations or building and loan associations; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2074 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 2074—A bill to be entitled An act relating to coastal management; providing legislative intent; directing the Department of Environmental Regulation to submit an application for federal funds pursuant to Section 306 of the Federal Coastal Zone Management Act of 1972; restricting the program application to existing state law; designating the Department of Environmental Regulation as the lead agency and providing for certain powers and duties; providing for federal consistency review; providing for local government participation in federal financial assistance; providing limitations on preparation of the program application; creating a House Select Committee on Coastal Management; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 663 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Evans and others—

HB 663—A bill to be entitled An act relating to motor vehicles; amending s. 319.35, Florida Statutes, which prohibits tampering with the odometer of a motor vehicle; making it un-

lawful to supply a false odometer statement; increasing the penalty; amending paragraph (h) and adding paragraph (k) to s. 320.27(9), Florida Statutes; providing for denial, suspension, or revocation of a motor vehicle dealer's license for failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and for violation of s. 319.35; amending s. 325.19(5), Florida Statutes; requiring the current odometer reading and previous certificate number to be recorded and included in inspection records; amending s. 325.24(1), Florida Statutes; requiring that records be maintained for 24 months in an accessible manner; providing an effective date.

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

The Senate recessed at 8:35 a.m.

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

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

Excused: Periodically, conferees on SB 1100—Senators Lewis, Gordon, W. D. Childers, Peterson, Plante, Spicola, Trask, Hair

Prayer was by the Rev. Eugene Parks, urban minister, Jacksonville District of the United Methodist Church.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 10, 1978:

All bills remaining on the Special Order Calendar for Tuesday, May 9, 1978.

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 881

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

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

SB 377	SB 795 with 1 amendment
CS for HB 456	SB 1224 with 2 amendments
SB 1084 with 2 amendments	SB 1246

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

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

SB 976	SB 845 with 1 amendment	SB 1157
--------	-------------------------	---------

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 608

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1198

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

The Committee on Appropriations recommends the following pass:

SB 39 with 2 amendments	SB 504
SB 197	SB 581
SB 248	SB 706
SB 249	SB 798 with 1 amendment
SB 292	SB 836
SB 345	SB 1029
CS for SB 396	SB 1128

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

HB 233	SB 949
SB 349	SB 1066 with 1 amendment
HB 861	SB 1225
SB 915 with 2 amendments	SB 1235

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

The Committee on Health and Rehabilitative Services recommends Committee Substitutes for the following: SB 992, SB 1034

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

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: SB 283, SB 347

The bills were laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 1080 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gallen, the rules were waived and by two-thirds vote Senate Bills 1319 and 814 and HB 342 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 859 was withdrawn from the Committee on Appropriations.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SB 1084 was withdrawn from the Committee on Commerce.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 140 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Lewis, the rules were waived and the Committee on Appropriations was granted permission to meet May 11 from 6:00 p.m. until 8:00 p.m. to consider Senate Bills 437, 181, 400, 436, 588, 185, 648, 802, 456, 137, 335, 363, 680, 813, 128, 918 and 1274.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Rules and Calendar was granted permission to consider SB 1202 at the meeting this day.

REQUESTS FOR EXTENSION OF TIME

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

SB 543 by Senator Graham SB 730 by Senator MacKay

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

SB 739 by Senator Tobiassen SB 761 by Senator Gallen
 SB 750 by Senator Myers SB 773 by Senator Firestone
 (by request)

On motion by Senator W. D. Childers, the rules were waived and the Committee on Rules and Calendar was granted permission to consider HB 268 this day.

On motions by Senator W. D. Childers, by two-thirds vote SB 839 and HB 1075 were placed on the special order calendar for May 11.

On motions by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider House Bills 2074 and 2007 and SB 952 this day.

Senator Gordon raised a point of order that SB 1067 should be referred to the Committees on Finance, Taxation and Claims; and Appropriations pursuant to Rule 4.8. The President ruled the point well taken and the bill was referred to the Committees.

On motion by Senator Zinkil, the rules were waived and SB 512 after being engrossed was ordered immediately certified to the House.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 392 which he had approved May 9, 1978.

Appointments Subject to Confirmation by the Senate

The Secretary of State on May 3, 1978 certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

William R. Cotton, Hastings, Member of the Board of Trustees of Saint Johns River Community College, for term ending May 31, 1982

John W. Peach, Jasper, Member of the Board of Trustees of North Florida Junior College, for term ending May 31, 1981

George G. Tapper, Port Saint Joe, Member of the Board of Trustees of Gulf Coast Community College, for term ending May 31, 1982

—which were referred to the Committee on Executive Business.

