



Journal of the Senate

Number 34

Thursday, May 25, 1978

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

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

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

Prayer by Senator Zinkil:

Lord, as we join together in our legislative duties and in prayer this morning may we pray with sincerity and faith with the words of Saint Francis of Assisi.

Lord make me an instrument of thy peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood, as to understand; to be loved, as to love; for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

—St. Francis of Assisi

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 25, 1978:

All bills remaining on the Special Order Calendar for Wednesday, May 24, 1978, and

SB 1266	SB 1227	HB 775
SB 1269	SB 802	CS for SB 415
CS for SB 1313	SB 851	SB 845
SB 1315	CS for SB 925	HB 73
HB 16	SB 1061	HB 150
HB 1190	SB 847	CS for SB 100
SB 1176	CS for SB 935	HB 2041
SB 881	CS for SB 37	SB 1185
HB 1334	SB 39	SB 61
CS for CS for	SB 40	CS for SB 1014
SB 119	CS for SB 64	SB 799
SB 670	SB 181	SB 1157
SB 292	HB 320	SB 246
SB 249	HB 506	SB 1097
SB 875	HB 861	CS for HB 123
SB 1345	HB 811	HB 959
SB 523	CS for SB 452	SB 1252
SB 532	HB 1532	
SB 732	SB 537	

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Rules and Calendar recommends the following not pass: SM 737

The bill was laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Lewis, the rules were waived and by two-thirds vote SB 899 and HB 1219 were withdrawn from the Committee on Appropriations.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SB 899 was withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 1062 and 1064 were withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 943 and House Bills 237, 2057 and 2056 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Glisson, by two-thirds vote HB 854 was withdrawn from the Committees on Transportation; and Economic, Community and Consumer Affairs.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 1045 was withdrawn from the Committee on Education.

On motion by Senator Peterson, the rules were waived and by two-thirds vote CS for HB 914 was withdrawn from the Committee on Education.

On motion by Senator Henderson, by two-thirds vote SCR 810 was removed from the calendar and indefinitely postponed.

On motion by Senator Gallen, by two-thirds vote HB 1501 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1056 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 1209 was withdrawn from the Committee on Judiciary-Civil.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 245 and 387 which he had approved May 23, 1978; and that he had transmitted Senate Bills 471, 568, 626, 771, 772, 997, 998, 999 and 1148 which will become law without his signature.

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 with 2 amendments—

By Senator Ware—

SB 963—A bill to be entitled An act relating to banks and trust companies; amending s. 658.11, Florida Statutes; prescribing the time period for which banks or trust companies are

required to preserve or keep their records or files or copies thereof; providing that liability will not accrue against a bank or trust company which destroys such records or files or copies thereof after the expiration of the specified period of time; providing when a showing that records or files or copies thereof have been destroyed shall be a sufficient excuse for failure to produce them in a cause or proceeding in which they are demanded; providing for copying of records and providing for admissibility of such copies as evidence; defining "original of a record" and "copy of a record"; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 23, insert: (a new Section 1.)

Section 1. Paragraph (a) of subsection (1) of section 658.07, Florida Statutes, is amended to read:

658.07 Examinations, reports and internal audits.

The department shall:

(1)(a) Examine the condition of each state bank at least two times in each 18 months from July 1, 1978 and of each trust company at least once in each calendar year. The department may accept a Federal Deposit Insurance Corporation or federal reserve examination in lieu of one of said bank examinations and may furnish a copy of all examinations made of such banks to the Federal Deposit Insurance Corporation or its representatives or the Federal Reserve Board or its representatives.

(and renumber existing sections)

Amendment 2—On page 1 in title, line 2 after the semi-colon ";" insert: amending s. 658.07(1)(a), Florida Statutes; providing commencement date for examination of each state bank;

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

SB 963 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Glisson	Lewis	Trask
Barron	Gordon	MacKay	Vogt
Castor	Gorman	Myers	Ware
Childers, Don	Graham	Peterson	Williamson
Childers, W. D.	Hair	Poston	Wilson
Dunn	Henderson	Renick	Winn
Firestone	Holloway	Thomas, Pat	Zinkil
Gallen	Johnston	Tobiasen	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 8 amendments—

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

CS for SB 169—A bill to be entitled An act relating to hospitals; requiring each hospital licensed by the state to offer, in writing, a cystologic examination for cancer of the cervix and a breast examination for cancer to every female 18 years of age or older admitted to said hospital; providing exceptions; requiring informed consent; requiring explanation of the test results to the patient; requiring each hospital to keep records; absolving hospitals of liability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 30, strike the period "." and insert: and such form shall include a list indicating the charges for these tests and any other accompanying charges.

Amendment 2—On page 1, in title, line 11 after "liability;" insert: providing an exception to the provisions of the act;

Amendment 3—On page 2, line 11 insert: Section 5. The provisions of this act shall not apply to any hospital whose primary function is to provide psychiatric care to its patients.

(And renumber the subsequent section)

Amendment 4—On page 1, line 14 after the colon ":" insert the following: Section 1. Any licensed hospital shall, upon request, and only after discharge of the patient, furnish to any person admitted therein for care and treatment or treated thereat, or such person's guardian, curator, personal representative, or anyone designated by such person in writing, a true and correct copy of all records in the possession of the hospital except progress notes and consultation report sections of a psychiatric nature concerning the care and treatment performed therein by the hospital, provided the person requesting such records agrees to pay a reasonable charge, for the copying of said records, and further shall allow examination of the original records in their possession, or microfilms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed to assure that the records shall not be damaged, destroyed, or altered.

(and renumber subsequent sections)

Amendment 5—On page 1 in title, line 2, after the semi-colon ";" insert: requiring hospitals to furnish copies of records; providing for a reasonable charge for payment therefor; providing for examination of certain records;

Amendment 6—On page 1, line 14 after the colon ":" insert the following: Section 1. Cancer reporting and establishment of statewide cancer registry.—

(1) Each hospital licensed pursuant to chapter 395, Florida Statutes, shall report to the Department of Health and Rehabilitative Services, such information as will indicate diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, radiation, surgical, or other methods of treatment on each cancer patient admitted to the hospital for treatment. Failure to comply with this requirement may be cause for suspension or revocation of the license of any such hospital.

(2) The department shall establish, or cause to have established, by contract with a recognized medical organization in Florida and its affiliated institutions, a statewide cancer registry program to insure that cancer reports as required in subsection (1) shall be maintained and shall be available for use in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any hospital by reason of having provided such information or material to the department.

(3) The department or a contractual designee operating the statewide cancer registry program required by this act shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released for general publication. In all events the identity of any person whose condition or treatment has been reported and studied shall be confidential and shall not be revealed under any circumstances. All information, interviews, reports, statements, memoranda, or other data furnished by reason of this act and any findings or conclusions resulting from such studies are hereby declared to be privileged.

Section 2. The department shall report to the Legislature before April 1, 1979, a plan of annual follow-up for those cancer patients admitted to the hospital for treatment.

Section 3. If funds are appropriated for this act, 35 percent of such funds shall be utilized for the purposes of establishing, administering, compiling, processing, and providing suitable biometric and statistical analysis to the reporting hospitals, and 65 percent shall be utilized to help defray the expenses incurred by the reporting hospitals in providing information to the cancer registry.

(and renumber subsequent sections)

Amendment 7—On page 1, in title, line 2, after the semi-colon ";" insert: requiring all licensed hospitals to report to the department certain information relative to all cancer patients treated; requiring the department to establish or contract

for the establishment of a statewide cancer registry program for the collection of such information; providing for the confidentiality of such information; directing the department to report certain information to the Legislature;

Amendment 11—On page 1, lines 4 and 17, strike "cystologic" and insert: cytologic

On motions by Senator Firestone, the Senate concurred in the House Amendments.

CS for SB 169 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

Mr. President	Firestone	MacKay	Scott
Barron	Glisson	Myers	Trask
Castor	Gorman	Peterson	Vogt
Childers, Don	Graham	Poston	Ware
Childers, W. D.	Hair	Renick	Winn
Dunn	Holloway	Scarborough	

Nays—8

Gallen	Johnston	McClain	Williamson
Henderson	Lewis	Thomas, Pat	Zinkil

Vote after roll call:

Yea to Nay—Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Trask—

SB 337—A bill to be entitled An act relating to sentencing; amending s. 921.16, Florida Statutes; providing for sentences to be served concurrently with sentences imposed by other jurisdictions; providing for parole of prisoners so sentenced; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 7, insert: (after the period (.)) *However, as a condition of parole under this subsection, the prisoner shall not return to Florida without the approval of the Parole and Probation Commission.*

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

SB 337 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senator Gallen—

SB 277—A bill to be entitled An act relating to outdoor advertising; amending s. 479.04(1), Florida Statutes, providing a 30-day delinquency period and a delinquency fee for the payment of outdoor advertising licenses to the Department of Transportation; amending s. 479.07(2) and (3), Florida Statutes, requiring the department to act upon individual device permits for advertising structures within a certain time period; requiring a service fee for replacement permit tags; requiring applicants to make specified fee payments; providing for second notices on overdue fees; providing for a delinquency fee; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, line 5, insert: Section 3. Section 479.17, Florida Statutes, is amended to read:

479.17 Violation a nuisance; abatement.—Any advertisement, advertising sign or advertising structure which is constructed, erected, operated, used, maintained, posted, or displayed in violation of this chapter is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated by the department, and for that purpose its representatives may enter upon private property without incurring any liability therefor: provided, however, that if any licensed or unlicensed outdoor advertising structure or outdoor advertising sign of the value of \$100 or more bears thereon the name of the owner thereof, and said owner holds an unexpired license issued under s. 479.04 the said owner shall be given written notice of the alleged violation, and shall have 30 days after the receipt thereof within which to show that the said advertisement, advertising sign or advertising structure does not violate the provisions of this chapter.

and renumber subsequent sections.

Amendment 2—On page 5, line 8, strike " provided, however, that such ordinances shall not conflict with any applicable state or federal laws." and insert: "."

Amendment 3—On page 1 in title, line 15, after "fee;" insert: amending s. 479.17, Florida Statutes, clarifying provisions relating to certain violations;

On motions by Senator Gallen, the Senate concurred in the House Amendments.

SB 277 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—3

Graham	Henderson	MacKay
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Vote after roll call:

Yea—Scott

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Renick—

SB 419—A bill to be entitled An act relating to offender rehabilitation; amending s. 944.291(1), Florida Statutes; providing that prisoners who have served their terms, less allow-

able gain-time deductions and extra good-time allowances, shall, upon release, be subject to all statutes relating to parole; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 22, strike “twelve months” and insert: 2 years

On motion by Senator Renick, the Senate concurred in the House Amendment.

SB 419 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By the Committee on Commerce and Senator W. D. Childers—

CS for SB 508—A bill to be entitled An act relating to motor vehicle registration; amending s. 319.23(5), Florida Statutes; changing the time period from 10 days to 20 days during which the title of a newly acquired vehicle shall be transferred without penalty; adding s. 320.01(25)(d), Florida Statutes; providing that the transfer of a license plate from a vehicle disposed of to a newly acquired vehicle does not constitute a new registration; amending s. 320.02(4), Florida Statutes; providing that a notarized affidavit affirming personal injury protection or liability insurance shall be sufficient proof to issue a registration; exempting motor vehicle dealers from liability; renumbering s. 320.131(3), (4), Florida Statutes, and adding a new subsection (3) to said section; providing that the issuance of a temporary tag does not constitute registration; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 19 after the “period” insert:

(Signature of Insured)

On motion by Senator Scarborough, the Senate concurred in the House Amendment.

CS for SB 508 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Castor, Hair

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By the Committee on Finance, Taxation and Claims and Senator Trask—

CS for SB 590—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.065(1), Florida Statutes, changing the formula by which the certified millage is calculated by the property appraiser; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Substitute Amendment 1—On page 1, line 24, strike 100 and insert: 98

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

CS for SB 590 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yeas—Castor, Hair

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Myers—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 24, strike all of said line and insert the following: Section 3. Subsection (1) of section 925.06, Florida Statutes, is amended to read:

925.06 Sale or destruction of unclaimed personal property in criminal proceedings.—

(1) Unclaimed personal property in custody of the court from a criminal proceeding, if of appreciable value, shall either be sold at public sale by the appropriate city or county law enforcement department or be retained by the appropriate department for departmental use, if such use is approved by the appropriate governmental authority having budgetary con-

control over the department. If the property is to be sold, sheriff, the notice, procedure, and department's sheriff's fees for the sale shall be the same as provided for sales under execution by the sheriff. The proceeds shall be paid to any person making proper claim or, if unclaimed for 60 days, shall be paid to the county general fund of the governmental agency having budgetary control over the law enforcement department that originally took into its possession the personal property. If the property is retained by the law enforcement department for official use, and is not claimed within 60 days after the conclusion of said criminal proceeding, title to said property shall permanently vest in the respective city, county, or state. If the property is not of appreciable value, the court may order the sheriff to destroy it.

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

Amendment 2—On page 1 in title, line 10, after the semicolon “,” insert: amending s. 925.06(1), Florida Statutes; providing that unclaimed personal property, in custody after a criminal proceeding, may be either sold or retained by appropriate city or county law enforcement departments for departmental use, and title shall permanently vest in the respective city or county if the property is not claimed within a specified period;

On motions by Senator Myers, the Senate concurred in the House Amendments.

SB 862 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The bill was ordered engrossed and then enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Gallen, that the Senate reconsider the vote by which CS for SB 970 as amended passed on May 18, was taken up and adopted.

Senator Gallen moved that the President appoint a select committee to review the area of marketable property titles (CS for SB 970) to meet on Tuesday, May 30, between 12:00 noon and 2:00 p.m. and report to the Senate. The motion was adopted.

The President appointed Senator Gallen, Chairman; Senators Ware, Dunn, Vogt and Plante as the select committee.

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

CS for SB 1034—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; adding s. 409.266(2)(c), Florida Statutes; providing for prepaid health services to be delivered as demonstration projects through county health department; exempting such projects from the provisions of part II of chapter 641, Florida Statutes, relating to health maintenance organizations; limiting the number of demonstration projects prior to July 1, 1980; providing for a demonstration project in Palm Beach County; providing for evaluation and reporting of program results; providing an effective date.

—as amended passed May 24.

On motion by Senator Don Childers, the Senate reconsidered the vote by which CS for SB 1034 was read the third time by title.

On motion by Senator Don Childers, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission Senator Don Childers withdrew Amendment 1.

Senator Don Childers moved the following amendment which was adopted:

Amendment 2—On page 2, line 14, after “1980,” insert: and every two years thereafter

On motion by Senator Don Childers, by two-thirds vote CS for SB 1034 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The motion by Senator Vogt that the Senate reconsider the vote by which—

SB 648—A bill to be entitled An act relating to the Florida Health-Care Responsibility Act; adding s. 154.304(5), Florida Statutes; providing a definition of the term “county resident”; creating s. 154.305, Florida Statutes; providing for financial responsibility for indigent patients receiving emergency treatment at a hospital; amending ss. 154.308, 154.312, 154.314, Florida Statutes; extending the provisions of the act to include hospitals; providing an effective date.

—passed on May 24, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Gallen, the Senate reconsidered the vote by which SB 648 was read the third time by title.

Senator Gallen moved that the Senate reconsider the vote by which Amendment 2 was adopted. The motion failed. The vote was:

Yeas—17

Mr. President	Henderson	Scarborough	Williamson
Childers, Don	Lewis	Scott	Zinkil
Gallen	Peterson	Spicola	
Gorman	Plante	Thomas, Jon	
Hair	Renick	Vogt	

Nays—20

Barron	Firestone	Johnston	Skinner
Castor	Glisson	MacKay	Thomas, Pat
Chamberlin	Gordon	McClain	Tobiassen
Childers, W. D.	Graham	Myers	Wilson
Dunn	Holloway	Sayler	Winn

Senator MacKay moved the following amendment which was adopted:

Amendment 6—On page 1, line 9, strike “, and any further in-patient treatment associated with the emergency,”

Senator Pat Thomas moved the following amendment which failed:

Amendment 7—On page 2, between lines 2 and 3, insert: (no coding required)

Section 2. Section 154.318, Florida Statutes, is created to read:

154.318 Limitation of county responsibility.—The total financial responsibility of a county under both this part and s.

401.45 for all of its certified indigent patients treated during each fiscal year as defined in s. 215.01 shall be limited to an amount calculated by multiplying the population of the county for such fiscal year, as determined pursuant to s. 23.09, by \$2.00.

[Renumber subsequent sections.]

Senator Pat Thomas moved the following amendments which were adopted:

Amendment 8—On page 2, between lines 2 and 3, insert: Section 2. Section 154.316, Florida Statutes, is amended to read:

154.316. Admission of indigent patients.—Except in the case of an emergency, no patient shall be treated by, or admitted to, a regional referral hospital as an indigent unless and until the board of county commissioners of the county providing certification notifies the hospital that the patient is certified as an indigent and that he is approved by the board for treatment or admission. *When a patient is admitted to a regional referral hospital in the case of an emergency, the hospital shall notify the patient's county of residence within five days after admission of the admission, whenever the hospital knows that the patient is a certified indigent patient or has reason to believe that the patient is potentially a certified indigent patient. Unless such notification is given, the county of residence shall not be responsible for the cost of treatment received at the hospital during that admission.*

[Renumber subsequent sections.]

Amendment 9—On page 1 in title, line 6, after the semicolon “;” insert: amending s. 154.316, Florida Statutes; providing for notification to the county of residence of the emergency admission to a regional referral hospital of a patient who is known to be or who is potentially a certified indigent patient;

Amendment 10—On page 1 in title, line 2, strike “emergency medical services;” and insert: county payment for medical services;

Amendment 11—On page 1 in title, line 6, after the semicolon “;” insert: creating s. 154.318, Florida Statutes; providing a limitation on county financial responsibility;

On motion by Senator Gallen, by two-thirds vote SB 648 as amended was read the third time by title and failed to pass. The vote was:

Yeas—7

Firestone Gallen	Renick Scarborough	Thomas, Jon Thomas, Pat	Wilson
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Nays—31

Barron	Gorman	McClain	Tobiassen
Castor	Graham	Myers	Trask
Chamberlin	Hair	Peterson	Vogt
Childers, Don	Henderson	Plante	Ware
Childers, W. D.	Holloway	Poston	Williamson
Dunn	Johnston	Saylor	Winn
Glisson	Lewis	Skinner	Zinkil
Gordon	MacKay	Spicola	

Senator Glisson moved that the Senate reconsider the vote by which SB 648 failed to pass. The motion was placed on the calendar for consideration May 29.

The motion by Senator Graham that the Senate reconsider the vote by which SB 171 passed May 24 was not taken up and therefore considered abandoned.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 1140 and 2093 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Retirement, Personnel & Collective Bargaining and Representative Hazouri and others—

CS for HB's 1140 and 2093—A bill to be entitled An act relating to retirement; amending s. 121.021(15), (24), and (29) (b), Florida Statutes, redefining the terms “special risk member,” “average final compensation,” and “normal retirement date” for the purposes of the Florida Retirement System; creating s. 121.022, Florida Statutes, providing legislative intent and providing for criteria, designation and removal of special risk members; amending s. 121.052(4) (a) and (b), Florida Statutes, relating to employers' contributions for members of the Elected State Officers' Class of the system; increasing certain employers' contributions; amending s. 121.071(1), (2), (3) (b), and (5), Florida Statutes, requiring special risk members or employers to contribute 4.52 percent of gross compensation each pay period; increasing employers' contributions; providing certain refunds; providing procedure for payment of contributions; amending s. 121.091(1) (a), Florida Statutes, and adding subsection (11) to said section; providing procedures for the determination of benefit amounts with respect to certain members of the system; providing that members of the system who are school district or community college employees with 30 years of creditable service may retire as of August 1, 1978; creating s. 238.072, Florida Statutes; providing for retirement benefits for all state and county cooperative extension personnel who are presently under chapter 238, Florida Statutes, who may retire at age 55 upon completion of 30 years of creditable service; providing an effective date.

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

On motion by Senator Johnston, by two-thirds vote CS for HB's 1140 and 2093 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining and placed on the calendar.

On motions by Senator Johnston, by unanimous consent CS for HB's 1140 and 2093 was taken up out of order and by two-thirds vote read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 2, line 9, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 121.071, Florida Statutes, as amended by chapter 77-467, Laws of Florida, to take effect October 1, 1978, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2) Until January 1, 1975, each employer shall contribute an amount equal to the total of its member contributions, made under subsection (1), each pay period. Effective January 1, 1975 and until October 1, 1978, each employer shall contribute 9 percent of gross compensation each pay period for each of its regular members, and 13 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1978, each ~~employee shall contribute 1 percent, and each employer shall contribute 9.10 9.2~~ percent of gross compensation each pay period for each of its regular members, and ~~13.95 13~~ percent of gross compensation each pay period for each of its special risk members.