The Secretary of State on May 4, 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:

Colman B. Stein, Palm Beach, Member of the Condominium Advisory Board, to serve at the pleasure of the Chairman of the Board of Business Regulation

James W. Dearing, Coral Springs, Member of the Condominium Advisory Board, to serve at the pleasure of the Chairman of the Board of Business Regulation

Ernest Samuels, Miami, Member of the Condominium Advisory Board, to serve at the pleasure of the Chairman of the Board of Business Regulation

—which were referred to the Committee on Executive Business.

The Secretary of State on May 5, 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:

Palmer W. Collins, Indialantic, Member of the Board of Trustees of Brevard Community College, for term ending May 31, 1982

Daniel R. Evers, Avon Park, Member of the Board of Trustees of South Florida Junior College, for term ending May 31, 1982

Elver M. Hodges, Hardee, Member of the Board of Trustees of South Florida Junior College, for term ending May 31, 1982

Samuel C. Nixon, Jr., Sebring, Member of the Board of Trustees of South Florida Junior College, for term ending May 31, 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 CS for SB 688.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Lew Brantley, President

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

By Senator Graham—

SB 49—A bill to be entitled An act relating to discrimination against persons because they have the sickle-cell trait; creating ss. 626.9554, 626.9555, Florida Statutes; prohibiting an insurer from refusing to issue and deliver a disability or life insurance policy solely because the person to be insured has the sickle-cell trait; prohibiting discrimination in the premium or rate charged for disability or life insurance policy solely because the person covered has such trait; prohibiting a hospital, medical, or surgical plan or a health maintenance organization from refusing to issue and deliver a contract solely because the person to be covered has the sickle-cell trait; prohibiting discrimination in the rate charged for such a contract solely because the person covered has such trait; prohibiting discrimination in employment against any person solely because he has the sickle-cell trait; prohibiting mandatory screening and testing for the sickle-cell trait as a condition for employment, education, or adoption; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, strike “family” and everywhere else in bill

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

SB 49 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The bill was ordered engrossed and then enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Gordon on May 9 that the Senate reconsider the vote by which—

SB 774—A bill to be entitled An act relating to ad valorem taxation of tangible personal property; adding s. 195.027(4)(c), Florida Statutes; providing that the assessed value of any item of tangible personal property not exceed the depreciated value of such item when depreciated pursuant to the straight line method allowed by the United States Internal Revenue Code; providing an effective date.

—passed on May 4, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator W. D. Childers, further consideration of SB 774 was deferred.

The motion by Senator Dunn on May 9 that the Senate reconsider the vote by which SR 861 was adopted on May 9, was taken up and failed; and the Senate refused to reconsider the vote.

SPECIAL ORDER

On motions by Senator Pat Thomas—

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

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

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Firestone, Poston, Renick, Spicola

HB 1043—A bill to be entitled An act relating to evidence; repealing chapter 76-237, Laws of Florida, as amended, abolishing the evidence code prior to its taking effect; providing an effective date.

—was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—6

Chamberlin	Gordon	Johnston	Myers
Dunn	Graham		

Votes after roll call:

Yeas—Gorman, Holloway, MacKay, Vogt

SB 487—A bill to be entitled An act relating to environmental control; amending ss. 403.813(1)(d), (e), (2), Florida Statutes; exempting from certain permitting requirements the installation of navigational aids, replacement or repair of certain bridges, and the installation or repair of subaqueous transmission lines; providing exemption from certain permit requirements for certain activities; adding certain qualifications to the exemptions for installation of boat ramps and maintenance dredging of manmade canals, channels, and intake and discharge structures; authorizing the Secretary of the Department of Environmental Regulation to exempt activities by rule upon finding that such activities have insignificant environmental impact; providing an effective date.

—was taken up together with pending Amendment 3 which was adopted.

Amendment 3—On page 5, strike lines 16-19 and insert:
(m) *The installation of subaqueous transmission and distribution lines laid on or embedded in the bottoms of waters in the state, except in Class 1 and Class 2 waters and aquatic preserves; provided that no dredging or filling is necessary.*

On motion by Senator Vogt, further consideration of SB 487 was deferred.

Senator Trask presiding

SB 514—A bill to be entitled An act relating to unemployment compensation; amending s. 443.08(3)(e), (g), Florida Statutes; providing that when two or more employers are parties to a transfer of business, or the subject of a merger, consolidation, or other form of reorganization, the resulting entity may elect to be treated as an employer without a previous employment record or to have a transfer of experience rating for purposes of determining such employer's rate of contribution to the Unemployment Compensation Trust Fund; providing a rate of contribution for such employers; authorizing the Division of Employment Security of the Department of Commerce to provide for transfer of the experience rating under certain conditions; deleting provisions requiring recomputation of the benefit ratio and reassignment of a contribution rate to a successor employer; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Peterson:

Amendment 1—On page 7, between lines 14 and 15, insert:
3. a. For the purposes of this subsection, if an employing unit for which agricultural labor is performed after December 31, 1977, was an employer prior to such time, the employer may elect to be treated as an employer without a previous employment record. The election allowed by this sub-subparagraph shall apply only to agricultural labor under s. 443.03(5) (n) until such time as the employer can obtain experience rating on agricultural labor.

b. The election allowed by this sub-subparagraph shall be retroactive to January 1, 1978.