Section 2. Paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (4) and paragraph (c) of subsection (5) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of certain elected state officers.—

(1)

(d). Any officer who is eligible to be a member of the Elected State Officers' Class, but for whom the time period provided in paragraph (c) has expired without his having transferred to the Elected State Officers' Class, shall be permitted to elect, in writing, from October 1, 1978 ~~1975~~, through December 31, 1978 ~~1975~~, to transfer to, and become a member of, this class on January 1, 1979 ~~1976~~, and be subject to the benefits and provisions of the Elected State Officers' Class on and after that date. After December 31, 1978 ~~1975~~, no such election may be made, ~~except as permitted under paragraph (e).~~

(4)(a) From and after October 1, 1978 ~~July 1, 1972~~, and except as provided in paragraph (b), the employer paying the salary of a member of the Elected State Officers' Class shall withhold 8 percent of his gross salary, which shall constitute the contribution of said member with respect to retirement and other benefits payable to members of this class, and one-half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to s. 121.061, and shall contribute an amount equal to 10.57 percent of such member's gross compensation and one-half of the entire contribution with respect to the member's social security coverage ~~remit without delay such matching funds and member contributions to the administrator of the Florida Retirement System.~~

(b) From and after October 1, 1978 ~~1977~~, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet Officer, Supreme Court Justice, District Court of Appeal Judge, Circuit Judge, County Court Judge, State Attorney, Public Service Commissioner, or Public Defender shall contribute an amount equal to 16.78 ~~12~~ percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(5)

(c) The benefit provisions of subsections (2), (3), (4), (5), (6), (7), (8), and (9), and (11) of s. 121.091, as they relate respectively to benefits payable for dual normal retirement ages, early retirement, disability retirement, termination of employment, optional forms of retirement, death benefits, designations of beneficiaries, and employment after retirement, and method of computing actuarial equivalent, shall also apply to members of the Elected State Officers' Class, except that only 8 years of creditable service in this class shall be needed to attain the benefits specified in subsections (3), (5), and (7) of such section. The provisions of all subsections referred to in this paragraph shall be construed in such manner to make them compatible with the provisions of this act.

Section 3. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, is amended and subsection (11) is added to said section to read:

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that for all creditable years of special risk service, A is 2 percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased, and 3 percent of his average monthly compensation until October 1, 1978, when all years of creditable service thereafter as a special risk member shall be worth 2 percent of his average monthly compensation for all others; provided that the normal retirement benefit, including any past or additional retirement credit, does not exceed 100 percent of the average final compensation.

(11) A member who becomes eligible to retire and has accumulated the maximum benefit of 100 percent of average final compensation may continue in active service and, if

upon the member's retirement, the member elects to receive a retirement compensation pursuant to subsection (2), (6), or (7), the actuarial equivalent percentage factor applicable to the age of such member at the time the member reached said maximum benefit and applicable to the age at said time of the member's spouse shall determine the amount of benefits to be paid.

Section 4. Any employee of a school district or community college who is a regular member of the Florida Retirement System and who has 30 years of creditable service, regardless of age, as of August 1, 1978, may retire as of such date, and such date shall be such employee's normal retirement date.

Section 5. This act shall take effect October 1, 1978, except that this section, section 4, and the provisions of section 1 with respect to employer's contributions by school districts and community colleges for regular members of the Florida Retirement System shall take effect August 1, 1978.

Section 6. In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Amendment 2—In title, strike all of lines 1 through and including line 31 on page 1, and all of lines 1 through and including line 5 on page 2 and insert: A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071(2), Florida Statutes; eliminating employee contributions, decreasing the rate of employer contributions on behalf of regular members, and increasing the rate of employer contributions on behalf of special risk members; amending s. 121.052(1)(d), (4)(a), (b), (5)(c), Florida Statutes; providing for the reopening of the Elected State Officers' Class; providing for the applicability of s. 121.091(11), Florida Statutes; providing a method of computing actuarial equivalency in certain cases; providing for an increased employer contribution on behalf of members of the Elected State Officers' Class; amending s. 121.091(1)(a), Florida Statutes, and adding subsection (11) to said section; reducing special risk credit to 2 percent for each year of service earned on and after October 1, 1978; providing that regular members who are employed by school districts or community colleges and who have 30 years of creditable service, regardless of age, as of August 1, 1978, may retire on said date; providing that employer contributions with respect to regular members who are employed by school districts or community colleges shall commence August 1, 1978; providing an effective date.

On motion by Senator Johnston, by two-thirds vote CS for HB's 1140 and 2093 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Gordon	Myers	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Vogt
Childers, Don	Hair	Renick	Ware
Childers, W. D.	Holloway	Saylor	Williamson
Firestone	Johnston	Scott	Winn
Gallen	MacKay	Spicola	
Glisson	McClain	Thomas, Jon	

Nays—2

Wilson Zinkil

On motion by Senator Johnston, the rules were waived and CS for HB's 1140 and 2093 was ordered immediately certified to the House.

EXECUTIVE BUSINESS

On motion by Senator Holloway, staff members of the Committee on Executive Business were granted privileges of the floor during consideration of the committee's reports on Executive Appointments.

Senator Holloway presented the following reports:

The Honorable Lew Brantley
President, The Florida Senate
The Capitol

May 23, 1978

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

		<i>Office and Appointment</i>	<i>For Term Ending</i>
1.	Board of Building Codes and Standards, Member Appointee: Black, Thomas M.		1/ 6/81
2.	Board of Business Regulation, Members Appointees: Betz, John C. Robbie, Joseph (<i>Resigned</i>)		Pleasure of Governor Pleasure of Governor
3.	Florida Citrus Commission, Members Appointees: Crutchfield, Albin P. Edwards, W. F. McClure, George Price, Karick Asa		5/31/81 5/31/81 5/31/81 5/31/81
4.	Condominium Advisory Board, Members Appointees: Dearing, James W. MacPherson, James H. Samuels, Ernest Stein, Colman B. Wood, Harry R.	Pleasure of Chmn. of the Board of Business Regulation Pleasure of Chmn. of the Board of Business Regulation Pleasure of Chmn. of the Board of Business Regulation Pleasure of Chmn. of the Board of Business Regulation	
5.	Brevard Community College, Board of Trustees, Members Appointees: Collins, Palmer W. Dobson, Roger W.		5/31/82 5/31/82
6.	Broward Community College, Board of Trustees, Members Appointees: Roach, Margaret Blake Wilkov, Elinor		5/31/82 5/31/82
7.	Chipola Junior College, Board of Trustees, Members Appointees: Donaldson, John Harold Eubanks, Paul J. Williams, Wilmer L. (Buddy)		5/31/82 5/31/82 5/31/81
8.	Daytona Beach Community College, Board of Trustees, Member Appointee: Sacks, Leonard		5/31/82
9.	Florida Keys Community College, Board of Trustees, Members Appointees: Haskins, Leo M., Jr. Taylor, Carl N.		5/31/82 5/31/82
10.	Florida Junior College at Jacksonville, Board of Trustees, Members Appointees: Haddock, Jewell F. Jarrell, Walter G. Johnson, Kenneth L. Williams, Robert E.		5/31/82 5/31/81 5/31/82 5/31/82
11.	Gulf Coast Community College, Board of Trustees, Members Appointees: Poyner, James A. Tapper, George G. Whitehead, Charles A.		5/31/82 5/31/82 5/31/82
12.	Indian River Community College, Board of Trustees, Members Appointees: Dixon, Ben F. Hazel, Robert H. Hendry, William Lesley McAlpin, Ira M., Jr.		5/31/82 5/31/82 5/31/82 5/31/82
13.	Lake City Community College, Board of Trustees, Members Appointees: Bowdoin, Leroy Levy, Alfonso		5/31/82 5/31/82
14.	Manatee Junior College, Board of Trustees, Member Appointee: Chasey, Hal		5/31/82
15.	Miami-Dade Community College, Board of Trustees, Members Appointees: Kassewitz, Jack Reeves, Garth C. Wolfson, Mitchell		5/31/82 5/31/82 5/31/81
16.	North Florida Junior College, Board of Trustees, Members Appointees: Day, Lucile B. Helvenston, Laura C. Peach, John W. Protsman, Norman O. Smith, Harold L.		5/31/82 5/31/82 5/31/81 5/31/82 5/31/81
17.	Pasco-Hernando Community College, Board of Trustees, Members Appointees: Corrigan, Roy F. McKeown, Leland P. Sasser, James H., Jr.		5/31/82 5/31/82 5/31/82
18.	Pensacola Junior College, Board of Trustees, Members Appointees: Broxson, John R. DeLorge, Janet F. Mayo, Wallace C.		5/31/82 5/31/82 5/31/82
19.	Polk Community College, Board of Trustees, Member Appointee: Burke, H. George, Jr.		5/31/82
20.	St. Johns River Community College, Board of Trustees, Members Appointees: Cotton, William R. Daniels, John W. Hudson, Robert E. Walker, Kathleen		5/31/82 5/31/81 5/31/81 5/31/82
21.	St. Petersburg Junior College, Board of Trustees, Members Appointees: Benjamin, Philip Hatchett, Paul A.		5/31/82 5/31/82
22.	Sante Fe Community College, Board of Trustees, Members Appointees: Brownlee, J. Milton Feiber, James G., Jr. Holiday, Theresa W.		5/31/82 5/31/82 5/31/82
23.	Seminole Community College, Board of Trustees, Members Appointees: Daniels, John Stenstrom, Carolyn P.		5/31/82 5/31/82
24.	South Florida Junior College, Board of Trustees, Members Appointees: Evers, Daniel R. Hodges, Elver M. Nixon, Samuel C., Jr. Williams, Wendell W.		5/31/82 5/31/82 5/31/82 5/31/81
25.	Tallahassee Community College, Board of Trustees, Members Appointees: Macon, Charlie M. Tookes, James N.		5/31/82 5/31/82
26.	Valencia Community College, Board of Trustees, Members Appointees: McKinnon, Anne M. Maguire, Raymer F., Jr. Shirah, Joseph B.		5/31/82 5/31/82 5/31/82

<i>Office and Appointment</i>	<i>For Term Ending</i>	Years—30			
27. Environmental Regulation Commission, Member Appointee: Browning, Edwin B., Jr.	7/1/79	Mr. President	Glisson	Poston	Thomas, Pat
		Barron	Gordon	Renick	Tobiassen
		Castor	Graham	Sayler	Trask
28. Tampa-Hillsborough Expressway Authority, Member Appointee: Taub, Theodore C.	7/1/81	Chamberlin	Hair	Scarborough	Williamson
		Childers, Don	Johnston	Scott	Winn
		Childers, W. D.	MacKay	Skinner	Zinkil
		Dunn	McClain	Spicola	
		Firestone	Myers	Thomas, Jon	
29. Game and Fresh Water Fish Commission, Mem- ber Appointee: Bailey, Cecil C.	1/5/79	Nays—None			
30. South Lake County Hospital District Board of Trustees, Member Appointee: Kurfiss, Reginald D.	7/5/81	The Honorable Lew Brantley President, The Florida Senate The Capitol			May 23, 1978
31. Board of Examiners of Nursing Home Adminis- trators, Member Appointee: Padgett, Rubin E.	1/10/82	Dear Mr. President:			
32. Tampa Port Authority, Member Appointee: DeLaVergne, Louis G.	11/16/81	The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:			
33. Historic Pensacola Preservation Board of Trustees, Member Appointee: Nickinson, E. P., Jr.	2/9/82	<i>Office and Appointment</i>			<i>For Term Ending</i>
		Florida Student Financial Assistance Commission, Members			
		Appointees: Butler, William R.			6/30/81
		Perkins, Paul C.			6/30/81
34. State Board of Post-Secondary, Vocational, Trade, Technical, and Business Schools, Mem- ber Appointee: Benanti, D. John	7/1/80	As required by Rule 12.7(a), the Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appoint- ment to the offices indicated. In aid of such inquiry the Com- mittee held a public hearing at which members of the public were invited to attend and offer evidence concerning the quali- fications, experience, and general suitability of each appointee.			
35. Manasota Basin Board of the Southwest Florida Water Management District, Member Appointee: Snell, J. Randolph	6/30/79	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee — by a separate vote as to each appointee — respectfully advises and recommends:			
36. Northwest Florida Water Management District, Member Appointee: Odom, Howard	7/1/81	(1) That, in accordance with Section 114.05(1)(e), Florida Statutes, the Senate take no action and fail to confirm the appointment of Paul C. Perkins to the office of Member, Florida Student Financial Assistance Commis- sion, because the Committee finds that his office is not vacant and will not be vacant until June 30, 1978.			
37. South Florida Water Management District, Gov- erning Board, Members Appointees: Clark, Robert L., Jr. Gallagher, James N. Reed, Nathaniel P.	7/1/81 7/1/81 7/1/81	(2) That, in accordance with Section 114.05(1)(e), Florida Statutes, the Senate take no action and fail to confirm the appointment of William R. Butler to the office of Member, Florida Student Financial Assistance Commis- sion, because the Committee finds that his office is not vacant and will not be vacant until June 30, 1978.			

As required by Rule 12.7(a), the Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, to the office and for the term of office indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1978 Regular Session.
- (3) That there is no necessity known to the Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Sayler
Sherrill Skinner
Lori Wilson

Senator Holloway moved that the report be accepted and the Senate confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted by the following vote:

Respectfully submitted,
Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Sayler
Sherrill Skinner
Lori Wilson

On motion by Senator Holloway, the report was accepted and the Senate took no action and failed to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee.

The Honorable Lew Brantley
President, The Florida Senate
The Capitol

May 23, 1978

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
1. State Board of Cosmetology, Member Appointee: Hall, Dola P. (<i>Resigned</i>)	6/27/81
2. Florida State Fair Authority, Members Appointees: Chicone, Jerry, Jr. Gindl, Peter R.	7/1/81 7/1/81
3. Florida Student Financial Assistance Commission, Members Appointees: Johnson, Robert M. Perkins, Paul C.	6/30/79 6/30/78
4. Historic Broward County Preservation Board of Trustees, Member Appointee: Anderson, Cathleen	11/1/80
5. Northwest Florida Water Management District, Member Appointee: Coldewey, Tom S.	7/1/81
6. Suwannee River Water Management District, Member Appointee: Wershow, Jonathan F.	7/1/81

As required by Rule 12.7(a), the Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry, the Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings the Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That, in accordance with Section 114.05(1)(d), Florida Statutes, the Senate refuse to confirm and vote to reject the appointment of Dola P. Hall to the office of Member, State Board of Cosmetology representing District Three, because he does not meet the qualifications prescribed in Section 477.18(1)(c), Florida Statutes, for the office to which he was appointed and he has tendered his resignation therefrom.
- (2) That the Senate refuse to confirm and reject the appointment of Jerry Chicone, Jr. to the office of Member, Florida State Fair Authority, because the Committee finds that this appointment creates a dual office which is in violation of Article II, Section 5 of the Florida Constitution (1968).
- (3) That the Senate refuse to confirm and reject the appointment of Peter R. Gindl to the office of Member, Florida State Fair Authority, because the Committee finds that this appointment creates a dual office which is in violation of Article II, Section 5 of the Florida Constitution (1968).
- (4) That the Senate refuse to confirm and reject the appointment of Robert M. Johnson to the office of Member, Florida Student Financial Assistance Commission, because the Committee finds that this appointment creates a dual office which is in violation of Article II, Section 5 of the Florida Constitution (1968).
- (5) That the Senate refuse to confirm and reject the appointment of Paul C. Perkins to the office of Member, Florida Student Financial Assistance Commission, because the Committee finds that this appointment creates a dual office which is in violation of Article II, Section 5 of the Florida Constitution (1968).
- (6) That the Senate refuse to confirm and reject the appointment of Cathleen A. Anderson to the office of Member, Historic Broward County Preservation Board of Trustees, because the Committee finds that this appointment creates a dual office which is in violation of Article II, Section 5 of the Florida Constitution (1968) and she has tendered her resignation therefrom.
- (7) That the Senate refuse to confirm and reject the appointment of Tom S. Coldewey to the office of Member, Governing Board, Northwest Florida Water Management District, because this appointment violates the common law rule of incompatibility.

The Committee finds that Tom S. Coldewey is a Commissioner for the City of Port St. Joe, Florida, and that the duties as a city commissioner are subject to conflict with the duties of a member of a governing board of a water management district.

- (8) That the Senate refuse to confirm and reject the appointment of Jonathan F. Wershow to the office of Member, Governing Board, Suwannee River Water Management District, because this appointment violates the common law rule of incompatibility.

The Committee finds that Jonathan Wershow is a Member of a Regional Planning Council for the State of Florida, and that the duties as a member of such a council are subject to conflict with the duties of a member of a governing board of a water management district.

- (9) That Senate action on said appointments be taken prior to adjournment of the 1978 Regular Session.
- (10) That there is no necessity known to the Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Vernon C. Holloway, *Chairman*
Don C. Childers, *Vice Chairman*
Jim Glisson
Henry B. Saylor
Sherrill Skinner
Lori Wilson

On motion by Senator Holloway, the Senate accepted the recommendation of the committee as to Item (1) of the foregoing report and refused to confirm and rejected the appointment of Dola P. Hall to the office and for the term indicated.

Senator Plante moved that the Governor be informed that it was the finding of the Senate that executive appointees to a second office cannot be confirmed when appointees were holding another executive appointed office. The motion failed. The vote was:

Yeas—15

Castor	Glisson	MacKay	Tobiassen
Childers, Don	Gordon	Plante	Ware
Childers, W. D.	Gorman	Poston	Zinkil
Dunn	Johnston	Scott	

Nays—20

Mr. President	Hair	Renick	Trask
Barron	Henderson	Scarborough	Vogt
Chamberlin	McClain	Skinner	Williamson
Firestone	Myers	Spicola	Wilson
Graham	Peterson	Thomas, Pat	Winn

Senator Scarborough presiding

Senator Poston moved that the remainder of the foregoing report of the committee be accepted and the Senate refuse to confirm and reject the appointments identified in Items (2) through (8) to the offices and for the terms indicated.

Senator Barron moved as a substitute motion that the appointment of Tom S. Coldewey, Item (7), be considered separately.

A motion by Senator Wilson that the foregoing motion be amended to include the appointment of Jonathan F. Wershow, Item (8), was adopted. The substitute motion as amended was adopted.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (2) of the foregoing report and refuse to confirm and reject the appointment of Jerry Chicone, Jr. to the office and for the term indicated.

Senator Graham moved as a substitute motion that the Senate confirm the appointment of Jerry Chicone, Jr. The motion was adopted.

On motion by Senator Holloway, the Senate accepted the recommendation of the committee as to Item (3) of the foregoing report and refused to confirm and rejected the appointment of Peter R. Gindl to the office and for the term indicated.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (4) of the foregoing report and refuse to confirm and reject the appointment of Robert M. Johnson to the office and for the term indicated.

Senator Henderson moved as a substitute motion that the Senate confirm the appointment of Robert M. Johnson. The motion was adopted.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (5) of the foregoing report and refuse to confirm and reject the appointment of Paul C. Perkins to the office and for the term indicated.

Senator Plante moved as a substitute motion that the Senate confirm the appointment of Paul C. Perkins. The motion was adopted.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (6) of the foregoing report and refuse to confirm and reject the appointment of Cathleen Anderson to the office and for the term indicated.

Senator Zinkil moved as a substitute motion that the Senate fail to confirm and take no action on the appointment of Cathleen Anderson in view of her resignation. The motion was adopted.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (7) of the foregoing report and refuse to confirm and reject the appointment of Tom S. Coldewey to the office and for the term indicated.

Senator Barron moved as a substitute motion that the Senate confirm the appointment of Tom S. Coldewey. The motion was adopted.

Senator Holloway moved that the Senate accept the recommendation of the committee as to Item (8) of the foregoing report and refuse to confirm and reject the appointment of Jonathan F. Wershow to the office and for the term indicated.

Senator MacKay moved as a substitute motion that the Senate confirm the appointment of Jonathan F. Wershow. The motion was adopted.

On motion by Senator Holloway, the foregoing report as amended was accepted and the Senate confirmed, failed to confirm or refused to confirm the appointments identified in the report, to the offices and for the terms indicated. The vote was:

Yeas—33

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

Nays—2

Wilson	Zinkil
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On motion by Senator Trask, by two-thirds vote SCR 1321 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Trask—

SCR 1321—A concurrent resolution expressing profound regret at the passing of James Hardin Peterson.

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

Yeas—39

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
Gordon	Myers	Thomas, Jon	

Nays—None

Senator Trask introduced the following members of the James Hardin Peterson family and special friends: J. Hardin Peterson, Jr., son; Howell Peterson, brother of Senator Peterson and nephew of James Hardin Peterson; former Governor Millard Caldwell and Chief Justice Ben F. Overton of the Florida Supreme Court.

Senator Trask escorted J. Hardin Peterson, Jr. to the rostrum where he expressed gratitude to the Senate for this tribute to his father. The Presiding Officer presented a copy of the resolution to Mr. Peterson.

The following were named as co-introducers of SCR 1321: Senators Barron, Brantley, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Vogt, Ware, Williamson, Wilson, Winn and Zinkil.

On motion by Senator Trask, the rules were waived and SCR 1321 was ordered immediately certified to the House.

SPECIAL ORDER

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 provisions 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 second time by title.

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

Amendment 1—On page 2, strike all of line 25 through and including line 26 and insert: *shall be done after approval of the final environmental impact statement. The*

Amendment 2—On page 3, strike all of line 5 and insert: *utilized. For the purposes of this section, project scope shall mean the terminal points, the number of interchanges, grade separations, and the department's estimate of total project costs as approved by the Legislature.*

The Committee on Appropriations offered the following amendment which was moved by Senator Myers:

Amendment 3—On Page 2, strike all of line 15 through and including line 31, and on Page 3, all of line 1 through and including line 16 and insert: *(c) No state bonds shall be sold for any revenue-producing transportation project if the proceedings authorizing such bonds include a covenant to complete by the department from the proceeds of the first gas tax until*

the department shall have made cost estimates based on the most current information available after approval of the final environmental impact statement for such project and shall have determined based on such estimates that the projected available funds for any such project, excluding the use of any proceeds from the first gas tax pursuant to a covenant to complete, are sufficient to pay for such project.

No additions shall be made to any revenue-producing project for which a covenant to complete from the first gas tax has been made which would expand the scope of such project unless such additions are specifically approved by the Legislature. For the purposes of this subsection, project scope shall mean the terminal points, the number of interchanges, and grade separations.

No contingency funds in the construction trust fund for any revenue-producing project for which a covenant to complete from the first gas tax has been made shall be expended for any purpose other than such project until the completion of such project; provided, however, such funds may be expended for other purposes if permitted by the proceedings authorizing such bonds and if the Department certifies to the department of administration that such contingency funds are not required for the completion of the project and are available and sufficient for such other purposes and the department of administration approves such certification in writing to the Department.

The provisions of this subsection shall not apply to any revenue-producing project approved by the Legislature prior to the effective date of this subsection.

(d) In any lease-purchase agreement, the department shall provide for the expeditious repayment of any and all costs incurred by the department as a result of the covenant to complete the transportation project. The agreement shall provide for such repayment from excess tolls or second gas tax proceeds not required for payment of principal, interest, reserves and other required deposits for the bonds, and for the annual reimbursement from tolls to the extent available of all operating and maintenance costs of the facilities, as provided by the applicable provisions of the State Constitution and the bond proceedings.

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

Amendment 3A—On page 2, lines 1-27, strike lines 1 through and including line 27 and insert: *grade separations as approved by the Legislature.*

No contingency funds in the construction trust fund for any revenue-producing project for which a covenant to complete from the first gas tax has been made shall be expended for any purpose other than such project until the completion of such project; provided, however, such funds may be expended for other purposes if permitted by the proceedings authorizing such bonds and if the Department certifies to the department of administration that such contingency funds are not required for the completion of the project and are available and sufficient for such other purposes and the department of administration approves such certification in writing to the Department.

The provisions of subsections (c) and (d) shall not apply to any revenue-producing project approved by the Legislature prior to the effective date of this subsection.

(d) In any lease-purchase agreement, which includes a covenant to complete by the department from the proceeds of the first gas tax, the department shall provide for the expeditious repayment of any and all costs incurred by the department as a result of the covenant to complete the transportation project. Such agreement shall provide for such repayment from excess tolls or second gas tax proceeds not required for payment of principal, interest, reserves and other required deposits for the bonds, and for the annual reimbursement from tolls or other local monies or both, to the extent legally available of all operating and maintenance costs of the facilities, as provided by the applicable provisions of the State Constitution and the bond proceedings.

Amendment 3 as amended was adopted.

On motion by Senator Myers, by two-thirds vote SB 1274 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	Poston	Trask
Castor	Gorman	Renick	Vogt
Chamberlin	Graham	Scarborough	Ware
Childers, Don	Henderson	Scott	Williamson
Childers, W. D.	Holloway	Skinner	Wilson
Dunn	Johnston	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	McClain	Thomas, Pat	
Glisson	Myers	Tobiassen	

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Spicola, consideration of HB 1739 was deferred.

On motion by Senator W. D. Childers, consideration of HB 268 was deferred.

On motion by Senator Trask, consideration of SB 1268 was deferred.

On motion by Senator W. D. Childers, consideration of CS for SB 188 was deferred.

Senator W. D. Childers moved that consideration of CS for HB 11 be deferred and the motion failed.

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

—was taken up with pending amendment.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Scarborough at 2:00 p.m. A quorum present—39:

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

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1354.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1321.

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 309.

Allen Morris, Clerk

The Honorable Lew Brantley, President

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

SB 595	SB 1303	SB 948	SB 744
SB 828	SB 743	SB 1346	SB 1002

Allen Morris, Clerk

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed SB 439.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 1 and passed SB 186, as amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senator Vogt—

SB 398—A bill to be entitled An act relating to blue crabs; amending s. 370.135(3), Florida Statutes; prohibiting possession for sale of more than a certain number of undersized blue crabs; providing for exceptions by special permit issued by the Department of Natural Resources; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1 between lines 27 & 28 insert:

Section 2. Subsection (1) of section 370.135, Florida Statutes, as amended by chapter 76-105, Laws of Florida, is hereby repealed.

and renumber subsequent section.

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

Amendment 1A—On page 1, strike all of lines 3 and 4 and insert: Florida Statutes is amended to read: 370.135 Blue crab; regulation. (1) No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or place, any trap designed for taking blue crabs unless such trap has a current state permit number permanently attached to the buoy, and said trap shall have a two-inch square opening on one of the sides. The permit number shall be affixed in legible figures at least 1 inch high on each buoy used. The blue crab permit shall be on board the boat, and both the permit and the crabs shall be subject to inspection at all times. Only one permit shall be issued for each boat by the department upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps.

Amendment 2—On page 1, line 23, strike "5 percent" and insert: 10 percent

Amendment 3—On page 1 in title, line 8 after "penalty;" insert: repealing s. 370.135(1), Florida Statutes, relating to blue crab permits;

Senator Vogt moved the following amendment to House amendment 3 which was adopted:

Amendment 3A—On page 1, strike all of lines a and b and insert: amending s. 370.135 (1), Florida Statutes; deleting limitations on the size of openings in crab traps,

On motions by Senator Vogt, the Senate concurred in House Amendments 1 and 3 as amended and the House was requested to concur.

On motion by Senator Vogt, the Senate concurred in House Amendment 2.

SB 398 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Barron	Glisson	Renick	Vogt
Castor	Gorman	Sayler	Ware
Chamberlin	Hair	Scarborough	Williamson
Childers, Don	Henderson	Scott	Winn
Childers, W. D.	Holloway	Skinner	Zinkil
Dunn	Johnston	Spicola	
Firestone	MacKay	Thomas, Jon	
Gallen	Poston	Tobiasen	

Nays—None

Vote after roll call:

Yea—Graham

The Honorable Lew Brantley, President

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

By Senator Scarborough and others—

SB 14—A bill to be entitled An act relating to the protection of public employees retirement benefits; creating part VII, chapter 112, Florida Statutes; providing for the implementation of Section 14 of Article X, State Constitution, relating to governmental retirement systems; providing that this act is applicable to all state, county, special district, and municipal retirement systems and prevails over conflicting existing laws and ordinances; providing for actuarial reviews; providing for prompt deposit of employee and employer contributions, meeting of normal costs, and amortization of unfunded liabilities; providing limitations on retirement benefits; providing certain general administrative provisions relating to retirement systems; providing that provisions relieving a fiduciary from liability are void; providing for purchase of insurance to cover losses incurred by an act or omission of a fiduciary; providing for civil actions; providing that a retirement system or plan may sue or be sued as an entity; providing for notice and review of denials or benefits; prohibiting special laws or general laws of local application relating to the requirements of the act; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 4 and 5, strike all of lines 8-31 on page 4 and all of lines 1-19 on page 5

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

Amendment 1A—On line a after "page 5" insert: 112.65 Limitation of benefits.—

(1) The employer-provided portion of a retirement benefit or pension payable to a retiree who became a member of any retirement system or plan covered by this part on or after January 1, 1979, shall be limited so that when added to the member's social security benefit, the sum shall not exceed 100

percent of the compensation, excluding payments for accumulated leave and compensatory time, upon which retirement benefits are calculated. Such limitation on retirement benefits and pensions shall not be applicable until the member actually begins receiving his primary social security benefit, nor shall such limitation apply to supplemental retirement benefit or pension increases attributable to cost-of-living increases or such other retirement benefit or pension increases which have the effect of supplementing a retiree's basic retirement benefit or pension.

(2) No member of a retirement system or plan covered by this part, who is not now a member of such plan, shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which service the member is already receiving or will receive in the future a retirement benefit or pension from another retirement system or plan; provided, however, that this restriction does not apply to social security coverage or benefits.

Amendment 2—On page 2, line 3, strike "112.6E,"

Amendment 3—On page 1 in title, lines 15 and 16, strike "providing limitations on retirement benefits;"

Amendment 4—On page 7, line 4, strike "pertaining to" and insert: in conflict with

On motion by Senator Sayler, the Senate concurred in House Amendment 1 as amended and the House was requested to concur.

On motions by Senator Sayler, the Senate refused to concur in House Amendments 2 and 3 and the House was requested to recede.

On motion by Senator Sayler, the Senate concurred in House Amendment 4.

SB 14 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

The President presiding

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator 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, installation of certain seawalls, 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, lines 28-30, strike all of paragraph (o) and redesignate the subsequent paragraph

Amendment 2—On page 1 in title, lines 15-18, strike all of said lines and insert: providing

On motions by Senator Vogt, the Senate concurred in the House Amendments.

SB 487 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Gordon (by request)—

SB 658—A bill to be entitled An act relating to the Florida Income Tax Code; amending s. 220.13(1)(b), Florida Statutes; allowing, in computing adjusted federal income, a deduction of a portion of certain wages and salaries paid or incurred; providing for retroactive operation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 21, strike subparagraph 3. and insert: 3. In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within the State of Florida for the taxable year for which no deduction is allowed pursuant to section 280 C of the Internal Revenue Code (relating to credit for employment of certain new employees).

On motion by Senator Gordon, the Senate concurred in the House Amendment.

SB 658 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 738, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hector—

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

House Amendment 1 to Senate Amendment 1—After the word "grouper" insert: *if the grouper is taken for commercial use*

House Amendment 1 to Senate Amendment 2—After the word "grouper" insert: *under certain circumstances*

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

HB 738 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 5 amendments—

By Senators Jon Thomas and Zinkil—

SB 803—A bill to be entitled An act relating to municipalities and counties; authorizing municipalities and counties to create one or more recreation districts within the municipality or county; providing for the powers of recreation districts as contained in the recreation district charter; providing for a limitation on authorized powers; providing for the governing body of recreation districts; providing for assessment records and collection of taxes with respect to recreation districts; providing that ordinances creating recreation districts must be filed in the minutes of the governing body of the municipality or county; authorizing action by parties aggrieved by the formation of such recreation districts; providing for a referendum; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 27-28, strike "shall be a political subdivision of the state and"

Amendment 2—On page 2, line 3, after the period insert: The electors residing in a proposed district may petition the governing body of the city or county to create a recreation district. If a majority of electors has signed the petition no referendum shall be required to create the district.

Amendment 3—On page 2, line 29, strike the period and insert: ; provided that said bonds shall bear interest at a rate pursuant to s. 215.685, Florida Statutes, and be sold at public sale. In the event an offer of an issue of bonds at public sale produces no bid, or in the event all bids received are rejected, the district is authorized to negotiate for the sale of such bonds under such rates and terms as are acceptable; provided that no such bonds shall be sold or delivered on terms less favorable than the terms contained in any bids rejected at the public sale thereof, or the terms contained in the notice of public sale if no bids were received at such public sale.

Amendment 4—On page 3, line 12, strike the period and insert: ; provided that said bonds shall bear interest at a rate pursuant to s. 215.685, Florida Statutes, and be sold at public

sale. In the event an offer of an issue of bonds at public sale produces no bid, or in the event all bids received are rejected, the district is authorized to negotiate for the sale of such bonds under such rates and terms as are acceptable; provided that no such bonds shall be sold or delivered on terms less favorable than the terms contained in any bids rejected at the public sale thereof, or the terms contained in the notice of public sale if no bids were received at such public sale.

Amendment 5—Strike lines 27-31 on page 3 and lines 1-13 on page 4 and insert: recreation district created by it. The governing body may appoint a district advisory board to advise it on all matters relating to the district. Members of the advisory board shall serve without compensation.

On motions by Senator Jon Thomas, the Senate concurred in the House Amendments.

SB 803 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Johnston Wilson

The bill was ordered engrossed and then enrolled.

The Honorable Lew Brantley, President

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

By Senator Plante—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9, after the colon ":" insert the following: Section 1. Section 283.30, Florida Statutes, is created to read:

283.30 State agency publications; prior justification and approval.—

(1) As used in this section, "state agency publication" means any publication of a state agency which is circulated outside the promulgating agency and which costs \$2,000 or more to print and distribute.

(2) Each state agency desiring to publish a state agency publication for public use or information after June 30, 1979, shall first justify the need for each such publication and its intended distribution and secure prior approval for funding thereof by including same as an appropriation line item within the state agency's legislative budget request.

(3) Any state agency finding a need to publish a state agency publication without justification and approval as provided in subsection (2) shall bring such need before the Governor and Cabinet and, upon approval of the Governor and Cabinet, funding for such publication shall be provided by the Emergency Appropriation Fund or the Deficiency Appropriation Fund, in the discretion of the Governor and Cabinet sitting as the Administration Commission.

(4) This section shall not apply to state agency publications which are wholly funded by moneys received from outside the publishing state agency.

AND RENUMBER THE SUBSEQUENT SECTIONS

Amendment 2—On page 1 in title, line 6, after the semicolon “;” insert: creating s. 283.30, Florida Statutes; requiring prior justification and approval of each state agency publication as an appropriation line item within the agency’s legislative budget request; providing an alternative method of approval and funding; providing an exception;

Amendment 3—On page 3, line 22, insert: a new section 4, renumbering the present section 4 accordingly:

Section 4. Section 283.035, Florida Statutes, is created to read:

283.035 Preference to in-state binderies.—Every agency of the state or any subdivision thereof, including agencies within the legislative and judicial branches of government, shall give preference to binderies located within the state when awarding contracts to have materials bound, whenever such binding can be done at no greater expense than, and at a level of quality comparable to, that obtainable from a bindery located outside of the state.

Amendment 4—On page 1 in title, line 6, after “circumstances;” insert: creating s. 283.035, Florida Statutes, requiring agencies of the state and its subdivisions to give preference to binderies located within the state when awarding contracts to have materials bound;

On motions by Senator Plante, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senator Gallen—

SB 827—A bill to be entitled An act relating to local price controls on rent for luxury apartments; amending ss. 125.0103 (4), 166.043 (4), Florida Statutes; prohibiting certain local price controls on rents charged for dwelling units in luxury apartment buildings; defining luxury apartment building; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 26 & 28, strike “1,260,792” and insert: 600,000

Amendment 2—On page 2, lines 13 & 15, strike “1,260,792” and insert: 600,000

Amendment 3—On page 2 between lines 16 & 17, insert: (new Section 3 and renumber subsequent section)

Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected. It is further declared to be the legislative intent that if the population criteria or the \$190.00 rental criteria established for a luxury apartment building in Sections 1 and 2 is found invalid, the court shall strike said criteria and reinstate the definition of luxury apartment building for all counties as one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.00.

On motion by Senator Gallen, the Senate concurred in the House Amendments.

SB 827 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Chamberlin Childers, Don Glisson

The bill was ordered engrossed and then enrolled.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Holloway, by two-thirds vote SB 1355 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Spicola, the rules were waived and by two-thirds vote HB 1451 was withdrawn from the Committee on Commerce.

On motion by Senator Sayler, by two-thirds vote SB 61 was placed at the end of the consent calendar.

On motion by Senator W. D. Childers, by two-thirds vote HB 873 was removed from the consent calendar.

CONSENT CALENDAR

SB 350—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.022, Florida Statutes, to prohibit county officers from using any form for administering or collecting ad valorem taxes the substantive content of which is at variance with the form prescribed by the Department of Revenue; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Poston	Trask
Barron	Holloway	Renick	Vogt
Castor	Johnston	Sayler	Ware
Chamberlin	MacKay	Skinner	Williamson
Childers, Don	McClain	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil
Glisson	Peterson	Thomas, Pat	
Gordon	Plante	Tobiassen	

Nays—1

Dunn

Vote after roll call:

Yea—W. D. Childers

SB 884 was taken up and on motion by Senator Scott, by two-thirds vote HB 1487 was withdrawn from the Committee on Judiciary-Criminal. On motion by Senator Scott—

HB 1487—A bill to be entitled An act relating to theft, robbery, and related crimes; creating s. 812.0145, Florida Statutes, defining the term “organized fraud”; providing penalties with respect to persons who are convicted of committing the crime of organized fraud; providing an effective date.

—a companion measure, was substituted for SB 884 and read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 1, lines 11 and 13, strike “812.0145” and insert: 817.036

Amendment 2—On page 1 in title, strike lines 2 and 3 and insert: An act relating to fraudulent practices; creating s. 817-036, Florida Statutes;

On motion by Senator Scott, by two-thirds vote HB 1487 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gorman	Renick	Ware
Castor	Graham	Sayler	Williamson
Chamberlin	Holloway	Scott	Wilson
Childers, Don	Johnston	Spicola	Winn
Childers, W. D.	MacKay	Thomas, Pat	Zinkl
Firestone	McClain	Tobiassen	
Gallen	Peterson	Trask	
Glisson	Poston	Vogt	

Nays—None

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 second time by title. On motion by Senator Trask, by two-thirds vote SB 1200 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Zinkl

SB 388—A bill to be entitled An act relating to payment of attorney’s fees and costs for insolvent defendants in capital cases; amending s. 925.035(6), Florida Statutes, and adding subsection (7) to said section; providing for payment by the state of attorney’s fees and costs of such defendants; providing procedure for payment of attorney’s fees for representation in a trial court and in an appellate court and prescribing criteria for setting the amount thereof; establishing maximum amounts for such fees; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 27.53, Florida Statutes, are amended to read:

27.53 Appointment of assistants and other staff; method of payment.—

(2) In addition, any member of the bar in good standing may be appointed by the court to, or may register his or her availability to the public defender of each judicial circuit for acceptance of, special assignments without salary to represent insolvent defendants. Such persons shall be listed and referred to as special assistant public defenders and be paid a fee and costs and expenses. Such fee and costs and expenses shall be fixed by the trial judge and shall be paid in the same manner and amount as counsel fees are paid in capital cases or as otherwise provided by law. In addition, defense counsel may be assigned and paid pursuant to any existing or future local act or general act of local application.

(3) If at any time during the representation of two or more indigents the public defender shall determine that the interests of those accused are so adverse or hostile that they cannot all be counseled by the public defender or his staff without conflict of interest, or that none can be counseled by the public defender or his staff because of conflict of interest, it shall be his duty to move the court to appoint one or more members of The Florida Bar who are in no way affiliated with the public defender in his capacity as such, or in his private practice, to represent those accused. However, the trial court shall appoint such other counsel upon its own motion when the facts developed upon the face of the record and files in the cause disclose such conflict. *If warranted by the circumstances of the case, the court may in its discretion appoint as many as two attorneys for each defendant in each case. and Said attorney or attorneys shall may, in the discretion of the court, be paid a fee and costs and expenses as is provided in subsection (2).*

Section 2. Subsection (7) is added to section 925.035, Florida Statutes, to read:

925.035 Appointment and compensation of an attorney in capital cases; appeals from judgments imposing the death penalty.—

(7) *An attorney appointed pursuant to this section or s. 27.53 shall, at the conclusion of the representation, be compensated at an hourly rate fixed by the chief judge or senior judge of the circuit in an amount not to exceed the prevailing hourly rate for similar representation rendered in the circuit. Such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the court. The compensation for representation shall not exceed the following per case per defendant:*

(a) *For misdemeanors and juveniles represented at the trial level: \$500.*

(b) *For noncapital, nonlife felonies represented at the trial level: \$1,500.*

(c) *For life felonies represented at the trial level: \$2,000.*

(d) *For capital cases represented at the trial level: \$2,500.*

(e) *For representation on appeal: \$1,000.*

Section 3. This act shall take effect October 1, 1978.

Amendment 2—On page 1, strike all of line 1 through and including line 13 and insert: A bill to be entitled An act relating to public defenders; amending s. 27.53(2) and (3), Florida Statutes, providing that special assistant public defenders shall be paid in the same manner and amount as counsel fees are paid in capital cases; authorizing the court, in its discretion, to appoint two attorneys for each defendant; adding subsection (7) to s. 925.035, Florida Statutes, limiting the amount of fees for special assistant public defenders in capital cases; providing an effective date.

On motion by Senator Myers, by two-thirds vote SB 388 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

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

Nays—1

Wilson

SB 736—A bill to be entitled An act relating to clerks of the circuit courts; repealing s. 28.2401(1)(a), Florida Statutes, relating to a \$5 fee charged for depositing the will of a decedent with the clerk of the circuit court; 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 Spicola and adopted:

Amendment 1—On page 1, strike everything after the enacting clause. and insert: Section 1. Subsections (10), (12), (16), (20), and (25), of section 28.24, Florida Statutes, are amended to read:

28.24 Service charges by Clerk of the Circuit Court.—The clerk of the circuit court shall make the following charges for services rendered by his office in recording documents and instruments and in performing the duties enumerated:

- (10) For making microfilm copies of any public records:
 - (a) 16 mm 100' microfilm roll ~~or less~~ 25.00
 - (b) 35 mm 100' microfilm roll ~~or less~~ 35.00
 - (c) Micro fiche, per fiche 2.00
- (12) For writing any paper other than herein specifically mentioned, same as for copying, *including signing and sealing* 4.00
- (16) For recording, indexing, and filing any instrument not more than 14 inches by 8½ inches, including required notice to property appraiser where applicable:
 - (a) First page or fraction thereof 4.00
 - (b) Each additional page or fraction thereof 3.00
 - (c) For indexing instruments recorded in the official records which contain more than four *names entries*, per additional *name entry*50
- (20) For preparing affidavit of domicile 4.00
 - (a) *Exemplified certificates, including signing and sealing* 4.00
 - (b) *Authenticated certificates, including signing and sealing* 4.00
- (25) For receiving and disbursing domestic support payments, per *payment item*, unless otherwise provided by *county ordinance*, special or general law 2.00

Section 2. Paragraph (a) of subsection (1) of section 28.2401, Florida Statutes, as amended by chapter 77-284, Laws of Florida, is hereby repealed.