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 26, strike everything after the enacting clause and insert: Section 1. Paragraph (g) of subsection (3) of section 443.08, Florida Statutes, is amended to read:

443.08 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(g)1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, shall be deemed to be a single employer and shall be considered as one employer with a continuous employment record if the division finds that the successor employer continues to carry on the employing enterprises of the predecessor employer or employers and that the successor employer has assumed liability for all contributions required of and due from the predecessor employer or employers.

2. Whether or not there is a transfer of employment record as contemplated in this paragraph, the ~~Each~~ predecessor shall in the event he again employs persons be treated as an employer without previous employment record, or, if his coverage has been terminated as provided in s. 443.09, as a new employing unit.

3. The [division] may provide by regulation for partial transfer of experience rating where an employer has transferred at any time an identifiable and segregable portion of his payrolls and business to a successor employing unit. As a condition of such partial transfer of experience, the regulations shall require an application by the successor, agreement by predecessor, and such evidence as the division may prescribe of the experience and payrolls attributable to the transferred portion up to the date of transfer. The regulations shall provide that the successor employing unit, if not already an employer, shall become an employer as of the date of the transfer and that the experience of the transferred portion of the predecessor's account shall be removed from the experience-rating record of the predecessor and for each calendar year following the date of the transfer of the employment record on the books of the division, the division shall compute the rate of contribution payable by the successor on the basis of his experience, if any, combined with the experience of the portion of the record transferred. The regulation may also provide what rates shall be payable by the predecessor and successor employers for the period between the date of the transfer of the employment record of the transferred unit on the books of the division and the first day of the next calendar year.

Section 2. This act shall take effect October 1, 1978.

The Committee on Commerce offered the following amendment which was moved by Senator Peterson:

Amendment 3—On page 1, line 14 in title, insert after the semi-colon: providing that an employer may elect to be treated as an employer without a previous employment record as to agricultural labor under certain conditions;

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 4—On page 1, strike all of lines 2 through and including line 22 in title and insert: An act relating to unemployment compensation; amending s. 443.08(3)(g), Florida Statutes, relating to employer contribution rates, providing a restriction with respect to determination thereof in certain cases; providing an effective date.

On motion by Senator Peterson, by two-thirds vote SB 514 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	Vogt
Chamberlin	Henderson	Renick	Ware
Childers, Don	Holloway	Sayler	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Dunn	Lewis	Spicola	Winn
Gallen	MacKay	Thomas, Jon	Zinkil
Glisson	McClain	Thomas, Pat	
Gordon	Myers	Tobiassen	
Graham	Peterson	Trask	

Nays—None

Votes after roll call:

Yea—Gorman, Skinner

SB 520—A bill to be entitled An act relating to health care services; requiring hospitals or nursing homes to furnish copies of records; providing for a reasonable charge for payment therefor; providing for examination of certain records; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 520 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—2

Henderson Thomas, Pat

Vote after roll call:

Yea—Vogt

Consideration of CS for SB 571, and SB 609 was deferred.

SB 621—A bill to be entitled An act relating to motor vehicle noise; amending s. 403.415(4)(a), (b), and (9), Florida Statutes; providing operating noise level limits and compliance dates for certain motor vehicles; providing for a loan program for sound level meters; amending s. 316.293(2), Florida Statutes; providing operating noise level limits for certain motor vehicles; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, following: “(b)” insert: and (c)

Amendment 2—On page 2, line 19, insert: (c) For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

Date of manufacture	Sound level limit
From January 1, 1973 to December 31, 1974	84 db A
From January 1, 1975 to December 31, 1984 1980	80 db A
On or after January 1, 1985 1981	75 db A

Amendment 3—On page 1, line 3 in title, following “(b)” insert: (c),

On motion by Senator Vogt, by two-thirds vote SB 621 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

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

Nays—None

SB 627—A bill to be entitled An act relating to the municipal annexation or contraction act; adding s. 171.031(13), Florida Statutes; defining the term “enclave” for purposes of municipal annexation or contraction; providing an effective date.

—was read the second time by title.

On motion by Senator Scott further consideration of SB 627 was deferred.

CS for SB 571—A bill to be entitled An act relating to education; creating s. 232.246, Florida Statutes; establishing general requirements for high school graduation; creating s. 232.247,

Florida Statutes; establishing special requirements for high school graduation for exceptional students; creating s. 232.243, Florida Statutes; providing for confidentiality of assessment instruments; repealing s. 232.245(3), Florida Statutes, relating to standards for progression from secondary schools; providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 21 and 22, insert: Section 5. Section 231.611, Florida Statutes, is hereby repealed.