Section 3. This act shall take effect on October 1, 1978.

Amendment 2—On page 1 in title, strike all of lines 2 through and including line 7 and insert: An act relating to service charges by clerks of court; amending subsections (10), (12), (16), (20), and (25), of s. 28.24, Florida Statutes; prescribing service charges for various services of the clerks of the circuit courts; repealing s. 28.2401(1)(a), Florida Statutes, relating to a \$5 fee charged for depositing the will of a decedent with the clerk of the circuit court; providing an effective date.

On motion by Senator Spicola, by two-thirds vote SB 736 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	Renick	Vogt
Barron	Holloway	Sayler	Ware
Castor	Johnston	Scarborough	Williamson
Childers, Don	MacKay	Scott	Wilson
Childers, W. D.	McClain	Spicola	Winn
Firestone	Myers	Thomas, Jon	Zinkil
Gallen	Peterson	Thomas, Pat	
Glisson	Plante	Tobiassen	
Gorman	Poston	Trask	

Nays—None

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

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 962 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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 second time by title.

Senators Peterson and Jon Thomas offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 4, between lines 21 and 22, insert: a new section 2 and renumber subsequent section

Section 2. Paragraph (f) is added to subsection (5) of section 402.32, Florida Statutes, to read:

402.32 School health services program.—

(5) Each district school board, and the Department of Education where applicable, shall have the duty:

(f) To examine each public school child, at the proper age, for scoliosis.

Amendment 2—On page 1 in title, line 2, strike "infancy hygiene" and insert: public health

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 3—On page 1, line 5, strike the word “screen” and insert: require screening of

Senators Peterson and Jon Thomas offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 4—On page 1 in title, line 23, insert after the semicolon: adding s. 402.32(5)(f), Florida Statutes; requiring screening of public school children for scoliosis;

On motion by Senator Jon Thomas, by two-thirds vote SB 1276 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

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

Nays—None

SB 1090—A bill to be entitled An act relating to the regulation of crawfish; creating a nursery sanctuary for spiny lobsters within the waters of Biscayne Bay and Card Sound; prohibiting the taking, molesting, trapping or possession of spiny lobsters within such waters; providing an exemption for certain purposes; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Renick moved the following amendment which was adopted:

Amendment 1—On page 3, line 27, after the word “possess” insert: , while swimming at or below the surface of the water,

On motion by Senator Renick, by two-thirds vote SB 1090 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Glisson

SB 625—A bill to be entitled An act relating to retail sales establishments; requiring certain retail sales establishments to give notice of their refund policy; providing that any such establishment failing to comply shall under certain circumstances grant to the consumer a refund; providing exceptions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 18, strike “cash”

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

Amendment 2—On page 1, lines 13-15, strike “shall post notice in a prominent place, or shall have printed on the sales slip, a statement of the establishment’s refund policy.” and insert: that offers no cash refund, credit refund or exchange of merchandise, must post a sign so stating at the point of sale. Failure of a retail sales establishment to exhibit a “no refund” sign under such circumstances at the point of sale shall mean that refund or exchange policy exists, and the policy shall be presented in writing to the consumer upon request.

On motion by Senator Vogt, by two-thirds vote SB 625 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—2

Chamberlin Johnston

Votes after roll call:

Yea—Gallen, Glisson

HB 378—A bill to be entitled An act relating to the county annual budget; amending s. 129.01(1), Florida Statutes, removing the specified lists of county funds for which a county must prepare, approve, adopt, and execute an annual budget; amending s. 129.06(1)(a) and (2), Florida Statutes, to provide for a modified accrual system of accounting, intra-departmental budget amendments, and the expenditure of receipts for an enterprise and/or proprietary fund; amending s. 129.07, Florida Statutes, allowing expenditures for individual items to exceed the budget, provided that the fund’s budget is not exceeded; 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 Castor and adopted:

Amendment 1—Strike on page 2, lines 20-31 and on page 3, lines 1-6 and insert: (a) *The accrual basis of accounting shall be followed for all funds in accordance with generally accepted accounting principles.*

Amendment 2—On page 1, line 8, strike “a modified” and insert: an

On motion by Senator Castor, by two-thirds vote HB 378 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Gallen, Tobiassen

SB 208—A bill to be entitled An act relating to the State Career Service System; amending s. 110.051(3), Florida Statutes, 1977, to provide that employees of the Department of Criminal Law Enforcement are subject to certain provisions of s. 110.061, Florida Statutes, 1977, relating to suspensions, dismissals, reductions in pay, demotions, and layoffs; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On pages 1-3, beginning on line 30, strike all of Section 2.

[Renumber subsequent section.]

On motion by Senator Sayler, by two-thirds vote SB 208 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Wilson

Vote after roll call:

Yea—Gallen

By the Committee on Appropriations and Senator Johnston—

CS for SB 470—A bill to be entitled An act relating to retirement; amending s. 112.362, Florida Statutes; providing minimum monthly benefits to certain retired persons and their beneficiaries equal to \$8.50, \$10.50 and \$12.50 multiplied by the total number of years of creditable service of the member; prescribing certain application requirements; providing that certain minimum monthly benefits shall not apply to any member who retires after June 30, 1978; providing for annual adjustments to the minimum monthly benefits, not to exceed 3 percent, according to the percentage change in the average cost-of-living index; providing a continuing appropriation; providing an effective date.

—was read the first time by title and SB 470 was laid on the table.

On motions by Senator Johnston, by two-thirds vote CS for SB 470 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—31

Mr. President	Henderson	Renick	Trask
Castor	Holloway	Sayler	Vogt
Chamberlin	Johnston	Scarborough	Ware
Childers, Don	MacKay	Scott	Williamson
Dunn	McClain	Skinner	Wilson
Firestone	Myers	Spicola	Winn
Gorman	Peterson	Thomas, Jon	Zinkil
Graham	Poston	Thomas, Pat	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Gallen, Glisson, Tobiassen

SB 679—A bill to be entitled An act relating to mental health; amending s. 394.459(9)(a), Florida Statutes; requiring a

medical summary of the clinical record of certain mentally ill patients to be released without charge to the Department of Offender Rehabilitation under certain conditions; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Glisson and adopted:

Amendment 1—On page 1, line 28, insert after the word "medical": discharge

Amendment 2—On page 1, line 4, insert after the word "medical": discharge

On motion by Senator Glisson, by two-thirds vote SB 679 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	Graham	Renick	Trask
Barron	Henderson	Sayler	Vogt
Castor	Holloway	Scarborough	Ware
Childers, Don	Johnston	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Wilson
Dunn	McClain	Spicola	Winn
Firestone	Myers	Thomas, Jon	Zinkil
Glisson	Peterson	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—None

Vote after roll call:

Yea—Gallen

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 second time by title. On motion by Senator Scarborough, by two-thirds vote SB 1298 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gallen

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 ap-

prove 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 second time by title. On motion by Senator Holloway, by two-thirds vote SB 1284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Votes after roll call:

Yea—Gallen, Glisson

On motion by Senator Jon Thomas, the rules were waived and by two-thirds vote HB 2035 was withdrawn from the Committee on Health and Rehabilitative Services.

CS for HB 386—A bill to be entitled An act relating to professional engineers and land surveyors; amending s. 471.08, Florida Statutes, providing for two additional members of the Florida State Board of Professional Engineers and Land Surveyors, including a public member; establishing engineering and land surveying committees; amending s. 471.11(1)(a), Florida Statutes, providing the board with authority to suspend or refuse to renew certificates of registration in addition to the present power of revocation; providing that rulemaking and disciplinary powers of the board may only be exercised by a two-thirds vote; amending s. 471.12, Florida Statutes, providing that no officer on the board is relieved of his obligation to vote; adding subsection (5) to s. 472.01, Florida Statutes, providing a definition of responsible charge; amending s. 472.03(1) and (3), Florida Statutes, and adding a subsection thereto; granting the board power to enforce chapter 472, Florida Statutes, and providing the board with authority to adopt and enforce rules relating to the practice of land surveying; providing for the establishment of minimum technical standards; amending s. 472.04(1) and (3), Florida Statutes, raising limitation on land surveying applicants' fees to \$65; amending s. 472.05(3), Florida Statutes, providing for reexamination and a fee therefor; amending s. 472.06, Florida Statutes, providing for a limitation of \$65 on the land surveying certificate of registration fee; amending s. 472.09(1), Florida Statutes, and adding a subsection thereto; providing for a limitation of \$65 on annual renewal fees; providing renewal procedure; and providing for delinquent and reissue fees; amending s. 472.10(3)(a), Florida Statutes, providing that the board may revoke or suspend a certificate of registration of a land surveyor for fraud or deceit in the practice of his profession or for the violation of specified chapters of the Florida Statutes; amending s. 472.11(2), Florida Statutes, providing for fees for certificates of authorization for corporations and partnerships; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote CS for HB 386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gallen

SB 1290 was taken up and on motion by Senator McClain, the rules were waived and by two-thirds vote HB 628 was withdrawn from the Committee on Judiciary-Civil. On motion by Senator McClain—

HB 628—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; amending s. 63.092(1), Florida Statutes, and adding a subsection removing the authority of the Department of Health and Rehabilitative Services to waive certain reporting requirements; providing for injunction against future actions by an intermediary; amending s. 63.097, Florida Statutes, requiring prior court approval of fees paid to an intermediary; amending s. 63.202, Florida Statutes, requiring an agency placing minors for adoption to be licensed by the department; amending s. 63.207, Florida Statutes, prohibiting certain counseling with respect to placing a child for adoption outside the state; amending s. 63.212(3) and (4), Florida Statutes, and adding paragraph (1)(e) and subsection (5) thereto; modifying penalty provisions to conform; prohibiting any person from charging or accepting compensation from an intermediary for making a referral in connection with an adoption; providing an effective date.

—a companion measure, was substituted for SB 1290 and read the second time by title. On motion by Senator McClain, by two-thirds vote HB 628 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—2

Johnston Wilson

Vote after roll call:

Yea—Gallen

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

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote SB 983 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By the Committee on Judiciary-Criminal and Senator Dunn—

CS for SB 369—A bill to be entitled An act relating to criminal justice information and records; creating s. 943.051, Florida Statutes; providing definitions; providing for administrative expunction of certain records pursuant to rules adopted by the Department of Criminal Law Enforcement; providing for the expunction or sealing of criminal history records maintained by criminal justice agencies upon order of court; providing for criteria; providing for distribution of such orders to affected criminal justice agencies; authorizing agency cooperation with requests from other jurisdictions relating to expunction or sealing of criminal history records; providing for restoration of status to the subject of expunged records; authorizing subjects of expunged or sealed records to deny or fail to acknowledge events covered by such records and providing exceptions; requiring petitioners for orders to expunge or seal to make a sworn statement of knowledge and belief of eligibility; providing for department recommendations to the Legislature relating to routine sealing or expunction of certain arrest records; creating s. 943.052, Florida Statutes; requiring submission of certain fingerprints to the Department of Criminal Law Enforcement; authorizing exceptions to be adopted by department rule; creating s. 943.053, Florida Statutes; providing for the submission to the Department of Criminal Law Enforcement of disposition reports; authorizing the department to adopt rules governing such reports; creating s. 943.054, Florida Statutes; exempting criminal intelligence and investigative information and records from s. 119.07, Florida Statutes; amending ss. 245.06, 475.16, Florida Statutes, relating to fingerprinting, to conform to current practices; repealing ss. 30.31, 893.14, and 901.33, Florida Statutes, relating to fingerprinting by sheriffs and to expunction of certain criminal history records; providing severability; providing an effective date.

—was read the first time by title and SB 369 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 369 was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 8, strike lines 12 through 20.

(Renumber subsequent sections.)

On motion by Senator Dunn, by two-thirds vote CS for SB 369 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Gallen, Williamson

SB 41—A bill to be entitled An act relating to the Teachers' Retirement System of the State; amending s. 238.181(2), Florida Statutes; increasing the number of hours of part-time employment per calendar year allowed a person retired under such system without reducing or affecting his retirement or pension status; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 41 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Gallen, Williamson

CS for SB 324, by the Committee on Governmental Operations and Senators Tobiassen and Castor, was read the first time by title and SB 324 was laid on the table.

CS for SB 324 was taken up and on motion by Senator Tobiassen, the rules were waived and by two-thirds vote HB 2137 was withdrawn from the Committee on Governmental Operations. On motion by Senator Tobiassen—

HB 2137—A bill to be entitled An act relating to the lease of buildings by state agencies; amending s. 255.21(3) and (4), Florida Statutes, and adding subsection (5) thereto, providing that state agencies, with respect to private sector leased space, shall be responsible for insuring compliance with rules promulgated by the Department of General Services with respect to special facilities for the physically handicapped; authorizing state agencies to conduct surveys and investigations deemed necessary to insure compliance; requiring each state agency to establish a committee to consider modification or waiver requests with respect to such facilities; amending s. 255.249(2)(b), (h), and (i), Florida Statutes, adding paragraphs (j) and (k) to subsection (2), and adding subsection (3) to said section, requiring the Department of General Services to adopt rules relating to procedures for soliciting and accepting competitive proposals for certain leased space, exemptions from such procedures, exemptions from full disclosure of certain beneficial and leasehold interests, methods for reporting certain exempted leases, and methods for certifying compliance with leasing criteria in certain circumstances; amending s. 255.25(2), (3), (4), and (5), Florida Statutes, and adding subsections (7) and (8) to said section, providing certification procedures for leases of less than 2,000 square feet of space; requiring state agencies to adopt rules to ensure compliance with leasing requirements; limiting application of certain leasing requirements; authorizing the Division of Building Construction and Property Management to approve extension of leases for limited periods in certain circumstances; authorizing the division to delegate certain authority relating to compliance with fire safety standards to ex officio agents of the State Fire Marshal; providing an effective date.

—a companion measure, was substituted for CS for SB 324 and read the second time by title. On motion by Senator Tobiassen by two-thirds vote HB 2137 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Gallen, Williamson

CS for SB 324 was laid on the table.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2101, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 2101—A bill to be entitled An act relating to Shands Teaching Hospital; authorizing the establishment of a capital construction trust fund by such hospital; prescribing the uses of such trust fund; requiring that certain construction be approved by the Legislature; providing for the deposit of certain unexpended and unencumbered funds into the trust fund; providing an effective date.

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

CONSENT CALENDAR, continued

CS for SB 1004, by the Committee on Appropriations and Senators MacKay and Peterson, was read the first time by title and SB 1004 was laid on the table.

CS for SB 1004 was taken up and on motions by Senator MacKay, by two-thirds vote HB 2101 was withdrawn from the Committee on Rules and Calendar, and HB 2101, a companion measure, was substituted for CS for SB 1004. On motions by Senator MacKay by two-thirds vote HB 2101 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gallen

CS for SB 1004 was laid on the table.

SB 1085—A bill to be entitled An act relating to tangible personal property owned by governmental units; amending s. 274.01(1), Florida Statutes, to redefine "governmental unit" for purposes of the regulation of acquisition, inventory, and disposal of such property; 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 Henderson and adopted:

Amendment 1—On page 1, lines 19 and 20, strike "governing board,"

On motion by Senator Henderson, by two-thirds vote SB 1085 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	Childers, Don	Gallen	Hair
Barron	Childers, W. D.	Glisson	Henderson
Castor	Dunn	Gorman	Holloway
Chamberlin	Firestone	Graham	Johnston

MacKay	Saylor	Thomas, Pat	Wilson
McClain	Scarborough	Tobiassen	Winn
Peterson	Scott	Trask	Zinkil
Poston	Skinner	Vogt	
Renick	Thomas, Jon	Ware	

Nays—None

Vote after roll call:

Yea—Spicola

SB 155—A bill to be entitled An act relating to the practice of physical therapy; amending ss. 486.021(1), 486.031(3), 486.041, 486.052, 486.081, 486.103, 486.105, and 486.107, Florida Statutes; redefining "physical therapy"; revising provisions relating to approval of physical therapy courses; providing for registration of graduates of physical therapy programs in foreign countries; providing examination fees for applicants for registration as physical therapist and physical therapist assistant; providing fees and procedures for renewal of registration; providing for cancellation of delinquent certificates; repealing s. 486.131, Florida Statutes, as amended, relating to registration with the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 2, after the word "acupuncture" and before the comma insert and underline: *only upon compliance with the criteria set forth by the Board of Medical Examiners*

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Henderson:

Amendment 2—On page 2, between lines 13 and 14, insert: Section 2. Subsection (2) of section 486.021, Florida Statutes, is amended to read:

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter upon the *referral or* prescription of a person licensed and registered in this state to practice medicine, surgery or dentistry, and whose license is in good standing.

(Renumber subsequent sections.)

The Committee on Economic, Community, and Consumer Affairs offered the following amendment to Amendment 2 which was moved by Senator Henderson and adopted:

Amendment 2A—On page 1, line 4, strike "*referral or*"

Amendment 2 as amended was adopted.

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

Amendment 3—On page 2, line 2, after the word "*acupuncture,*" insert: when no penetration of the skin occurs,

Amendment 4—On page 7, between lines 12 and 13, insert: New section 4 and renumber subsequent sections

Section 4. Section 486.161 EXEMPTIONS.—No provision of this chapter shall be construed to prohibit the following persons from using physical *agents therapy* as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession: chiropractors, podiatrists, doctors of medicine, masseurs, nurses, osteopathic physicians and surgeons, and naturopaths.

Senator Winn moved the following amendments which were adopted:

Amendment 5—On page 7, strike all of line 16 and insert: Section 5. The provisions of s. 455.014 and s. 455.016, Florida

Statutes, shall also be applicable to the provisions of this chapter.

Section 6. This act shall take effect upon becoming a law.

Amendment 6—On page 1 in title, line 18, after the word "services" insert: incorporating the provisions of s. 455.014 and s. 455.016, Florida Statutes, to the provisions of the act;

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

Amendment 7—On page 1 in title, line 3 after 486.02(1), insert: 486.021(2) and on line 6 after "physical therapy;" insert: redefining "physical therapist";

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

Amendment 8—On page 1 in title, strike all of lines 2 through 19 and insert: An act relating to the practice of physical therapy; amending ss. 486.021(1), 486.031(3), 486.041, 486.052, 486.081, 486.103, 486.105, 486.107, and 486.161, Florida Statutes; redefining "physical therapy"; revising provisions relating to approval of physical therapy courses; providing for registration of graduates of physical therapy programs in foreign countries; providing examination fees for applicants for registration as physical therapist and physical therapist assistant; providing fees and procedures for renewal of registration; providing for cancellation of delinquent certificates; revising exemptions; repealing s. 486.131, Florida Statutes, as amended, relating to registration with the Department of Health and Rehabilitative Services; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 155 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Barron	Glisson	Poston	Spicola
Castor	Gorman	Renick	Tobiassen
Chamberlin	Graham	Saylor	Trask
Childers, W. D.	Henderson	Scarborough	Williamson
Dunn	McClain	Scott	Wilson
Firestone	Myers	Skinner	Winn

Nays—8

Childers, Don	Johnston	Plante	Vogt
Gallen	MacKay	Thomas, Pat	Ware

Votes after roll call:

Nay to Yea—MacKay, Pat Thomas

SB 134 was taken up and on motions by Senator Henderson, by two-thirds vote HB 321 was withdrawn from the Committees on Natural Resources and Conservation; and Judiciary-Criminal. On motion by Senator Henderson further consideration of SB 134 was deferred.

SB 700 was taken up and on motion by Senator Hair, by two-thirds vote CS for HB 1211 was withdrawn from the Committee on Natural Resources and Conservation. On motion by Senator Hair—

CS for HB 1211—A bill to be entitled An act relating to freshwater fishing; amending s. 372.57(3), Florida Statutes, providing for a special fishing license issued for a 12-month period; amending s. 372.571, Florida Statutes, to provide that special 12-month fishing licenses shall expire 12 months after date of issuance; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 1211 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Henderson	Poston	Thomas, Jon	Ware
Holloway	Renick	Thomas, Pat	Wilson
Johnston	Scarborough	Tobiassen	Winn
MacKay	Scott	Trask	Zinkil
McClain	Skinner	Vogt	

Nays—None

Votes after roll call:

Yeas—Spicola, Williamson

SB 700 was laid on the table.

SB 1225 was taken up and on motion by Senator Ware—

HB 1194—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.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 1194 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yeas—Firestone, Williamson

SB 1225 was laid on the table.

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

CS for SB 1014—A bill to be entitled An act relating to mental health; requiring informed consent prior to utilization of electroconvulsive and psychosurgical procedures; providing an effective date.

—was read the first time by title and SB 1014 was laid on the table.

On motions by Senator Wilson, by two-thirds vote CS for SB 1014 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—29

Barron	Graham	Renick	Trask
Childers, Don	Hair	Saylor	Vogt
Childers, W. D.	Henderson	Scarborough	Wilson
Firestone	Holloway	Scott	Winn
Gallen	Johnston	Skinner	Zinkil
Glisson	MacKay	Spicola	
Gordon	Myers	Thomas, Pat	
Gorman	Poston	Tobiassen	

Nays—3

McClain Thomas, Jon Ware

Vote after roll call:

Yea—Williamson

SB 1108—A bill to be entitled An act relating to the district school system; amending s. 230.23(7)(d), Florida Statutes, pro-

viding for the establishment and maintenance of a school library media services program; amending s. 230.33(9)(d), Florida Statutes, providing that the superintendent shall recommend plans for a school library media services program; adding a new subsection (4) to s. 236.081, Florida Statutes, to require expenditure of a percentage of funds allocated to each school district for current operation for school library media services; repealing s. 233.29, Florida Statutes, relating to establishment and maintenance of libraries by school boards; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator MacKay:

Amendment 1—On page 3, lines 16 through 30, and on page 4, lines 1 and 2, strike all of Section 3. and insert: Section 3. Subsection (2) of section 230.2313, Florida Statutes, is amended and paragraph (e) is added to subsection (3) of said section to read:

230.2313 Student services programs.—

(2) It is the intent of the Legislature to articulate the functions served by each of the components of a program of student services. It is further the intent of the Legislature that each school district develop a plan for providing student services to all public school students in the district. This plan shall be designed to insure effective use of available resources and avoid unnecessary duplication. *It is the intent of the Legislature that, beginning with the 1979-1980 school year, school library media services shall be eligible for the categorical funding provided pursuant to s. 236.089. This provision is contingent upon the identification of appropriate funds for this purpose.*

(3) A "student services program" is defined as a coordinated effort which shall include, but not be limited to:

(e) *School library media services.*

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 2—Strike "at least 6" on line 25, page 3; all of lines 26 through 30 on page 3; and all of lines 1 and 2 on page 4 and insert: *a percentage of the base student allocation per unweighted full-time equivalent student shall be expended for school library media services programs, which shall include school library materials and personnel, effective July 1, 1979.*

The Committee on Education offered the following amendment which was moved by Senator MacKay:

Amendment 3—On page 1 in title, strike everything after the semicolon on line 9 through the semicolon on line 13 and insert: amending s. 230.2313(2) and (3), Florida Statutes, providing for the inclusion of school library media services as a student services program;

Senator Peterson moved the following substitute amendment which was adopted:

Amendment 4—On page 1, line 10, after the word "require" insert: , effective July 1, 1979,

On motion by Senator Peterson, by two-thirds vote SB 1108 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

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

Nays—None

Votes after roll call:

Yeas—Graham, Williamson

SB 248—A bill to be entitled An act relating to the subsidized adoption program for special needs children; amending s. 409.166(4)(a), Florida Statutes; prescribing the period of time for which the Department of Health and Rehabilitative Services may provide support and maintenance payments for special needs children placed for adoption; providing an effective date.

—was read the second time by title. On motion by Senator Chamberlin, by two-thirds vote SB 248 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Williamson

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

—was read the second time by title.

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

Amendment 1—On page 2, lines 10 through 31, and lines 1 through 6 on page 3, strike all of Section 2

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, lines 8 through 11, strike "creating s. 197.1165, Florida Statutes, requiring the Clerk of the Circuit Court to provide described parties with notice with respect to tax certificate sales;"

On motion by Senator Gordon, by two-thirds vote HB 51 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Graham

SB 793—A bill to be entitled An act relating to drivers' licenses; amending s. 322.13, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to designate persons as driver's license examiners; providing their duties; empowering the examiners to issue traffic citations for certain offenses; prohibiting the failure or refusal of a person to surrender his driver's license, registration, or license plate to

an examiner of the department; providing a penalty; excluding such examiners from the state's high risk retirement system; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote SB 793 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Graham

SB 411—A bill to be entitled An act relating to the purchase of medical laboratory services; requiring the Department of Health and Rehabilitative Services and the Department of Offender Rehabilitation to contract for the purchase of such services; prescribing procedures and guidelines to be followed in awarding such contracts; requiring each agency of each department to purchase its medical laboratory services from the vendor awarded the contract; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 20, strike the period after the word "itself" and insert: , another government agency or a private nonprofit foundation. Contracts may be bid by separate districts of the Department of Health and Rehabilitative Services and separate institutions of the Department of Offender Rehabilitation.

On motion by Senator Zinkil, by two-thirds vote SB 411 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	Gordon	Poston	Vogt
Barron	Gorman	Renick	Ware
Castor	Graham	Sayler	Williamson
Chamberlin	Hair	Scott	Wilson
Childers, Don	Henderson	Spicola	Winn
Childers, W. D.	Johnston	Thomas, Jon	Zinkil
Firestone	MacKay	Thomas, Pat	
Gallen	McClain	Tobiassen	
Glisson	Myers	Trask	

Nays—None

Votes after roll call:

Yea to Nay—McClain

On motion by Senator Renick, the rules were waived and SB 411 after being engrossed was ordered immediately certified to the House.

SB 238—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(j), Florida Statutes, and adding a paragraph to said subsection; providing for the assessment by a condominium association of fees relating to the approval of certain transactions; providing for the continuation of certain rules after control of the condominium association is turned over to the unit owners; 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 Henderson and adopted:

Amendment 1—On page 2, between lines 5 and 6, insert: Section 2. Subsection (6) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(6) This section shall not apply to residential condominiums which are covered by an insured warranty program underwritten by a licensed insurance company registered in Florida and approved for said warranty program by the Department of Insurance. Said warranty shall be for no less than 10 years duration and shall include the roof, electrical components, and all the structural components of a building or other improvement, except mechanical elements serving only one unit, *provided that this requirement shall be deemed satisfied with respect to any residential condominium unit or cooperative parcel for any remaining portion of said 10-year period during which, in lieu of said warranty, under an insured warranty program to the purchaser of said unit or parcel, said insurance company is obligated to repair or replace any defect covered by this section.*

(Renumber subsequent section.)

Senator Henderson moved the following amendment which was adopted:

Amendment 2—On page 2, insert: Section 3. Subsection (4) is added to section 718.115, Florida Statutes, to read:

718.115 Common expenses and common surplus.—

(4) *Subsections (2) and (3) do not apply to residential condominiums whose declaration or bylaws were in effect before July 1, 1975. Common expenses of such condominiums shall be assessed, and common surplus owned, as provided in the declaration or bylaws of such condominiums.*

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

Amendment 3—On page 1 in title, line 9, after the word "owners;" insert: providing that an insured warranty program of no less than 10 years duration which covers a residential condominium shall remain in effect for the remaining portion of said 10-year period; providing that the insuring company is required to meet any obligations of this section;

On motion by Senator Henderson, by two-thirds vote SB 238 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—McClain

SB 61—A bill to be entitled An act relating to the Attorney General; amending s. 16.01, Florida Statutes; requiring the Attorney General to give his official opinion and legal advice in writing to a member of the Legislature upon any matter touching upon the legislator's official duties; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote SB 61 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Saylor	Trask
Barron	Graham	Scarborough	Vogt
Castor	Henderson	Scott	Ware
Chamberlin	MacKay	Skinner	Williamson
Childers, Don	McClain	Spicola	Winn
Childers, W. D.	Plante	Thomas, Jon	Zinkil
Firestone	Poston	Thomas, Pat	
Gallen	Renick	Tobiassen	

Nays—1

Dunn

SPECIAL ORDER, continued

By the Committee on Corrections, Probation and Parole and Senators Gorman, Scott and Renick—

CS for SB 128—A bill to be entitled An act relating to sentencing; creating s. 921.165, Florida Statutes; requiring certain repeat felony offenders to be sentenced to a specified term of imprisonment; amending s. 948.01(1), Florida Statutes; prohibiting such a person from being placed on probation prior to serving the minimum term of imprisonment as provided by s. 921.165, Florida Statutes; amending s. 947.16(1), Florida Statutes; prohibiting such a person from being paroled prior to serving the minimum term of imprisonment as provided by s. 921.165, Florida Statutes; providing an effective date.

—was read the first time by title and SB 128 was laid on the table.

On motion by Senator Gorman, by two-thirds vote CS for SB 128 was read the second time by title.

Senator Gorman moved the following amendments which were adopted:

Amendment 1—On page 1, line(s) 18-31, page 2, lines 1-6 strike All of Section 1. and insert: Section 1. Section 921.165, Florida Statutes, is created to read:

921.165 Repeat qualified felony offenders.—

(1) Any person who commits murder, sexual battery, robbery, burglary, arson, aggravated battery, aggravated assault, a lewd, lascivious or indecent assault or act upon or in the presence of a child, aggravated child abuse, kidnapping, escape, or aircraft piracy, and has previously been found guilty or tendered a plea of guilty or a plea of nolo contendere, whether or not guilt has been adjudicated, of any felony listed in s. 921.165, in this state in a Florida State Court shall be a repeat qualified felony offender.

(2) Subsequent to October 1, 1978, any person who commits kidnapping, a lewd, lascivious or indecent assault or act upon or in the presence of a child, or arson, and is a repeat qualified felony offender shall not be placed on probation, nor have adjudication of guilt withheld, nor have imposition of sentence suspended or deferred, nor be eligible for parole until a term of imprisonment of not less than one third of the sentence imposed has been served. In no case shall the minimum sentence served under this section be for less than three calendar years. It shall be incumbent upon the court to determine the applicability of this section to each defendant.

(3) Subsequent to October 1, 1979, any person who commits murder or sexual battery and is a repeat qualified felony offender shall not be placed on probation, nor have adjudication of guilt withheld, nor have imposition of sentence suspended or deferred, nor be eligible for parole until a term of imprisonment of not less than one third of the sentence imposed has been served. In no case shall the minimum sentence served under this section be for less than three calendar years. It shall be incumbent upon the court to determine the applicability of this section to each defendant.

(4) Subsequent to October 1, 1980, any person who commits aggravated child abuse or escape and is a repeat qualified felony offender shall not be placed on probation, nor have adjudication of guilt withheld, nor have imposition of sentence suspended or deferred, nor be eligible for parole until a term of imprisonment of not less than one third of the sentence imposed has been served. In no case shall the minimum sentence served

under this section be for less than three calendar years. It shall be incumbent upon the court to determine the applicability of this section to each defendant.

(5) Subsequent to October 1, 1981, any person who commits aggravated battery or aggravated assault and is a repeat qualified felony offender shall not be placed on probation, nor have adjudication of guilt withheld, nor have imposition of sentence suspended or deferred, nor be eligible for parole until a term of imprisonment of not less than one third of the sentence imposed has been served. In no case shall the minimum sentence served under this section be for less than three calendar years. It shall be incumbent upon the court to determine the applicability of this section to each defendant.

(6) Subsequent to October 1, 1982, any person who commits robbery, burglary or aircraft piracy and is a repeat qualified felony offender shall not be placed on probation, nor have adjudication of guilt withheld, nor have imposition of sentence suspended or deferred, nor be eligible for parole until a term of imprisonment of not less than one third of the sentence imposed has been served. In no case shall the minimum sentence served under this section be for less than three calendar years. It shall be incumbent upon the court to determine the applicability of this section to each defendant.

Amendment 2—On page 3, line 20, strike “This act shall take effect October 1, 1978.” and insert: There shall be appropriated from the general revenue fund for the fiscal year 1978-79 the sum of \$32,850.00 for the purpose of implementing this act.

Section 5. This act shall take effect October 1, 1978.

Amendment 3—On page 1 in title, line 14, strike “providing an effective date.” and insert: providing an appropriation; providing an effective date.

Senators Pat Thomas and MacKay offered the following amendment which was moved by Senator Pat Thomas and adopted:

Amendment 4—On page 3, between lines 19 and 20, insert: Provided, however that the penalties prescribed herein shall not negate mandatory conditional release time

On motion by Senator Gorman, by two-thirds vote CS for SB 128 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—22

Mr. President	Glisson	Renick	Trask
Barron	Gorman	Saylor	Vogt
Childers, Don	Graham	Scarborough	Ware
Childers, W. D.	Henderson	Scott	Williamson
Dunn	Holloway	Thomas, Jon	
Gallen	Poston	Thomas, Pat	

Nays—5

Chamberlin	MacKay	Myers	Wilson
Johnston			

Votes after roll call:

Yeas—Firestone, McClain, Spicola, Winn, Zinkil

Nay to Yea—MacKay

On motion by Senator W. D. Childers, the rules were waived and CS for SB 128 after being engrossed was ordered immediately certified to the House.

The Senate reverted to—

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

—which was taken up with pending Amendment 1 which was adopted:

Amendment 1—On page 1, strike all of lines 30 and 31 and re-letter subsequent paragraphs

Senator Scarborough presiding

Senator Wilson moved the following amendment which was adopted:

Amendment 2—On page 1, line 23, strike (:) after "including" and insert: but not limited to:

Senators Gordon, Barron, Scarborough, Myers and Jon Thomas offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 3—On page 1, line 17, following the word "Both" strike remainder of paragraph

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

Yeas—24

Barron	Gordon	Renick	Thomas, Pat
Castor	Graham	Sayler	Tobiassen
Chamberlin	Johnston	Scarborough	Ware
Childers, W. D.	Myers	Skinner	Wilson
Firestone	Plante	Spicola	Winn
Gallen	Poston	Thomas, Jon	Zinkil

Nays—8

Childers, Don	MacKay	Scott	Vogt
Dunn	McClain	Trask	Williamson

The President presiding

The Senate reverted to—

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.

—which was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 268 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Gallen	Poston	Vogt
Barron	Glisson	Renick	Wilson
Castor	Gordon	Sayler	Winn
Childers, Don	Gorman	Thomas, Jon	Zinkil
Childers, W. D.	Johnston	Tobiassen	
Firestone	Plante	Trask	

Nays—5

Chamberlin	Scott	Ware	Williamson
MacKay			

Votes after roll call:

Nay—McClain, Myers, Spicola

On motion by Senator W. D. Childers, by two-thirds vote SB 801 was removed from the calendar and recommitted to the Committee on Commerce.

CS for HB 1190—A bill to be entitled An act relating to insurance; creating s. 624.433, Florida Statutes; providing that products liability insurers report specified information annually to the Department of Insurance; requiring the department to publish a summary of such information in its annual 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 MacKay:

Amendment 1—On pages 1 and 2, strike everything after the enacting clause and insert: Section 1. Products liability actions.—

(1) **EVIDENCE CONCERNING THE LIABILITY OF MANUFACTURERS AND SELLERS; ALLOCATING NEGLIGENCE BETWEEN PARTIES.**—In any civil action brought against the manufacturer or seller of any product, for the recovery of damages for personal injury, death, or property damage sustained by reason of a design, testing, or manufacturing defect in the product or by reason of an express or implied warranty on the product:

(a) The liability of the manufacturer or seller shall be based on the prevailing state of knowledge and technology in existence at the time of the sale of the product to its original purchaser, and no evidence of subsequent development or product change shall be admissible.

(b) The allocation of negligence in any such action shall be made on the basis of the relative fault between the plaintiff and the defendant, and any finding of negligence on the part of the plaintiff shall be based on:

1. The plaintiff's injury, death or damage having been caused by alteration, modification, or misuse of the product; or

2. The plaintiff having assumed the risk after discovering the defect in the product.

(c) The term "products liability action" includes any action brought on account of personal injury, illness, disease, disability, death, or property damage caused by or resulting from the manufacture, construction, design, formula, preparation, assembly, warning, instructing, marketing, packaging, or labeling of any product.

(2) **PLEADINGS.**—A plaintiff shall not specify the dollar amount of unliquidated damages in the pleadings in any products liability action.

(3) **INSTALLMENT PAYMENTS.**—When a judgment rendered in favor of a plaintiff exceeds \$50,000, the court may provide in the final judgment or order amending the final judgment that that portion, if any, of the first judgment which exceeds \$50,000 and which pertains to the recovery of future damages be paid in installments. If any portion of the final judgment is to be paid in installments, the court shall provide for adequate security, by bond or otherwise, to secure payment of the installments.

Section 2. Subsection (2) of section 95.031, Florida Statutes, is amended to read:

95.031 Computation of time.—Except as provided in subsection 95.051(2) and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(2) Actions for products liability and fraud under subsection 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in subsection 95.11(3) but in any event within 12 years after the date of delivery of the completed product to its original purchaser or *within 12 years after* the date of the commission of the alleged fraud, regardless of the date the defect in the product or the fraud was or should have been discovered.

Section 3. (1) No products liability insurer shall be joined as a party defendant in an action to determine the insured's liability. However, each insurer which does or may provide products liability insurance coverage to pay all or a portion of any judgement which might be entered in the action shall file with the court, under oath, a statement by a corporate officer setting forth the following information with regard to each known policy of insurance:

- The name of the insurer;
- The name of each insured;
- The limits of liability coverage; and

(d) A statement of any policy or coverage defense which said insurer reasonably believes is available to the insurer filing the statement at the time of filing.

(2) The statement required by subsection (1) shall be amended immediately upon discovery of facts calling for an amendment to such statement.

(3) If the statement or any amendment thereto indicates that a policy or coverage defense has been or will be asserted, then the insurer may be joined as a party.

(4) After the rendition of a verdict, or final judgment by the court if the case is tried without a jury, the insurer may be joined as a party and judgment may be entered by the court based upon the statement or statements herein required.

(5) The rules of discovery shall be available to discover the existence of liability insurance coverage and its provisions.

Section 4. (1) This act is applicable to products liability actions based on either tort or contract causes of actions.

(2) This act is applicable only to causes of action accruing on or after the effective date of this act.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, 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 6. This act shall take effect October 1, 1978.

Senators MacKay, Barron and Hair offered the following amendment to Amendment 1 which was moved by Senator MacKay and adopted:

Amendment 1A—On page 2, strike lines 1-3 and insert:
1. The injury, death, or damage having been caused by alteration, modification, or misuse of the product; or

2. The plaintiff having assumed the risk after having discovered the defect in the product; or

3. Any other negligence on the part of the plaintiff which contributed to the injury, death, or damage.

Amendment 1 as amended was adopted.

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

Amendment 2—On page 1 in title, strike lines 1-8, and insert: A bill to be entitled An act relating to products liability actions; providing that the liability of a manufacturer or seller of a product be based on the knowledge and technology in existence at the time the product was originally sold; prohibiting the admission of certain evidence; providing that negligence is to be allocated on the basis of the fault of each party; providing defenses; defining "products liability action;" prohibiting the pleading of dollar amounts of unliquidated damages; authorizing a court to allow payment of certain judgments in installments; amending s. 95.031(2), Florida Statutes; providing a statute of limitations for certain products liability actions; providing for nonjoinder of products liability insurers; providing for applicability to certain causes of action; providing severability; providing an effective date.

On motion by Senator MacKay, by two-thirds vote CS for HB 1190 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Myers	Thomas, Jon
Barron	Gorman	Poston	Thomas, Pat
Castor	Graham	Renick	Tobiassen
Chamberlin	Holloway	Sayler	Trask
Childers, Don	Johnston	Scarborough	Winn
Childers, W. D.	MacKay	Skinner	Zinkil
Firestone	McClain	Spicola	

Nays—5

Dunn	Ware	Williamson	Wilson
Scott			

Vote after roll call:

Yea—Vogt

On motion by Senator MacKay, the rules were waived and CS for HB 1190 was ordered immediately certified to the House.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scarborough, by two-thirds vote SB 899 was removed from the calendar and recommitted to the Committee on Commerce.

On motion by Senator Scarborough, the rules were waived and by two-thirds vote HB 1219 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

SB 914 was taken up and on motions by Senator Johnston, by two-thirds vote HB 1621 was withdrawn from the Committees on Governmental Operations and Rules and Calendar. On motion by Senator Johnston—

HB 1621—A bill to be entitled An act relating to lobbying; creating s. 11.045, Florida Statutes; providing definitions; requiring lobbyists to file a registration statement with a joint legislative office stating certain information under oath; requiring semiannual expenditure reports; providing for advisory opinions by the appropriate legislative committee; providing that the joint legislative office shall maintain certain records; requiring investigation of alleged violations and the recommendation of penalties; providing for the imposition of the penalties by the Legislature; providing a penalty; amending s. 11.061, Florida Statutes, requiring state employee lobbyists to register with the joint legislative office; providing an effective date.

—a companion measure, was substituted for SB 914 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 914 was laid on the table.

SB 905 was taken up and on motion by Senator Castor, the rules were waived and by two-thirds vote CS for HB 281 was withdrawn from the Committee on Commerce. On motion by Senator Castor—

CS for HB 281—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.

—a companion measure, was substituted for SB 905 and read the second time by title. On motion by Senator Castor, by two-thirds vote CS for HB 281 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Spicola

SB 905 was laid on the table.