[ReNUMBER subsequent section.]

Senator Dunn moved the following amendment which was adopted:

Amendment 2—On page 3, line 16, after “119” insert: 119.07

Senator Tobiassen moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 12, after the semi-colon “;” insert: repealing s. 231.611, Florida Statutes, which requires statewide implementation of teacher education centers, authorizes the Department of Education to approve centers, and prescribes the procedure for such approval;

On motion by Senator Peterson, by two-thirds vote CS for SB 571 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Sayler

SB 609—A bill to be entitled An act relating to fees and fee collections for services provided by the Department of Health and Rehabilitative Services; amending ss. 391.07(1), 392.07(3), 394.457(7), 394.59, 396.141(1), 397.055(1), Florida Statutes; providing that certain fees be determined and collected according to s. 402.33, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 609 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Sayler

SB 628—A bill to be entitled An act relating to the accessibility of buildings to handicapped persons; amending s. 553.45, Florida Statutes; defining "living unit"; amending s. 553.46(2), Florida Statutes; providing for the removal of certain obstructions of common or emergency exits; providing penalties; amending ss. 553.47, 553.48, Florida Statutes; redesignating building occupancy classifications; modifying certain features required to provide accessibility of new buildings to handicapped persons; providing for the granting of exemptions from accessibility requirements by the Florida Board of Building Codes and Standards in certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 11, strike "cooling" and insert: cooking

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

Amendment 2—On page 6, line 19, strike "(2)" and insert: (1)

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

Amendment 3—On page 7, line 8, after "granted" insert: , so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter,

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

Amendment 4—On page 7, lines 8-18, strike "upon a finding by the board that:

1. The general public and physically disabled persons will not, except under extraordinary circumstances, be users of the facility or the services housed therein; or

2. Because of psysiographic characteristics such as topography or terrain, the exact requirements cannot be reasonably met without undue hardship or cost; or

3. The facility is listed in, or is under consideration for, inclusion in the National Register of Historic Places."

Amendment 5—On page 3, lines 18, 19, 20, 21, strike "(1) For the purposes of this part, a new building shall be considered to be one which is not under construction contract on October 1, 1974.

(1)(2)" and insert: (1) For the purposes of this part, a new building shall be considered to be one which is not under construction contract on October 1, 1974.

(2)

Amendment 6—On page 5, line 11, strike "1" and insert: ½

Amendment 7—On page 6, line 3, strike "public"

Senator Zinkil moved the following amendments which were adopted:

Amendment 8—On page 3, line 22, and on page 4, line 18, strike "(2)" and insert: (3)

Amendment 9—On page 5, line 24, strike "(1)(2)" and insert: (2)

Amendment 10—On page 5, line 20, strike "(2)(3)" and insert: (3)

On motions by Senator Don Childers further consideration of SB 628 was deferred until the bill was engrossed, and by

two-thirds vote was placed at the end of the special order calendar for May 11.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Firestone—

CS for SB 642—A bill to be entitled An act relating to municipal pension and retirement trust funds for firemen and police officers; amending s. 175.121, Florida Statutes; removing the limitation on the expenditure of trust fund moneys by the Department of Insurance in administering the Municipal Firemen's Pension Trust Fund Act; requiring the department to withhold state funds from any municipality not meeting the requirements of the Municipal Firemen's Pension Trust Fund Act; amending s. 175.201, Florida Statutes; allowing benefit payments to a beneficiary if death occurs after 10 years of service but before retirement; amending s. 175.211, Florida Statutes; allowing benefit payments to a beneficiary or estate if death occurs before age 50 and before retirement; amending s. 175.291, Florida Statutes; clarifying the right of the Board of Trustees of the Municipal Firemen's Pension Trust Fund to employ independent legal counsel; amending s. 175.321, Florida Statutes; providing for the application of chapter 175, Florida Statutes, and specifically identifying the portions of the chapter which are inapplicable to any municipality which has its own pension plan for firemen or for firemen and other employees; amending s. 175.351(12)(b), (13), Florida Statutes; providing that the Department of Insurance may require an independent audit under certain conditions; requiring exclusive use of the premium tax to provide benefits to firemen in addition to those provided to other municipal employees; creating s. 175.371, Florida Statutes; providing for the transfer of any or all members to another retirement system; amending s. 185.10, Florida Statutes; requiring the Department of Insurance to withhold state funds from any municipality not meeting the requirements for participation in the distribution of Municipal Police Officers' Retirement Trust Fund moneys; adding s. 185.19(3), Florida Statutes; allowing benefit payments to a beneficiary or estate if death occurs after age 50 and before retirement; amending s. 185.21, Florida Statutes; allowing benefit payments to a beneficiary if death occurs after 10 years of service but before retirement; amending s. 185.24, Florida Statutes; deleting the limitation on appropriations to the department for administering chapter 185, Florida Statutes; amending s. 185.29, Florida Statutes; clarifying the right of the Board of Trustees of the Municipal Police Officers' Retirement Trust Fund to employ independent legal counsel; amending s. 185.32, Florida Statutes; providing for the applicability of chapter 185, Florida Statutes, to Municipal Police Officers' Retirement Trust Funds and identifying the portions of the chapter not applicable to any municipality which has its own such plan for police officers or for police officers and other employees; amending s. 185.35(1)(1), (2), Florida Statutes; requiring the use of premium tax revenue exclusively to provide benefits to police officers in addition to those provided to other municipal employees; providing that the Department of Insurance may require an independent audit under certain conditions; creating s. 185.38, Florida Statutes; providing for the transfer of any or all members to another retirement system; providing an effective date.