SB 1120—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.48, Florida Statutes; providing for the licensing of pari-mutuel totalisator owners and operators and employees thereof; providing definitions; prescribing annual license fees; providing for audits and investigations of licensees; providing for issuance of summonses, subpoenas, and subpoenas duces tecum; providing for adoption of rules; providing circumstances for suspension or revocation of a license or imposition of civil penalties; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1120 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

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 second time by title. On motion by Senator Graham, by two-thirds vote SB 1212 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Spicola

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 1087 and House Bills 1711, 1703 and 2061 were withdrawn from the Committee on Finance, Taxation and Claims.

SPECIAL ORDER, continued

By the Committee on Agriculture and Senators MacKay, Peterson and Jon Thomas—

CS for SB 824—A bill to be entitled An act relating to trespass; amending s. 810.09, Florida Statutes, providing for punishment thereof by the confiscation of any vehicle, equipment, or paraphernalia used in such violations; creating s. 810.115, Florida Statutes, relating to destruction or breaking down of fences belonging to or enclosing land of another; providing penalties for violation; providing an effective date.

—was read the first time by title and SB 824 was laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB 824 was read the second time by title.

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

Amendment 1—On page 2, strike lines 12 through 16

Amendment 2—On page 1 in title, lines 2-6, strike everything after "trespass;" on line 2 through the semicolon on line 6.

On motion by Senator MacKay, by two-thirds vote CS for SB 824 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

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

Nays—1

Ware

SB 814—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.33(6), Florida Statutes; providing standards for the granting of a license to operate a cemetery; amending s. 559.37(6)(a), (c), (7)(b), Florida Statutes; adding s. 559.37(7)(d), Florida Statutes; providing circumstances for the revocation or suspension of a license; authorizing a circuit court to appoint an administrator for the property and operation of a cemetery; creating ss. 559.371-559.374, Florida Statutes; providing circumstances under which the Department of Banking and Finance may issue a cease and desist order to a cemetery company; providing for award of attorney's fees and costs in certain litigation; providing for the personal liability of cemetery owners or officers or directors of a cemetery company; providing for injunctions and civil penalties against a person who violates a cease and desist order; providing for maintenance of an abandoned cemetery by a political subdivision, county, or municipality; creating s. 559.405, Florida Statutes; prescribing authorized functions of a licensed cemetery company; amending s. 559.41, Florida Statutes; limiting the authority of a cemetery company to deposit care and maintenance trust funds in a bank or savings and loan association; amending s. 559.43(1), Florida Statutes; requiring the deposit of a certain amount into such fund for each burial right, grave, or space provided without charge; amending s. 559.441(3)(b), (d), (5)(a), (b), (7), (8), (10), (11), Florida Statutes; authorizing the maintenance of such fund as a trust account in a bank, trust company, or savings and loan association; providing circumstances for refund of moneys from such fund or account to a purchaser or his heirs, assigns, or representative; requiring the filing of financial reports relating to such fund or account; providing for the examination by the department of certain records held by the entity in which such account is maintained; deleting a penalty; amending s. 559.481(1), Florida Statutes; requiring a licensee to record certain notice; amending s. 559.51, Florida Statutes; prohibiting the failure to make required contributions to a trust fund or account, the unlawful withdrawal of funds from such fund or account, the making of certain false reports, or the violation of any provision of the act; providing penalties; repealing ss. 559.49, 559.50, Florida Statutes, relating to the bond required of a licensee; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 8, line 22, after the word "boundaries" and before the period insert: provided that no funeral director licensed under chapter 470, shall be denied access to any cemetery to conduct a funeral for or supervise a disinterment of human remains.

Amendment 2—On page 6, line 17, strike the "colon" and insert: a "period"

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

Amendment 3—On page 8, lines 14 and 15, strike "and installation of vaults and memorialization of the human dead"

Senator Dunn moved the following substitute amendment which failed:

Amendment 4—On page 8, strike all of lines 13 through 27 and insert: (2) The non-exclusive interment, entombment, or inurnment of the human dead and installation of vaults and memorialization of the human dead, including the non-exclusive right to open, prepare for interment, and close all ground, mausoleum, and urn burials.

(3) The non-exclusive initial pre-need and at-need sale of interment or burial rights in earth interment, mausoleum or crypt interment, and niche or columbarium interment.

(4) The non-exclusive pre-need and at-need sale of monuments, memorials, markers, burial vaults, urns, flower vases, floral arrangements, for use within the cemetery.

(5) The non-exclusive cremation of human remains; provided, however, such crematoriums shall be subject to the provisions of Chapter 470, Florida Statutes.

Amendment 3 was adopted.

On motion by Senator Dunn, by two-thirds vote SB 814 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

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

Nays—1

Wilson

Votes after roll call:

Yea—Glisson, Graham

Abstained from Voting

I abstain from voting on SB 814 because it amends Chapter 559, Florida Statutes, under which I am licensed.

Jon C. Thomas, 30th District

I have abstained from voting on SB 814 in view of the fact that the subject matter of the bill is the Florida Cemetery Act. Although there is nothing in this proposal that is controversial or that particularly inures to the benefit of cemeteries, I have refrained from voting, since my family and I have a controlling stockholder interest in a Florida cemetery company; I therefore wish to avoid even the appearance of a conflict, although no conflict does in fact exist.

Kenneth M. Myers, 37th District

SB 1254 was taken up and on motion by Senator Barron, the rules were waived and by two-thirds vote HB 1981 was withdrawn from the Committee on Commerce. On motion by Senator Barron—

HB 1981—A bill to be entitled An act relating to preneed funeral service and preneed burial supply contracts; amending ss. 639.13, 639.14, and 639.15, Florida Statutes; providing for refunds in cases of cancellation or default; providing for written requests for such refunds; deleting the requirement that interest be paid on such refunds; authorizing contract purchasers who receive public assistance to enter irrevocable preneed fu-

neral service or burial supply contracts; requiring the Department of Insurance to examine the business of any person writing such contracts at least once every 1 year; providing an effective date.

—a companion measure, was substituted for SB 1254 and read the second time by title.

Senator MacKay moved the following amendment:

Amendment 1—On page 2, line 5, after the period insert: Preneed contracts shall not be cancellable at the instance of the seller

Amendment 1 failed. The vote was:

Yeas—10

Chamberlin	Johnston	Spicola	Wilson
Childers, Don	MacKay	Trask	
Dunn	Plante	Vogt	

Nays—16

Mr. President	Gorman	Scarborough	Tobiassen
Barron	McClain	Scott	Ware
Childers, W. D.	Poston	Skinner	Williamson
Gallen	Renick	Thomas, Pat	Winn

Senator MacKay moved the following amendment which failed:

Amendment 2—On page 2, line 22, after the comma insert: together with interest at 5% per annum,

On motion by Senator Barron, by two-thirds vote HB 1981 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Henderson	Renick	Tobiassen
Barron	Holloway	Scarborough	Trask
Childers, Don	McClain	Scott	Williamson
Childers, W. D.	Myers	Skinner	Winn
Firestone	Plante	Spicola	Zinkil
Gorman	Poston	Thomas, Pat	

Nays—7

Chamberlin	Graham	MacKay	Vogt
Dunn	Johnston	Sayler	

SB 1254 was laid on the table.

Abstained from Voting

I abstain from voting on HB 1981 because it amends Chapter 639, Florida Statutes, under which I am licensed.

Jon C. Thomas, District 30

SB 1266 was taken up and on motions by Senator Renick, the rules were waived and by two-thirds vote CS for HB 1206 was withdrawn from the Committees on Commerce; and Economic, Community and Consumer Affairs. On motion by Senator Renick—

CS for HB 1206—A bill to be entitled An act relating to retail installment sales; adding subsection (5) to s. 520.08, Florida Statutes, providing for an exception from the finance charge limitations of subsection (1) on retail installment contracts made pursuant to certain commitments issued by the Veterans Administration or the Federal Housing Administration; providing an effective date.

—a companion measure, was substituted for SB 1266 and read the second time by title. On motion by Senator Renick, by two-thirds vote CS for HB 1206 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

SB 1266 was laid on the table.

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 second time by title. On motion by Senator Spicola, by two-thirds vote SB 1269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

By the Committee on Natural Resources and Conservation and Senator W. D. Childers—

CS for SB 1313—A bill to be entitled An act relating to the Department of Natural Resources; authorizing the department to acquire certain parcels of environmentally endangered lands in Escambia County; providing an appropriation; providing an effective date.

—was read the first time by title and SB 1313 was laid on the table.

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 1313 was read the second time by title.

Senators W. D. Childers and Tobiassen offered the following amendments which were moved by Senator W. D. Childers and adopted:

Amendment 1—On page 2, between lines 5 and 6 insert:

PARCEL 2

That portion of lots 2, 3 and 4, Section 32, Township 3 South, Range 32 West, and that portion of Section 5, Township 4 South, Range 32 West, lying North of Gulf Beach Highway (State Road No. 292, 100 foot right of way), Escambia County, Florida, described as follows: Commencing at the intersection of the northerly right of way line of Gulf Beach Highway (State Road No. 292, 100 foot right of way), and the westerly right of way line of Sharp Reef (60 foot right of way) Perdido Key Coves Subdivision, Unit No. 1, according to plat filed in Plat Book 7, at Page 26, of the records of said county; thence South 77°08'39" West, along the right of way line of said highway, 100.0 feet for the POINT OF BEGINNING; thence continue South 77°08'39" West, along said right of way line, 2940.68 feet to a point of curvature; thence continue along said right of way, being a curve to the left, having a radius of 11,509.20 feet, a chord bearing of South 76°32'40" West, and a chord distance of 254.35 feet to a point of tangency; thence continue along said right of way line, South 75°52'40" West, 693.99 feet; thence North 0°05'20" West, 737.0 feet, more or less to the waters of Old River, said point hereinafter referred to as point "A"; thence beginning again at the point of beginning; thence North 7°02'37" West 1201.31

feet, more or less, to the waters of said river; thence meandering southwesterly along said waters of said river, to aforesaid point "A" for the end of this description.

PARCEL 2A

That portion of Section 32, Township 3 South, Range 32 West, and Section 5, Township 4 South, Range 32 West, lying South of Gulf Beach Highway (State Road No. 292, 100 foot right of way), Escambia County, Florida, described as follows: Commencing at the intersection of the South right of way line of said Gulf Beach Highway, and the East line of said Section 32; thence South 77°08'39" East, 1269.31 feet to an iron rod for the POINT OF BEGINNING; thence continue South 77°08'39" West, along said right of way line, 2055.09 feet; thence South 0°05'20" East, 400.00 feet, more or less, to the waters of the Gulf of Mexico (Beach), hereinafter referred to as point "C"; thence beginning again at the point of beginning; thence South 12°51'21" East, 375.0 feet, more or less, to said waters; thence meandering southwesterly along said waters to aforesaid point "C" for the end of this description, less the West 1,436 feet thereof.

PARCEL 2B

That portion of Section 32, Township 3 South, Range 32 West, Escambia County, Florida, lying South of Gulf Beach Highway (State Road No. 292, 100 foot right of way), described as follows: Commencing at the intersection of the South right of way line of said Gulf Beach Highway, and the East line of said Section 32, Township 3 South, Range 32 West, Escambia County, Florida; thence South 77°08'39" West, along said right of way line, 200.0 feet to an iron rod for the POINT OF BEGINNING; thence continue South 77°08'39" West, along said right of way line, 919.31 feet to an iron rod; thence South 12°51'21" East, 500.0 feet, more or less to the waters of the Gulf of Mexico, hereinafter referred to as Point "B"; thence beginning again at the point of beginning; thence South 0°05'21" East, 480.0 feet, more or less, to said waters; thence meandering southwesterly along said waters, to aforesaid point "B" for the end of this description.

Amendment 2—On page 5, between lines 23 and 24, insert:

PARCEL 5

The West 275 feet of the West 1000.00 feet (as measured at a right angle) of Government Lot 4, Section 33, Township 3 South, Range 32 West, Escambia County, Florida; LESS AND EXCEPT there from the 100 foot wide right of way, according to the deed recorded in Deed Book 523 at Page 677 of the Public Records of said County, for S. R. No. S292, having a frontage of 1025.35 feet on the above described parcel; Containing 11.02 acres, more or less, between S. R. No. S292 and the high water mark of the Gulf of Mexico; and 27.25 acres, more or less, between S. R. No. S292, and the high water mark of Old River.

PARCEL 6

The East One Thousand One Hundred and Eighty-Five (1,185) feet of the West One Thousand Four Hundred Sixty (1,460) feet of Government Lots 3 and 4, Section 33, Township 3 South, Range 32 West, Escambia County, Florida; LESS: the right-of-way of State Road S292, as described in deeds from Theo D. Baars and wife to the State of Florida, recorded in Deed Book 386, page 206, and Deed Book 523, page 677, public records of Escambia County, Florida.

PARCEL 7

Government Lots 2, 3, and 4, beginning in Section 33, Township 3 South, Range 32 West, Escambia County, Florida, LESS: (a) the West 1460 feet of said lots; (b) the right of way of State Road No. S292.

Amendment 3—On page 5, line 24, insert: a new Section 2

Section 2. The Department of Natural Resources is authorized to acquire for outdoor recreational purposes by the exercise of the power of eminent domain, in accordance with chapter 73, F. S., the following described parcel of land in Escambia County, and any or all rights, title, and interest in such land or water areas, provided that the owners of said parcel have been offered as compensation therefor the higher amount indicated by appraisals submitted by two Members of the Appraisal Institute. The property to be acquired is described as follows:

The east 958.60 feet (as measured at a right angle) lying south of Gulf Beach Highway, State Road No. 292 (66' R/W), of Government Lot 5, Fractional Section 22, Township 3 South, Range 31 West, Escambia County, Florida; and a portion of Fractional Section 26, Township 3 South, Range 31 West, of the said county, the entire parcel being more particularly described as follows:

Commence at the most southerly corner of Lot 7, Block H, Grande Lagoon Lakes, according to the plat in Plat Book 9 at page 49 of the public records of the said county; then S36°40'41"E along a southeasterly extension of the southwest line of the said Lot 7 for a distance of 17 feet, more or less, to the water's edge of Big Lagoon for the point of beginning; thence N36°40'41"W along the last traversed for a distance of 17 feet, more or less, to the said corner of Lot 7; thence continue N36°40'41"W (this course and the next two courses are along the southwest, south, and west lines of the said Grande Lagoon Lakes) for a distance of 856.26 feet to a concrete monument at the common corner between Lots 11, 14 and 15, Block F, of the said Grande Lagoon Lakes; thence N89°27'09"W for a distance of 775.36 feet to a concrete monument at the southeast corner of the said Government Lot 5 of Section 22; thence N00°11'47"W along the east line of the said Government Lot 5 for a distance of 1848.72 feet to a point on the south right-of-way line of the said Gulf Beach Highway; thence S77°48'13"W along the said south right-of-way line for a distance of 980.01 feet to a point that is 400.35 feet (as measured along the said south right-of-way line) northeast from the west line of the said Section 22, which section line has a bearing of S00°01'00"E; thence S00°11"E for a distance of 1632.31 feet to a point on the south line of the said Government Lot 5, said point being 396.48 feet (as measured along the said south line of Government Lot 5, having a bearing of N89°26'24"W) east of the southwest corner of the said Section 22; thence continue S00°11'47"E for a distance of 3612.00 feet, more or less, to a point on the said water's edge of Big Lagoon; thence meander northeasterly along the said water's edge to the point of beginning. Containing 38.30 acres, more or less, in Section 22, Township 3 South, Range 31 West, and 106.23 acres, more or less, in Section 26, Township 3 South, Range 31 West, Escambia County, Florida. Less and except that portion of Fractional Section 26 to be platted as Grande Lagoon South, more particularly described as follows:

Commence at the southernmost corner of Lot 7, Block H, Grande Lagoon Lakes, according to the plat as recorded in Plat Book 9, page 49 of the public records of Escambia County, for a point of beginning; thence S37°04'11"E along the southeasterly projection of the southwesterly line of said Lot 7 a distance of 17 feet, more or less, to the waters of Big Lagoon, hereinafter referred to as point "X"; thence return to the P.O.B. and go N37°04'11"W along the southwesterly line of Grande Lagoon Lakes a distance of 554.49 feet; thence S17°25'04"W a distance of 157.73 feet; thence S48°58'43"W a distance of 835.03 feet; thence S11°28'01"W a distance of 82.97 feet; thence S39°36'02"W a distance of 539.60 feet; thence S29°40'00"W a distance of 90.00 feet; thence S36°56'00"W a distance of 333.69 feet; thence S44°14'00"E a distance of 165.14 feet; thence along a circular curve concave to the southeast, said curve having a tangent bearing of N45°46'00"E, a radius of 604.02 feet and an arc of 76.11 feet; thence N52°59'12"E a distance of 29.43 feet to the P.C. of a circular curve to the right, said curve having a radius of 181.83 feet and a central angle of 46°02'17", thence northeasterly along said curve an arc distance of 145.44 feet; thence S80°56'31"E a distance of 60.00 feet; thence S52°22'48"E a distance of 144.22 feet thence continue S52°22'48"E a distance of 16 feet, more or less, to the water of Big Lagoon; then meander northeasterly along the shoreline of Big Lagoon to the aforementioned point "X" and the end of description. Containing 22.55 acres, more or less.

Renumber subsequent sections.

Amendment 4—On page 1, line 5, after the word "lands" insert: or recreational lands

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 1313 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	Chamberlin	Dunn	Henderson
Barron	Childers, Don	Firestone	Holloway
Castor	Childers, W. D.	Gorman	Johnston

MacKay	Sayler	Thomas, Jon	Ware
McClain	Scarborough	Thomas, Pat	Williamson
Myers	Scott	Tobiassen	Wilson
Poston	Skinner	Trask	Winn
Renick	Spicola	Vogt	Zinkil

Nays—1

Plante

On motion by Senator W. D. Childers, the rules were waived and CS for SB 1313 after being engrossed was ordered immediately certified to the House.

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 second time by title. On motion by Senator Trask, by two-thirds vote SB 1315 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Sayler	Trask
Barron	Henderson	Scarborough	Vogt
Castor	Holloway	Scott	Ware
Chamberlin	Johnston	Skinner	Williamson
Childers, Don	MacKay	Spicola	Wilson
Childers, W. D.	Myers	Thomas, Jon	Winn
Dunn	Poston	Thomas, Pat	
Firestone	Renick	Tobiassen	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Plante—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 6, strike “or inspection”

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 756.

Allen Morris, Clerk

On motion by Senator Plante, SB 756 was returned to the House as requested.

SPECIAL ORDER, continued

SB 1268 was taken up and on motions by Senator Trask, by two-thirds vote HB 1837 was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Governmental Operations. On motion by Senator Trask—

HB 1837—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 applicants; 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 subsection (9) thereto; including certain advertising and claims under grounds for refusal, revocation or suspension of license; providing for advertising and providing limitations thereon; 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)(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.

—a companion measure, was substituted for SB 1268 and read the second time by title.

Senators Trask and Zinkil offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 1—On page 8, lines 7 through 31 and 14-31 and on page 9, line 1-28, strike all language,

Amendment 2—On page 2, line 28, after the word “programs”; add “providing exceptions”,

Amendment 3—On page 1 lines 23-31 Title strike On page 2, lines 1-2, strike all language beginning with the word “amending” on page 1, line 23, and ending with word “superseas” on page 2, line 2,

Amendment 4—On page 14, line 29, after the word “Examiners” insert: , except as otherwise prohibited by federal or state law or applicable federal rules and regulations,

On motion by Senator Trask by two-thirds vote HB 1837 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SB 1268 was laid on the table.

HB 16—A bill to be entitled An act relating to property assessments; amending s. 193.085(4), Florida Statutes, directing the Department of Revenue to submit county railroad property assessments to the respective county property appraisers not later than a certain date; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of line 27 and insert: Section 2. Section 193.511 Assessment of Inventory—All items of inventory shall be assessed for the purpose of taxation at 10 percent of just valuation, except that goods in the process of manufacture and raw materials held for physical incorporation into the goods to be sold shall be assessed for the purpose of taxation at 1 percent of just valuation. *For purposes of this section, fuels used in the production of electricity shall be considered goods in the process of manufacture.*

(Renumber subsequent section.)

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

Amendment 1A—On page 1, line 10, insert: Section 3. This act shall take effect July 1, 1978.

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 1, line 12, insert new section: Section 1. Subsection (3) of section 192.032, Florida Statutes, is amended to read:

(3) Inventory, in that county where inventory is held for sale or lease to customers or will physically become a part of the merchandise to be held for sale or lease to customers, based upon the average value of the inventory attributable to the taxpayer during the prior calendar year; *said average value shall reflect the average periodic amount of inventories physically on hand.*

(Renumber subsequent sections.)