—was read the first time by title and SB 642 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 642 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 9, between lines 18 and 19, insert: a new section 8 and renumber subsequent sections.

Section 8. Subsection (1) of section 185.02, Florida Statutes, 1977, is amended to read:

Section 185.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is plainly required by the context:

(1) "Police officer" means full-time police officers or public safety officers responsible for performing both police and fire services who are certified as police officers and/or firefighters

and who receive compensation from municipal funds of any incorporated municipality of the state for services rendered.

Amendment 2—On page 2 in title, strike all of line 7 and insert: system; amending s. 185.02(1), Florida Statutes, to provide for a "public safety officer" in the definition of "police officer"; amending s. 185.10, Florida Statutes;

On motion by Senator Johnston, by two-thirds vote CS for SB 642 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

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

Nays—None

On motion by Senator Johnston, the rules were waived and CS for SB 642 after being engrossed was ordered immediately certified to the House.

Senator Gallen presiding

SB 668—A bill to be entitled An act relating to automobile inspection and warranty associations; amending s. 634.011(1) and (3), Florida Statutes, and adding subsections, modifying and providing definitions; amending s. 634.031(2), Florida Statutes, requiring licensure to conduct certain business; amending s. 634.041, Florida Statutes; modifying present, and providing additional, qualifications for licensure; requiring maintenance of unearned premium reserves; providing exceptions; providing further requirements relative thereto; amending s. 634.052 (1), (2), and (5), Florida Statutes, removing certain bonding requirements and requiring deposit of additional securities; creating s. 634.053, Florida Statutes, requiring that certain records be kept; creating s. 634.062, Florida Statutes, providing a penalty for selling warranty of nonlicensed association; adding subsection (5) to s. 634.081, Florida Statutes, providing an additional ground for revocation or suspension of license; adding subsection (4) to s. 634.121, Florida Statutes, providing for cancellation provisions in warranty contracts; adding subsections (3) and (4) to s. 634.131, Florida Statutes; providing that warranty premiums shall not be subject to the sales tax; providing a daily penalty for failure to timely file annual statements; amending s. 634.171, Florida Statutes, providing a fee for annual registration of salesmen; creating s. 634.252, Florida Statutes, relating to acquisition of controlling stock; creating s. 634.253, Florida Statutes, relating to dissolution or liquidation of a corporation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 16, after the word "corporation" insert: , sole proprietorship or partnership

On motion by Senator Jon Thomas, by two-thirds vote SB 668 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

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

Nays—None

On motion by Senator Jon Thomas, the rules were waived and SB 668 after being engrossed was ordered immediately certified to the House.

SB 687—A bill to be entitled An act relating to fisheries and fishing equipment; adding s. 370.08(11), Florida Statutes; prohibiting the taking of food fish with certain gill nets; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 13 through the " " on line 16 and insert: (11) *USE OF GILL NETS FOR TAKING KING MACKEREL.*—No person may take king mackerel from the waters within or without this state in any county bordering on the Atlantic Ocean except Monroe, or land any king mackerel so taken with a gill net having a hanging depth of more than 200 meshes of 4-3/4 inch stretched mesh, measured from the cork line to the lead line or its equivalent.

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

Amendment 2—On page 1, between lines 20 and 21, insert: (12) *No person may set king mackerel within or without the waters of this state with a net having a mesh size of less than 4-3/4 inches. Any person who violates this subsection is guilty of a first degree misdemeanor, punishable as provided in s. 775.082, or s. 775.083.*

Senator Johnston moved the following substitute amendment which was adopted:

Amendment 3—On page 1, between line 20 and 21, insert: (12) *No person may set a school of king mackerel within or without the waters of this state with a net having a mesh size of less than 4-3/4 inches. Any person who violates this subsection is guilty of a first degree misdemeanor punishable as provided in s. 775.082 or s. 775.083.*

Senator Johnston moved the following amendment which was adopted:

Amendment 4—On page 1, line 10, strike "Subsection (11) is" and insert: Subsections (11) and (12) are

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

Amendment 5—On page 1 in title, strike all of lines 3 through 5 and insert: equipment; adding s. 370.08(11) and (12), Florida Statutes; prohibiting the taking of king mackerel on certain waters of the state with certain gill nets; prohibiting the use of certain gill nets of a certain mesh size; providing penalties;

On motion by Senator Johnston, by two-thirds vote SB 687 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The Senate resumed consideration of—

SB 487—A bill to be entitled An act relating to environmental control; amending ss. 403.813(1)(d), (e), (2), Florida Statutes; exempting from certain permitting requirements the installation of navigational aids, replacement or repair of certain bridges, and the installation or repair of subaqueous transmission lines; providing exemption from certain permit requirements for certain activities; adding certain qualifications to the exemptions for installation of boat ramps and maintenance dredging of manmade canals, channels, and intake and discharge structures; authorizing the Secretary of the Department of Environmental Regulation to exempt activities by rule upon finding that such activities have insignificant environmental impact; providing an effective date.

Senator Ware moved the following amendments which were adopted:

Amendment 4—On page 5, line 26, insert: (p) The construction of private seawalls in waters of the state where such construction is between and adjoins at both ends existing seawalls, follows a continuous and uniform seawall construction line with the existing seawalls, is no more than 150 feet in length, and does not violate existing water quality standards, impede navigation, or affect flood control. Provided, however, this shall not affect the permitting requirements of Ch. 161, F.S.

Amendment 5—On page 1 in title, line 6, after "bridges," insert: installation of certain seawalls,

On motion by Senator Vogt, by two-thirds vote SB 487 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Barron	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
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

SB 691 was taken up and on motion by Senator Don Childers, the rules were waived and by two-thirds vote HB 617 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Don Childers—

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

—a companion measure, was substituted for SB 691 and read the second time by title.

Senator Don Childers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 28, strike "16" and insert: 15

Amendment 2—On page 1 in title, line 4, strike "16" and insert: 15

On motion by Senator Don Childers, by two-thirds vote HB 617 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Childers, Don	Firestone	Gordon
Castor	Childers, W. D.	Gallen	Gorman
Chamberlin	Dunn	Glisson	Graham

Hair	McClain	Scott	Vogt
Henderson	Myers	Spicola	Ware
Holloway	Peterson	Thomas, Jon	Williamson
Johnston	Poston	Thomas, Pat	Wilson
Lewis	Renick	Tobiassen	Winn
MacKay	Sayler	Trask	Zinkil

Nays—None

SB 691 was laid on the table.

SB 707—A bill to be entitled An act relating to automobile liability insurance; requiring an insurer to provide a premium discount to certain persons who have successfully completed the National Safety Council's Defensive Driving Course; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Glisson:

Amendment 1—On page 1, lines 14 through 16, strike everything after "has" and insert: had no accidents or points in the past 36 months and has successfully completed the National Safety Council's Defensive Driving Course within the specified two-year period.

Senator Glisson moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 14 through 16, strike everything after "has" and insert: had no accidents or points in the past 36 months and has successfully completed the National Safety Council's Defensive Driving Course. The Defensive Driving Course shall be repeated every two years.

The Committee on Commerce offered the following amendment which was moved by Senator Glisson:

Amendment 3—On page 1 in title, lines 5 through 7, strike everything before period and insert: had no accidents or points in the past 36 months and who have successfully completed the National Safety Council's Defensive Driving Course within the specified two-year limit; providing an effective date.

Senator Glisson moved the following substitute amendment which was adopted:

Amendment 4—On page 1 in title, lines 5 through 7, strike everything before period and insert: had no accidents or points in the past 36 months and who have successfully completed the National Safety Council's Defensive Driving Course. Mandatory that the Defensive Driving Course be repeated every two years; providing an effective date.

On motion by Senator Glisson, by two-thirds vote SB 707 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

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

Nays—3

Barron	Chamberlin	Scott
--------	------------	-------

Votes after roll call:

Yeas—Peterson, Wilson

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 541 and SJR 170 were withdrawn from the Committee on Finance, Taxation and Claims.

Special Order, continued

On motion by Senator Zinkil, the Senate resumed consideration of—

SB 628—A bill to be entitled An act relating to the accessibility of buildings to handicapped persons; amending s. 553.45, Florida Statutes; defining "living unit"; amending s. 553.46(2), Florida Statutes; providing for the removal of certain obstructions of common or emergency exits; providing penalties; amending ss. 553.47, 553.48, Florida Statutes; redesignating building occupancy classifications; modifying certain features required to provide accessibility of new buildings to handicapped persons; providing for the granting of exemptions from accessibility requirements by the Florida Board of Building Codes and Standards in certain circumstances; providing an effective date.