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

Amendment 3—On page 1, line 7 in title, after “date;” insert: amending s. 193.511 providing that fuels used in production of electricity shall be considered goods in the process of manufacture;

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 1, line 2, after “assessments;” insert amending s. 192.032(3) relating to inventory;

On motion by Senator Vogt, by two-thirds vote HB 16 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Chamberlin

On motion by Senator Vogt, the rules were waived and HB 16 was ordered immediately certified to the House.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

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

By Senator Gallen and others—

SB 860—A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(b), Florida Statutes; providing an exception from the definition of agency for entities created under the provisions of chapter 361, Part II, Florida Statutes; amending s. 120.54(2)(a), (7), (11)(b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; requiring that the citation for law implemented be to the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; amending s. 120.565, Florida Statutes; providing that a declaratory statement set out the agency’s opinion as to applicability of a statute, rule, or order to the petitioner only; amending s. 120.68(3), Florida Statutes, providing that a petition to an agency for a stay is not a prerequisite to a petition for a supersedeas; amending s. 120.71, Florida Statutes; providing an exemption from s. 112-3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Paragraph (b) of subsection (1) and subsections (2) and (13) of section 120.52, Florida Statutes, are amended, and paragraph (d) is added to subsection (14) of said section to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(b) Each other state officer and each state department, departmental unit described in s. 20.04, commission, regional planning agency, board, district, and authority, including, but not limited to, those described in chapters 160, 163, 298, 373, 380 and 582, *except any legal entity or agency created in whole or in part pursuant to chapter 361, part II.*

(2) “Agency action” means the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order. The term also includes any *denial* of a request made under s. 120.54(5).

(13) “Recommended order” means the official recommendation of a hearing officer assigned by the division to an agency or of any other *duly authorized presiding officer* for the final disposition of a proceeding under s. 120.57.

(14) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(d) *Agency action which has the effect of altering established hunting or fishing seasons when such action is adequately noticed in the area affected through publishing in a newspaper of general circulation or through notice by broadcasting in an electronic media.*

Section 2. Subsection (1) paragraph (b) and subsections (2), (3) and (7), paragraph (b) of subsection (11) and paragraph (b) of subsection (12) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking; adoption procedures.—

(Substantial rewording of subsection. See s. 120.54(2), Florida Statutes, for present text.)

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it. The notice shall contain the location where the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.

(b) The notice shall be published in the Florida Administrative Weekly not less than 21 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee. *The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.*

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall provide information on its proposed action by preparing a detailed economic impact statement. The economic impact statement shall include:

1. An estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;
2. An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;
3. An estimate of the impact of the proposed action on competition and the open market for employment, if applicable, and
4. A detailed statement of the data and method used in making each of the above estimates.

(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(c) Failure to provide an adequate or accurate statement of economic impact is grounds for holding the rule invalid; however, beginning October 1, 1978, no rule shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial pro-

ceeding within one year of the effective date of the rule to which the statement applies.

(3) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, the agency shall, on the request of any affected person received within 14 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. *The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 14 days after the date of publication of the notice shall be considered by the agency, upon notice, as a part of the record of the rulemaking proceeding.*

(7) Each rule adopted shall be accompanied by a reference to the specific rulemaking authority pursuant to which the rule was adopted and a reference to the section or subsection of the *Florida Statutes* or the *Laws of Florida* law being implemented, interpreted, or made specific.

(11)(b) If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required above, in the office of the agency head, and such rules shall be open to the public pursuant to s. 120.53(2). Filings shall be made not less than 21 days or more than 45 days after the notice required by subsection (1), if no public hearing is held. If a public hearing is held, the adopting agency shall file within 21 days after receipt of all material authorized to be submitted at the hearing or after receipt of the transcript, if one is made, whichever is later. *If a public hearing is held and no material is authorized to be submitted and no transcript is made, filings shall be made not less than 21 days or more than 45 days after the notice required in subsection (1).*

(12)(b) After the notice required in subsection (1) and prior to adoption, the agency may withdraw the rule by publishing a notice in the Florida Administrative Weekly and notifying the Department of State, and may make such changes in the rule as are supported by the record of public hearings held on the rule, technical changes which do not affect the substance of the rule, or changes in response to a proposed objection by the committee. Changes supported by the record of a hearing or made in response to a proposed committee objection may include withdrawal of the rule in whole or in part. After adoption and before the effective date, a rule may be modified or withdrawn only in response to an objection by the committee or may be modified to extend the effective date by not more than 60 days when the committee has notified the agency that an objection to the rule is being considered, and the agency publishes a notice of the withdrawal, modification or effective date extension in the first available issue of the *Florida Administrative Weekly*. After a rule has become effective, it may be repealed or amended only through regular rulemaking procedures.

Section 3. Paragraph (b) of subsection (1) and subparagraph 3 of paragraph (a) of subsection (3) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind, and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. *The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the*

department, a summary or listing of all rules of said agency excluded from publication in the code and a statement as to where said rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

3. Three sets to the library of the Supreme Court of Florida, the library of each state District Court of Appeal, the division, the library of the attorney general, each law school library in Florida, the secretary of the senate, and the clerk of the house.

Section 4. Subsection (4) of section 120.56, Florida Statutes, is renumbered subsection (5) and a new subsection (4) is created to read:

120.56 Administrative determination of rule by hearing officer.—

(4) Challenges to the validity of an emergency rule shall be subject to the following time schedules. Within 7 days after receiving the petition the division director shall, if he determines that the petition complies with section (2) above, assign a hearing officer who shall conduct a hearing within 14 days thereafter, unless the petition is withdrawn. Within 14 days after the hearing the hearing officer shall render his decision and otherwise comply with the provisions of section (3) above not inconsistent herewith.

Section 5. Section 120.565, Florida Statutes, is amended to read:

120.565 Declaratory statement by agencies.—Each agency shall provide by rule the procedure for the filing and prompt disposition of petitions for declaratory statements. A declaratory statement shall set out the agency's opinion as to the applicability of a specified ~~any~~ statutory provision or of any rule or order of the agency as it applies to the petitioner in his particular set of circumstances only. The agency shall give notice of each petition and its disposition in the Florida Administrative Weekly and transmit copies of each petition and its disposition to the committee. Agency disposition of petitions shall be final agency action.

Section 6. The introductory paragraph of subparagraph 2 of paragraph (b) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57. Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.—

(b) In cases to which this subsection is applicable the following procedures shall apply:

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. *In preliminary hearings for the revocation of parole no less than 7 days notice shall be given. In parole revocation hearings pursuant to ss. 949.10-11, reasonable notice of not less than 5 days shall be given.* In hearings involving student disciplinary suspensions or expulsions conducted by educational units, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

Section 7. Paragraph (e) of subsection (1) and subsection (3) of section 120.58, Florida Statutes, are amended to read:

120.58 Agency action; evidence, record and subpoenas.—

(1) In agency proceedings for a rule or order:

(e) If a majority of those who are to render the final order have not heard the case or read the record, a decision adverse

to a party other than the agency itself shall not be made until a proposed order is served upon the parties and they are given an opportunity to file exceptions and present briefs and oral arguments to those who are to render the decision. The proposed order shall contain necessary findings of fact and conclusions of law and a reference to the source of each. The proposed order shall be prepared by the individual who conducted the hearing, if available, or by one who has read the record. The parties by written stipulation may waive compliance with this paragraph. *The provisions of this paragraph shall not apply in the granting of parole or preliminary hearings for the revocation of parole.*

(3) *An agency may seek enforcement of a subpoena or order directing discovery issued under the authority of this act by filing a petition for enforcement; pursuant to s. 120.69, in the circuit court of the judicial circuit wherein the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court.*

~~Any person failing to comply with a subpoena or order directing discovery issued under the authority of this act shall be in contempt of the agency issuing the subpoena or order and subject to any penalties which the agency is authorized by law to prescribe. However, no person shall be in contempt while the subpoena or order is being challenged under subsection (2). In the absence of agency action on the default within 30 days, the party requesting the subpoena or order may bring proceedings in an appropriate court for enforcement of the subpoena or order, and a failure to comply with an order of the court shall result in a finding of contempt of court. In the absence of statutory authority for a remedy, the violator may receive a fine not to exceed \$500.~~

Section 8. Subsection (3) of section 120.60, Florida Statutes, is reenacted and amended, and subsection (5) of said section is amended to read:

120.60 Licensing.—

(Substantial rewording of subsection. See 120.60(3), F.S., for present text)

(3) In proceedings for the issuance, denial, renewal or amendment of a license or approval of a merger pursuant to title XXXVI or title XXXVII, Florida Statutes:

(a)1. The Department of Banking and Finance shall have published in the Florida Administrative Weekly notice of the application within 21 days of receipt.

2. Within 21 days of publication of notice, any person may request a hearing, which upon request shall be conducted pursuant to s. 120.57 except that the Department of Banking and Finance shall by rule provide for participation by the general public; provided, however, that failure to request a hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing.

(b) Should a hearing be requested pursuant to s. 120.60(3)(a)2., the applicant or licensee shall publish at his own cost a notice of the hearing in a newspaper of general circulation in the area affected by the application. The Department of Banking and Finance may by rule specify the format and size of such notice.

(c) Notwithstanding subsection (2) above, every application for license for a new bank, new trust company, new credit union, or new savings and loan association shall be approved or denied within 180 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions. Any application for such a license not approved or denied within the 180-day period or within 30 days after conclusion of a public hearing on the application, whichever is the latest, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license and approval of insurance of accounts by the Federal Deposit Insurance Corporation for a new bank, and by the Federal Savings and Loan Insurance Corporation for a new savings and loan association.

(5) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has given reasonable notice by certified mail or actual service to the licensee of facts or conduct which warrant the intended action and the licensee has been given an opportunity to show that he has complied with all lawful requirements for the retention of the license. *If the*

agency is unable to obtain service by certified mail or by actual service, constructive service may be made in the same manner as is provided in Chapter 49.

Section 9. Subsection (2) of section 120.65, Florida Statutes, is amended to read:

120.65 Hearing officers.—

(2) The division shall employ full-time hearing officers to conduct hearings required by this chapter or other law. No person may be employed by the division as a full-time hearing officer unless he has been a member of The Florida Bar in good standing for the preceding 5 ½ years.

Section 10. Section 120.66, Florida Statutes, is amended to read:

120.66 Ex parte communications.—

(1) In any proceeding under s. 120.57, no ex parte communication relative to the merits, threat, or offer of reward shall be made to the agency head, ~~after the agency head has received a recommended order,~~ or to the hearing officer or presiding officer by:

(a) An agency head or member of the agency or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.

(b) A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed agency action, or his authorized representative or counsel.

Nothing in this subsection shall apply to advisory staff members who do not testify *on behalf of the agency* in the proceeding or to any rulemaking proceedings under s. 120.54.

(2) A hearing officer or presiding officer who is involved in the decisional process and who receives an ex parte communication in violation of subsection (1) shall place on the record of the pending matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within 10 days after notice of such communication. The hearing officer or presiding officer may, if he deems it necessary to eliminate the effect of an ex parte communication received by him, withdraw from the proceeding, in which case ~~the division shall assign~~ a successor shall be assigned.

(3) Any person who makes an ex parte communication prohibited by subsection (1), and any hearing officer or presiding officer who fails to place in the record any such communication, is in violation of this act and may be assessed a civil penalty not to exceed \$500 or be subjected to such other disciplinary action as his superiors may determine.

Section 11. Subsections (1) and (3) of section 120.68, Florida Statutes, are amended to read:

120.68 Judicial review.—

(1) A party who is adversely affected by final agency action is entitled to judicial review. *Any party, including a school board, adversely affected by a final order of the State Board of Education, is entitled to judicial review.* A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(3) The filing of the petition does not itself stay enforcement of the agency decision, but if the agency decision has the effect of suspending or revoking a license, supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state. The agency may also grant, ~~or the reviewing court may order,~~ a stay upon appropriate terms, but, *whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay shall not be a prerequisite to a petition to the court for supersedeas.* In any event, the order shall specify the conditions, if any, upon which the stay or supersedeas is granted.

Section 12. Subsection (1) of section 120.71, Florida Statutes, is amended to read:

120.71 Disqualification of agency personnel.--

(1) *Notwithstanding the provisions of s. 112.3143*, any individual serving alone or with others as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified.

Section 13. Subsection (2) of section 120.72, Florida Statutes, is amended to read:

(2)(a) All administrative adjudicative proceedings conducted pursuant to any provision of the Florida Statutes which were begun prior to January 1, 1975, shall be continued to a conclusion, including judicial review, under the provisions of the Florida Statutes, 1973, except that administrative adjudicatory proceedings which have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceeding, be conducted in accordance with the provisions of this act as nearly as is feasible.

(b) ~~If any action seeking judicial review of an administrative adjudicative proceeding begun prior to January 1, 1975, has been dismissed or otherwise disposed of on the ground that the provisions of the Florida Statutes, 1973, providing for judicial review were repealed by chapter 714-310, Laws of Florida, such action shall be reinstated by order of the court dismissing such action upon the filing of a petition by the dismissed party at any time during the 60-day period immediately following June 20, 1976.~~

Section 14. Section 120.73, Florida Statutes, is amended to read:

120.73 Circuit court proceedings; declaratory judgments.—Nothing in this chapter shall be construed to repeal any provision of the Florida Statutes which grants the right to a proceeding in the circuit court in lieu of an administrative hearing or to divest the circuit courts of jurisdiction to render declaratory judgments under the provisions of chapter 86. ~~If any action has been dismissed or otherwise disposed of on the ground that a provision of the statutes granting the right to a trial or the jurisdiction to render declaratory judgments was repealed by chapter 74-310, Laws of Florida, such action shall be reinstated by order of the court upon the filing of a petition by the plaintiff at any time during the 60-day period immediately following the effective date of this act.~~

Section 15. This act shall take effect upon becoming law. Hearings for licenses pursuant to s. 120.60(3) begun prior to June 30, 1978 shall be governed by the provisions of Chapter 77-453, Laws of Florida. Hearings begun on or after June 30, 1978, shall be governed by the provisions of this act.

Amendment 2—On page 1, strike the entire title and insert: A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(b), (2), (13), Florida Statutes, providing an exception for entities created under the provisions of Chapter 361, Part II, Florida Statutes; providing that denial of a request under s. 120.54(5), Florida Statutes, is agency action; empowering any authorized presiding officer to issue a recommended order; adding subsection (d) to 120.52 (14), Florida Statutes; exempting action on hunting and fishing seasons from the definition of a rule; amending s. 120.54 (1)(b), (2), (3), (7), (11)(b), (12)(b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; providing for public hearings relating to rulemaking; requiring that the citation for law implemented be to the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; requiring publication notice in the Florida Administrative Weekly for rules modified; amending s. 120.55(1)(b) and (3)(a) 3., Florida Statutes, providing that university personnel and finance rules be exempt from publication in the Florida Administrative Code and requiring the Department of State to list rules of an agency exempted from such publication; requiring the Department of State to furnish the Florida Supreme Court, the state District Courts of Appeal, and the Department of Administrative Hearings, copies of the Administrative Code and Weekly; creating s. 120.56(4), Florida Statutes, providing time schedules for emergency rule challenges; amending s. 120.565, Florida Statutes, providing that a declaratory statement set out

the agency's opinion as to the applicability of a statute, rule, or order to the petitioner only; amending the introductory paragraph of subparagraph 2. of paragraph (b) of subsection (1) of s. 120.57, Florida Statutes; providing notice requirements in parole revocation hearings; amending s. 120.58(1)(e) and (3), Florida Statutes; exempting certain parole hearings from proposed rule requirements; empowering an agency to seek a petition for enforcement of a subpoena or discovery order from which failure to respond will result in contempt of court; deleting provisions relating to contempt of agency; reenacting and amending s. 120.60(3) and amending s. 120.60(5), Florida Statutes; providing requirements for proceedings for issuance, denial, renewal or amendment of a license or approval of a merger under title XXXVI or title XXXVII, Florida Statutes; allowing an agency to make constructive service when certified mail or actual service is unobtainable; amends s. 120.65(2), Florida Statutes, raising hearing officer requirement from 3 years membership in Florida Bar to 5 years; amending s. 120.66, Florida Statutes, prohibiting ex parte communication to a presiding officer or to agency head prior to receiving a recommended order; amending s. 120.68(1) and (3), Florida Statutes, providing that a petition to an agency for a stay is not a prerequisite to a petition for supersedeas; amending s. 120.71(1), Florida Statutes; providing an exemption from s. 112.3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; amending ss. 120.72(2) and 120.73, Florida Statutes, deleting transitional and obsolete language; providing an effective date.

Senators Ware and Lewis offered the following Amendment to House Amendment 1 which was moved by Senator Ware and adopted:

Amendment 1A—On pages 1 thru 15, strike all of lines 1 thru 31 on pages 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; and insert: Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 120.52, Florida Statutes, are amended, and paragraph (d) is added to subsection (14) of said section to read:

120.52 Definitions.—As used in this act:

(1) "Agency" means:

(b) Each other state officer and each state department, departmental unit described in s. 20.04, commission, regional planning agency, board, district, and authority, including, but not limited to, those described in chapters 160, 163, 298, 373, 380 and 582, *except any legal entity or agency created in whole or in part pursuant to chapter 361, part II.*

(2) "Agency action" means the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order. The term also includes any *denial of a request made under s. 120.54(5).*

(14) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(d) *Agency action which has the effect of altering established hunting or fishing seasons when such action is adequately noticed in the area affected through publishing in a newspaper of general circulation or through notice by broadcasting in an electronic media.*

Section 2. Paragraph (b) of subsection (1) and subsections (2), (3) and (7), paragraph (b) of subsection (11) and paragraph (b) of subsection (12) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it. The notice shall contain the location where

the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.

(b) The notice shall be published in the Florida Administrative Weekly not less than 21 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee. *The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.*

(Substantial rewording of subsection. See s. 120.54(2), Florida Statutes, for present text.)

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall provide information on its proposed action by preparing a detailed economic impact statement. The economic impact statement shall include:

1. An estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;

2. An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;

3. An estimate of the impact of the proposed action on competition and the open market for employment, if applicable, and

4. A detailed statement of the data and method used in making each of the above estimates.

(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(c) Failure to provide an adequate statement of economic impact is grounds for holding the rule invalid; however, beginning October 1, 1978, no rule shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial proceeding within one year of the effective date of the rule to which the statement applies.

(3) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, the agency shall, on the request of any affected person received within 14 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. *The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 14 days after the date of publication of the notice shall be considered by the agency, and made a part of the record of the rulemaking proceeding.*

(7) Each rule adopted shall be accompanied by a reference to the specific rulemaking authority pursuant to which the rule was adopted and a reference to the section or subsection of the Florida Statutes or the Laws of Florida law being implemented, interpreted, or made specific.

(11)(b) If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required above, in the office of the agency head, and such rules shall be open to the public pursuant to s. 120.53(2). Filings shall be made not less than 21 days or more than 45 days after the notice required by subsection (1), if no public hearing is held. If a public hearing is held, the adopting agency shall file within 21 days after receipt of all material authorized to be submitted at the hearing or after receipt of the transcript, if one is made, whichever is later. *If a public hearing is held and no material is authorized to be submitted and no transcript is made, filings shall be made not less than 21 days or more than 45 days after the notice required in subsection (1).*

(12)(b) After the notice required in subsection (1) and prior to adoption, the agency may withdraw the rule in whole

or in part by publishing notice in the Florida Administrative Weekly and notifying the Department of State, or and may make such changes in the rule as are supported by the record of public hearings held on the rule, technical changes which do not affect the substance of the rule, changes in response to written material relating to the rule received by the agency within 14 days after the notice and made a part of the record of the proceeding, or changes in response to a proposed objection by the committee. Changes supported by the record of a hearing or made in response to a proposed committee objection may include withdrawal of the rule in whole or in part. After adoption and before the effective date, a rule may be modified or withdrawn only in response to an objection by the committee or may be modified to extend the effective date by not more than 60 days when the committee has notified the agency that an objection to the rule is being considered. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published and shall notify the Department of State if the rule is required to be filed with the Department of State. After a rule has become effective, it may be repealed or amended only through regular rulemaking procedures.

Section 3. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district or county, or a part thereof, or to the Florida School for the Deaf and the Blind, and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. *The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of said agency excluded from publication in the code and a statement as to where said rules may be inspected or examined.* The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and [a statement] whether the exemption can be renewed pursuant to s. 120.63(2)(b).

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; each Florida senator, congressman, and state legislator; the Legislative Library; each state university library; the State Library; and each standing committee of the Senate and House of Representatives.

2. Two sets to each state department.

3. Three sets to the library of the Supreme Court of Florida, the library of each state District Court of Appeal, the division, the library of the Attorney General, each law school library in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Seven sets to the committee.

Section 4. Subsection (4) of section 120.56, Florida Statutes, is renumbered subsection (5) and a new subsection (4) is created to read:

120.56 Administrative determination of rule by hearing officer.—

(4) Challenges to the validity of an emergency rule shall be subject to the following time schedules. Within 7 days after receiving the petition the division director shall, if he determines that the petition complies with subsection (2) above, assign a hearing officer who shall conduct a hearing within 14 days thereafter, unless the petition is withdrawn. Within 14

days after the hearing the hearing officer shall render his decision and otherwise comply with the provisions of subsection (3) above not inconsistent herewith.

Section 5. Section 120.565, Florida Statutes, is amended to read:

120.565 Declaratory statement by agencies.—Each agency shall provide by rule the procedure for the filing and prompt disposition of petitions for declaratory statements. A declaratory statement shall set out the agency's opinion as to the applicability of a specified ~~any~~ statutory provision or of any rule or order of the agency as it applies to the petitioner in his particular set of circumstances only. The agency shall give notice of each petition and its disposition in the Florida Administrative Weekly and transmit copies of each petition and its disposition to the committee. Agency disposition of petitions shall be final agency action.