Senators Zinkil and Don Childers offered the following amendment which was moved by Senator Zinkil and adopted:

Amendment 11—On page 7, line 7, after the word "hardship" insert: , provided such waivers shall not violate Federal accessibility laws and regulations and shall be approved by a committee consisting of four (4) members of the Florida Board of Building Codes and Standards, Chief, Bureau of Elevator Inspection, Division of Hotels and Restaurants, Executive Director, Governor's Committee on Employment of the Handicapped, Director, Division of Blind Services, Director, Office of Vocational Rehabilitation and the President of the Florida Council of Handicapped Organizations.

Senator Graham moved the following amendment which was adopted:

Amendment 12—On page 2, line 6, after the word "blindness" insert: and the loss of one or more life functions leaving that person mobility or sensory impaired,

Senator Zinkil moved that the rules be waived and SB 628 as amended be read the third time by title and the motion failed. The bill was ordered engrossed.

SM 709—A memorial to the Congress of the United States urging Congress to direct the Veterans Administration to establish an out-patient medical facility in Volusia County.

—was read the second time in full.

Senator Pat Thomas moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, insert: and Leon County

Amendment 2—On page 1 in title, line 5, insert: and Leon County

On motion by Senator Dunn, SM 709 as amended was read by title, adopted, ordered engrossed and then certified to the House. The vote on adoption was:

Yeas—36

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

Nays—None

SM 738—A memorial to the Congress of the United States, urging the use of all available peaceful means to seek freedom of Jews being held against their will in the Soviet Union.

—was read the second time in full. On motion by Senator Zinkil, SM 738 was adopted and certified to the House. The vote was:

Yeas—36

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

Nays—None

On motion by Senator Zinkil, the rules were waived and SM 738 was ordered immediately certified to the House.

Consideration of SB 756 was deferred.

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

—was read the second time by title.

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

Amendment 1—On page 1, line 15, strike "shall" and insert: may

On motion by Senator Ware, by two-thirds vote SB 777 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

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

Nays—None

Vote after roll call:

Yea—Holloway

The President presiding

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

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 18 through 29 and insert: Section 2. Subsection (6) of section 365.08, Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

Amendment 2—On page 1, strike all of lines 16 through 17 and insert: Section 1. Subsection (5) of section 365.08, Florida Statutes, is amended to read:

Amendment 3—On page 1 in title, strike all of lines 3 through 12 and insert: amending s. 365.08(5), Florida Statutes; providing that discontinuance of a private wire service because of its use in violation of state or federal law shall occur only after hearing in the circuit court; repealing s. 365.08(6), Florida Statutes, which provides for review before the commission on whether facilities and service should be resumed; providing an effective date.

On motion by Senator Gorman, by two-thirds vote SB 806 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	Graham	Poston	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Holloway	Sayler	Williamson
Childers, Don	Johnston	Scarborough	Wilson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 807 was taken up and on motion by Senator Wilson—

HB 38—A bill to be entitled An act relating to prostitution; amending s. 796.03, Florida Statutes, relating to the procuring of females under the age of 16 for prostitution, to extend the application of the law to males under the age of 16 as well; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 38 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 807 was laid on the table.

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

—was read the second time by title.

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

Amendment 1—On page 8, line 10, strike "1978" and insert: 1979

Senators Skinner and MacKay offered the following amendments which were moved by Senator MacKay and adopted:

Amendment 2—On page 1, line 17, page 2, lines 2, 12, and 25, hyphen through the word "Nassau"

Amendment 3—On page 1, line 5, strike "Nassau,"

On motion by Senator Scarborough, by two-thirds vote SB 843 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	Gorman	Peterson	Tobiassen
Castor	Henderson	Plante	Trask
Chamberlin	Holloway	Poston	Vogt
Childers, Don	Johnston	Sayler	Ware
Childers, W. D.	Lewis	Scarborough	Williamson
Firestone	MacKay	Scott	Winn
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—4

Dunn	Hair	Renick	Skinner
------	------	--------	---------

Vote after roll call:

Nay—Graham

SB 756—A bill to be entitled An act relating to warranties; amending s. 634.301(3), Florida Statutes; providing that part II of chapter 634, Florida Statutes, applies only to warranties sold in connection with the sale or inspection of residential property; adding s. 634.301(9), (10), Florida Statutes; providing additional definitions; amending s. 634.308(3)(a), Florida Statutes; authorizing the immediate suspension of the license of a home warranty association which is financially impaired; amending s. 634.318, Florida Statutes; increasing the registration fee of contracting sales agents; creating s. 634.329, Florida Statutes; providing for dissolution or liquidation of corporations subject to part II of chapter 634, Florida Statutes; creating part III of chapter 634, Florida Statutes, consisting of ss. 634.401-634.431, Florida Statutes; providing definitions; providing for promulgation of rules by the Department of Insurance; requiring persons who provide service warranties to be licensed; providing qualifications for licensure; requiring deposits, bonds, or letters of credit to be filed with the department; establishing financial requirements; providing procedures for the application, issuance, and renewal of licenses and for the payment of license fees; providing grounds, procedures, and duration of the suspension or revocation of a license; providing for imposition of administrative fine in lieu of suspension or revocation; providing for departmental approval of service warranty forms; requiring service warranty associations to file statements with the department; authorizing the department to impose a premium tax; providing a penalty; providing for the examination of service warranty associations; providing for the appointment of the Insurance Commissioner to receive service of legal process and for service procedures in actions against associations; requiring the registration of persons who solicit, negotiate, advertise, or effectuate service warranty contracts; providing for the reporting and accounting of funds; providing grounds and procedures for compulsory and discretionary refusal, suspension, or revocation of registrations of sales representatives; providing for administrative fines; providing for the disposition of taxes and fees; restricting the business practices of associations; prohibiting an insurer or association from fronting for an unauthorized insurer or unlicensed association; providing for the dissolution or liquidation of associations; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 756 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

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

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 850 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Pat Thomas

SB 862—A bill to be entitled An act relating to the disposition of personal property found by employees of a public agency; amending s. 715.01, Florida Statutes; providing for vesting of title to property found by employees of any public agency in the governmental employer; amending s. 705.01(1), Florida Statutes; deleting references to county court judge's power to order sale of personal property; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 862 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 681—A bill to be entitled An act relating to the Real Estate License Law; adding s. 475.01(14), Florida Statutes; providing that certain terms relating to the employment relationship include an independent contractor relationship under certain circumstances; amending s. 475.21, Florida Statutes; providing for renewal fees for the certificates of certain non-active salesmen and brokers; amending s. 475.23, Florida Statutes; requiring certain real estate schools to notify the real estate commission of any change of address; requiring real estate instructors to notify the real estate commission of any change of employer; amending s. 475.24, Florida Statutes; providing for annual registration fees for branch offices; amending s. 475.25(1)(c), (i), Florida Statutes; adding s. 475.25(1)(j), Florida Statutes; requiring registrants to take certain action when in doubt as to the person entitled to accounting and delivery of escrowed property or when conflicting demands are made for such property; providing that failure to account for or deliver certain property is grounds for suspension of regis-

tration; providing exceptions; providing that failure to inform the commission of a guilty plea, plea of nolo contendere, conviction, or finding of guilty of certain felonies is grounds for suspension of registration; amending s. 475.451(2), Florida Statutes; requiring an applicant for a permit to teach in a real estate school to pass an examination as a real estate instructor or be a registered broker; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 681 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Barron

On motion by Senator Scarborough consideration of SB 1068 was deferred.

SB 1069—A bill to be entitled An act relating to alcoholic beverages; adding s. 562.12(3), Florida Statutes; defining the term "bottle club"; prohibiting any person from establishing, keeping, maintaining, or operating an unlicensed bottle club; providing an exception; providing a rule of construction; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 3, after "counties" insert: *or clubs approved by the Civil Aeronautics Board*

On motion by Senator Barron, further consideration of SB 1069 as amended was deferred.

SB 1070—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11(1), Florida Statutes; providing a complete defense in a civil suit or suspension or revocation proceeding to a licensee who dispenses any alcoholic beverage to a minor if certain requirements are met; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31, strike the comma and insert: *and*

Amendment 2—On page 2, line 6, insert after "beverage": *Nothing herein shall negate any cause of action which arose prior to the effective date of this act.*

Senator MacKay moved the following amendment:

Amendment 3—On page 2, line 6, after "alcoholic beverage," add: *said defense shall not be available should the minor have been intoxicated or have the appearance of intoxication at the time of the purchase or acquisition of the alcoholic beverage from the licensee.*

Votes Recorded

By unanimous consent, Senator Spicola was recorded as voting yea on the following bills which passed May 9: HB 272, SR 861, CS for SB 373, SB 378, SB 1003, CS for SB 395, SB 403, SB 417, SB 430, SB 472, SB 512, HM 242, SB 563 and CS for SB 590.

Senator MacKay moved that the Senate reconsider the vote by which SB 843 passed this day. The motion was placed on the calendar for consideration May 11.

ENROLLING REPORTS

SB 235 and SB 492 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 10, 1978.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Peterson—SB 292; Senator Firestone—SB 1137

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 9 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:05 p.m. to convene at 8:30 a.m., May 11, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.