Section 6. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57 Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.—

(b) In cases to which this subsection is applicable, the following procedures shall apply:

1. Requests for hearings shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. *In preliminary hearings for the revocation of parole no less than 7 days notice shall be given. In parole revocation hearings pursuant to ss. 949.10-949.11, reasonable notice of not less than 5 days shall be given.* In hearings involving student disciplinary suspensions or expulsions conducted by educational units, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for proceedings conducted as prescribed in subsection 120.54(4) or s. 120.56, all petitions or requests for hearings under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall notify the division within 10 days of receipt of the petition or request, requesting the assignment of a hearing officer and, with the concurrence of the division, set the time, date, and place of the hearing. On request of any agency, the division shall assign hearing officers with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all

parties shall be given an opportunity to cross-examine or challenge or rebut it.

5. The record in cases governed by this subsection shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings;
- b. Evidence received or considered;
- c. A statement of matters officially recognized;
- d. Questions and proffers of proof and objections and rulings thereon;
- e. Proposed findings and exceptions;
- f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;
- g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under subsection 120.66(1), if such communications are public records;
- h. All matters placed on the record after an ex parte communication pursuant to subsection 120.66(2); and
- i. The official transcript.

6. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost.

7. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

8. *Except as provided in s. 120.57(1)(b)12.,* the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

9. The agency may adopt the recommended order as the agency's final order. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order, but may not reject or modify the findings of fact unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept or reduce the recommended penalty in a recommended order, but may not increase it without a review of the complete record. In the event a court reverses an agency's order, the court in its discretion may award attorney's fees and costs to the aggrieved prevailing party.

10. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

11. A hearing officer who is a member of an agency head may participate in the formulation of the agency's final order, provided he has completed all his duties as hearing officer.

12. *In applications for a license or mergers pursuant to Title XXXVI or Title XXXVII, Florida Statutes, which are referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.*

Section 7. Paragraph (e) of subsection (1) and subsection (3) of section 120.58, Florida Statutes, are amended to read:

120.58 Agency action; evidence, record and subpoenas.—

- (1) In agency proceedings for a rule or order:

(e) If a majority of those who are to render the final order have not heard the case or read the record, a decision adverse to a party other than the agency itself shall not be made until a proposed order is served upon the parties and they are given an opportunity to file exceptions and present briefs and oral arguments to those who are to render the decision. The proposed order shall contain necessary findings of fact and conclusions of law and a reference to the source of each. The proposed order shall be prepared by the individual who conducted the hearing, if available, or by one who has read the record. The parties by written stipulation may waive compliance with this paragraph. *The provisions of this paragraph shall not apply in the granting of parole or preliminary hearings for the revocation of parole.*

(3) *An agency may seek enforcement of a subpoena or order directing discovery issued under the authority of this act by filing a petition for enforcement, pursuant to s. 120.69, in the circuit court of the judicial circuit wherein the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court.*

~~Any person failing to comply with a subpoena or order directing discovery issued under the authority of this act shall be in contempt of the agency issuing the subpoena or order and subject to any penalties which the agency is authorized by law to prescribe. However, no person shall be in contempt while the subpoena or order is being challenged under subsection (2). In the absence of agency action on the default within 30 days, the party requesting the subpoena or order may bring proceedings in an appropriate court for enforcement of the subpoena or order, and a failure to comply with an order of the court shall result in a finding of contempt of court. In the absence of statutory authority for a remedy, the violator may receive a fine not to exceed \$500.~~

Section 8. Subsection (3) of section 120.60, Florida Statutes, is reenacted and amended, and subsection (5) of said section is amended to read:

120.60 Licensing.—

(Substantial rewording of subsection. See 120.60(3), F.S., for present text.)

(3) In proceedings for the issuance, denial, renewal or amendment of a license or approval of a merger pursuant to Title XXXVI or Title XXXVII, Florida Statutes:

(a)1. The Department of Banking and Finance shall have published in the Florida Administrative Weekly notice of the application within 21 days of receipt.

2. Within 21 days of publication of notice, any person may request a hearing, which upon request shall be conducted pursuant to s. 120.57 except that the Department of Banking and Finance shall by rule provide for participation by the general public; provided, however, that failure to request a hearing within 21 days of publication of notice shall constitute waiver of any right to a hearing.

(b) Should a hearing be requested pursuant to s. 120.60(3) (a)2., the applicant or licensee shall publish at his own cost a notice of the hearing in a newspaper of general circulation in the area affected by the application. The Department of Banking and Finance may by rule specify the format and size of such notice.

(c) Notwithstanding subsection (2) above, every application for license for a new bank, new trust company, new credit union, or new savings and loan association shall be approved or denied within 180 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions. Any application for such a license not approved or denied within the 180-day period or within 30 days after conclusion of a public hearing on the application, whichever is the latest, shall be deemed approved subject to the satisfactory completion of conditions required by statute as a prerequisite to license and approval of insurance of accounts by the Federal Deposit Insurance Corporation for a new bank, and by the Federal Savings and Loan Insurance Corporation for a new savings and loan association.

(5) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has given reasonable notice by certified mail or actual service to the licensee of facts or conduct which warrant the intended action and the licensee has been given

an opportunity to show that he has complied with all lawful requirements for the retention of the license. *If the agency is unable to obtain service by certified mail or by actual service, constructive service may be made in the same manner as is provided in Chapter 49.*

Section 9. Subsection (2) of section 120.65, Florida Statutes, is amended to read:

120.65 Hearing officers.—

(2) The division shall employ full-time hearing officers to conduct hearings required by this chapter or other law. No person may be employed by the division as a full-time hearing officer unless he has been a member of The Florida Bar in good standing for the preceding 5 ½ years.

Section 10. Subsection (1) of section 120.66, Florida Statutes, is amended to read:

120.66 Ex parte communications.—

(1) In any proceeding under s. 120.57, no ex parte communication relative to the merits, threat, or offer of reward shall be made to the agency head, after the agency head has received a recommended order, or to the hearing officer by:

(a) An agency head or member of the agency or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.

(b) A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed agency action, or his authorized representative or counsel.

Nothing in this subsection shall apply to advisory staff members who do not testify on behalf of the agency in the proceeding or to any rulemaking proceedings under s. 120.54.

Section 11. Subsections (1) and (3) of section 120.68, Florida Statutes, are amended to read:

120.68 Judicial review.—

(1) A party who is adversely affected by final agency action is entitled to judicial review. *For purposes of this section, a district school board, whose decision is reviewed under the provisions of s. 231.36 and whose final action is modified by a superior administrative decision, shall be a party entitled to judicial review of the final action.* A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(3) The filing of the petition does not itself stay enforcement of the agency decision, but if the agency decision has the effect of suspending or revoking a license, supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state. The agency may also grant, ~~or the reviewing court may order,~~ a stay upon appropriate terms, but, *whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay shall not be a prerequisite to a petition to the court for supersedeas.* In any event, the order shall specify the conditions, *if any,* upon which the stay or supersedeas is granted.

Section 12. Subsection (1) of section 120.71, Florida Statutes, is amended to read:

120.71 Disqualification of agency personnel.—

(1) *Notwithstanding the provisions of s. 112.3143,* any individual serving alone or with others as an agency head shall be disqualified from serving in an agency proceeding for bias, prejudice, interest, or other causes for which a judge may be recused. If the disqualified individual holds his position by appointment, the appointing power may appoint a substitute to serve in the matter from which the individual is disqualified. If the individual is an elected official, the Governor may appoint a substitute to serve in the matter from which the individual is disqualified.

Section 13. Subsection (2) of section 120.72, Florida Statutes, is amended to read:

120. Legislative Intent; prior proceedings and rules; exception.—

(2) ~~(a)~~ All administrative adjudicative proceedings conducted pursuant to any provision of the Florida Statutes which were

begun prior to January 1, 1975, shall be continued to a conclusion, including judicial review, under the provisions of the Florida Statutes, 1973, except that administrative adjudicatory proceedings which have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceeding, be conducted in accordance with the provisions of this act as nearly as is feasible.

(b) If any action seeking judicial review of an administrative adjudicatory proceeding begun prior to January 1, 1975, has been dismissed or otherwise disposed of on the ground that the provisions of the Florida Statutes, 1973, providing for judicial review were repealed by chapter 74-310, Laws of Florida, such action shall be reinstated by order of the court dismissing such action upon the filing of a petition by the dismissed party at any time during the 60-day period immediately following June 20, 1976.

Section 14. Section 120.73, Florida Statutes, is amended to read:

120.73 Circuit court proceedings; declaratory judgments.—Nothing in this chapter shall be construed to repeal any provision of the Florida Statutes which grants the right to a proceeding in the circuit court in lieu of an administrative hearing or to divest the circuit courts of jurisdiction to render declaratory judgments under the provisions of chapter 86. If any action has been dismissed or otherwise disposed of on the ground that a provision of the statutes granting the right to a trial or the jurisdiction to render declaratory judgments was repealed by chapter 74-310, Laws of Florida, such action shall be reinstated by order of the court upon the filing of a petition by the plaintiff at any time during the 60-day period immediately following the effective date of this act.

Section 15. This act shall take effect upon becoming law. Hearings for licenses pursuant to s. 120.60(3), F.S., begun prior to June 30, 1978, shall be governed by the provisions of Chapter 77-453, Laws of Florida. Hearings begun on or after June 30, 1978, shall be governed by the provisions of this act.

On motion by Senator Ware, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendment.

Senators Ware and Lewis offered the following amendment to House amendment 2 which was moved by Senator Ware and adopted:

Amendment 2A—On pages 1, 2, & 3, strike all of lines 1 through 31 on page 1, all of lines 1 through 31 on page 2, all of lines 1 through 14 on page 3, and insert: A bill to be entitled An act relating to administrative procedures; amending s. 120.52(1)(b), (2), Florida Statutes, providing an exception for entities created under the provisions of Chapter 361, Part II, Florida Statutes; providing that denial of a request under s. 120.54(5), Florida Statutes, is agency action; adding subsection (d) to s. 120.52(14), Florida Statutes; exempting action on hunting and fishing seasons from the definition of a rule; amending s. 120.54(1)(b), (2), (3), (7), (11)(b), (12)(b), Florida Statutes; deleting certain requirements from the economic impact statement of a rule; providing for public inspection and copying of proposed rules; providing grounds for holding a rule invalid; providing for public hearings relating to rulemaking; authorizing the consideration of written material submitted in rulemaking proceedings and modification of rule in response thereto; requiring that the citation for law implemented be the Florida Statutes or the Laws of Florida; providing the time for filing certain rules; requiring publication of notice for proposed rules which are modified or withdrawn; amending s. 120.55(1)(b) and (3)(a), Florida Statutes, providing that university personnel and finance rules be exempt from publication in the Florida Administrative Code and requiring the Department of State to list rules of an agency exempted from such publication; requiring the Department of State to furnish the Florida Supreme Court, the state District Courts of Appeal, and the Division of Administrative Hearings, Department of Administration, copies of the Administrative Code and Weekly; creating s. 120.56(4), Florida Statutes, providing time schedules for emergency rule challenges; amending s. 120.565, Florida Statutes, providing that a declaratory statement set out the agency's opinion as to the applicability of a statute, rule, or order to the petitioner only; amending s. 120.57(1)(b), Florida Statutes; providing notice requirements in parole revocation hearings; requiring hearing officers to complete and submit to the agency and

all parties a written report consisting of findings of fact and rulings on evidentiary matters with respect to certain licenses and mergers which are referred to the Division of Administrative Hearings and requiring the agency to allow each party a specified period of time in which to submit exceptions to such report; amending s. 120.58(1)(e) and (3), Florida Statutes; exempting certain parole hearings from proposed rule requirements; empowering an agency to seek a petition for enforcement of a subpoena or discovery order from which failure to respond will result in contempt of court; deleting provisions relating to contempt of agency; reenacting and amending s. 120.60(3) and amending s. 120.60(5), Florida Statutes; providing requirements for proceedings for issuance, denial, renewal or amendment of a license or approval of a merger under title XXXVI or title XXXVII, Florida Statutes; allowing an agency to make constructive service when certified mail or actual service is unobtainable; amending s. 120.65(2), Florida Statutes; raising hearing officer requirement from 3 years membership in The Florida Bar to 5 years; amending s. 120.66(1), Florida Statutes; providing a limitation on the applicability of the prohibition against ex parte communications; amending s. 120.68(1) and (3), Florida Statutes; providing standing to district school boards to seek judicial review of state school board decisions; providing that a petition to an agency for a stay is not a prerequisite to a petition for supersedeas; amending s. 120.71(1), Florida Statutes; providing an exemption from s. 112.3143, Florida Statutes, to permit an agency head or member thereof to be disqualified from serving in an agency proceeding; amending ss. 120.72(2) and 120.73, Florida Statutes, deleting transitional and obsolete language; providing an effective date.

On motion by Senator Ware, the Senate concurred in House Amendment 2 as amended and the House was requested to concur in the Senate amendment.

SB 860 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SPECIAL ORDER, continued

SB 1176—A bill to be entitled An act relating to the abuse of children; amending s. 827.07(6)(a), Florida Statutes, requiring the Department of Health and Rehabilitative Services to immediately notify the State Attorney and law enforcement agencies of reports of child abuse; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator McClain and adopted:

Amendment 1—On page 1, lines 17-18, strike the new language,

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator McClain:

Amendment 2—On page 1, lines 20-23, strike "that a child has been criminally abused, it shall immediately and orally notify the state attorney, who shall assist local law enforcement officers in the investigations of the case." and insert: , upon receipt of the report that a child may have been criminally abused it shall immediately and orally notify the State Attorney or the local law enforcement agency who may assist in investigation of the case.

Senator Gordon moved the following substitute amendment which was adopted:

Amendment 3—On page 1, line 20-23, insert: , upon receipt of the report, that a child may have ~~has~~ been criminally

abused it shall immediately and orally notify the State Attorney or the local law enforcement agency who may shall assist local law enforcement officers in the investigation of the case.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator McClain and adopted:

Amendment 4—On page 1 in title, line 6, strike “and” and insert: or

On motion by Senator McClain, by two-thirds vote SB 1176 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	Henderson	Sayler	Vogt
Barron	Holloway	Scarborough	Ware
Castor	Johnston	Scott	Williamson
Childers, Don	MacKay	Skinner	Wilson
Childers, W. D.	McClain	Spicola	Winn
Dunn	Myers	Thomas, Jon	Zinkil
Firestone	Plante	Thomas, Pat	
Gallen	Poston	Tobiassen	
Gorman	Renick	Trask	

Nays—None

On motion by Senator Barron, by two-thirds vote HB 300 was withdrawn from the Committee on Commerce.

Senator Ware presiding

SB 881—A bill to be entitled An act relating to funeral directors and embalmers; adding paragraph (f) to s. 470.08(1), Florida Statutes, requiring persons who desire to be licensed as embalmers to take and successfully pass, within a certain time period, an examination administered by the Conference of Funeral Service Examining Boards; amending s. 470.35, Florida Statutes, providing for an application and fee for licensure by reciprocity as a funeral director and embalmer; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote SB 881 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Abstained from Voting

I abstain from voting on SB 881 because it amends Chapter 470, Florida Statutes, under which I am licensed.

Jon C. Thomas, District 30

The President presiding

On motion by Senator W. D. Childers, 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 Sayler, Pat Thomas, W. D. Childers, Barron, Jon Thomas, Tobiassen, Ware, Gorman, Gallen, McClain, Trask, Scott, Renick, Dunn, Peterson, Vogt, MacKay, Henderson, Skinner, Poston, Williamson, Holloway, Myers, Castor, Spicola, Winn, Zinkil, Wilson, Scarborough and Brantley—

SB 1357—A bill to be entitled An act relating to the Department of Commerce; amending ss. 288.03(21)-(23) and 288.34 (1)(k) and (l), Florida Statutes; providing for certain guidelines concerning per diem, travel, operational and promotional advancements and reimbursements; adding a subsection to s. 288.35, Florida Statutes, providing a definition; providing an effective date.

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

On motion by Senator W. D. Childers, by two-thirds vote SB 1357 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 3, 4, 5 and 6 to CS for HB 448; has amended Senate Amendment 2, concurred in same as amended and passed CS for HB 448, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Elections and Representative James—

CS for HB 448—A bill to be entitled An act relating to elections; amending s. 101.71(1), (2), and (3), Florida Statutes, providing that polling places shall be accessible to the public on election day; providing an effective date.

House Amendment 1 to Senate Amendment 2—On line 28, strike “July 1, 1978” and insert: upon becoming a law.

On motion by Senator Scott, the Senate concurred in House Amendment 1 to Senate Amendment 2.

CS for HB 448 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Holloway	Scarborough	Trask
Barron	Johnston	Scott	Vogt
Childers, Don	MacKay	Skinner	Ware
Childers, W. D.	Plante	Spicola	Williamson
Dunn	Poston	Thomas, Jon	Wilson
Firestone	Renick	Thomas, Pat	Winn
Gorman	Sayler	Tobiassen	Zinkil

Nays—None

Vote after roll call:

Yea—McClain

SPECIAL ORDER, continued

HB 1334—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.0831, Florida Statutes; providing that a pari-mutuel permitholder conducting dogracing in 1977 and thereafter in a county having only one such race-track may conduct dog race meets or meetings upon the days and dates of such permitholder’s choice excluding Sundays, not to exceed the total of 105 racing days in each racing year, plus charity and scholarship days; adding s. 550.03(2)(k), Florida Statutes; providing for a day of charity operation for the Daytona Beach Jai Alai Fronton of Volusia County; providing that the proceeds from such day of operation shall be allocated and paid to the Daytona Beach Community College to be used for athletic scholarships; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, after line 31, insert: (2) Notwithstanding anything to the contrary, the Board of Business Regulation shall be authorized to grant 70 additional and regular days for dogracing, to any racetrack located in northwest Florida west of the Choctawhatchee River, which permittee has a pari-mutuel operation in a contiguous state within 75 miles of the Florida permittee.

Amendment 2—On page 2, line 5, strike “shall” and insert: may

Amendment 3—On page 1, line 11, after “days;” insert: authorizes the Board of Business Regulation to grant 70 additional operation days at certain dogracing tracks;

On motion by Senator Dunn, by two-thirds vote **HB 1334** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Johnston

By the Committee on Health and Rehabilitative Services—

CS for CS for SB 119—A bill to be entitled An act relating to juveniles; dividing into parts chapter 39, Florida Statutes; amending ss. 39.001-39.12, 39.14, 39.19, 39.33-39.333, 39.334(4), (5), 39.335, Florida Statutes; creating the Florida Juvenile Justice Act; changing nomenclature; clarifying ambiguities; providing automatic waiver in certain cases; providing authority to file informations in certain cases; providing certain time limitations; creating ss. 39.031, 39.032, 39.071, 39.111, 39.112, 39.40-39.411, Florida Statutes; providing authority to fingerprint and photograph certain juveniles and to use such data for identification purposes; providing certain persons authority to inspect and use juvenile records; providing alternative powers of disposition; providing procedures for and immunity from incurring civil liability for medical, psychiatric, and psychological examination and treatment; providing rights to counsel, rights against self-incrimination, and fundamentally fair hearings; requiring parents or legal custodians to be subpoenaed to attend delinquency disposition hearings and permitting parental comment at such hearings; providing a community control program to include a penalty appropriate to offense and a rehabilitative program in lieu of probation and establishing community control advisory councils in each judicial circuit; renumbering and amending s. 959.115, Florida Statutes; providing alternative dispositions for juveniles prosecuted as adults; repealing s. 39.03(3)(b), (c), (4)-(7), Florida

Statutes, relating to the intake officer's duties and criteria for placement of a child in detention or shelter care; repealing s. 39.11(1), (5), (6), Florida Statutes, relating to power of the court when a child is adjudicated a dependent child, and reenacting procedures for dependency cases in part III of chapter 39, Florida Statutes; amending ss. 959.13, 394.57, 394.60, Florida Statutes, relating to the transfer and treatment for mental health care of children; providing an effective date.

—was read the first time by title and SB 119 and CS for SB 119 were laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for CS for SB 119 was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 77, strike everything after “counsel.—” on line 1 through the period on line 8.

Votes Recorded

By permission, Senator Spicola was recorded as voting yea on the following bills which passed May 24: Senate Bills 813, 699, 859, HB 1330, CS for HB 448, CS for HB 456, Senate Bills 1310 and 1295; and nay on SB 648.

By permission, Senator Pat Thomas was recorded as changing his vote from yea to nay on SB 648 which passed May 24.

ENROLLING REPORTS

SB 163	SB 1071	SB 172
CS for SB 165	CS for SB 1279	SB 269
SB 323	SB 1347	SB 308
SB 343	SB 408	SB 312
SB 614	SB 486	SB 367
SB 687	SB 589	SB 401
SB 721	SB 601	CS for SB 215
SB 878	SB 839	SB 699
SB 890	SB 1147	SB 769
SB 901	SB 1222	SB 1070
SB 1003	SB 146	SB 1073

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 25, 1978.

Joe Brown, Secretary

The Journal of May 24 was corrected and approved as follows:

Page 459, counting from bottom of column 2, line 13, strike “186” and insert: 171

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:01 p.m. to convene at 8:30 a.m., Friday, May 26, 1978, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 8:55 a.m.