



# Journal of the Senate

Number 39

Thursday, June 1, 1978

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 2176 and HB 2177 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Thompson and others—

**HB 2176**—A bill to be entitled An act relating to the naming of state facilities; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the Florida State University swimming facility the "N. B. Stults Aquatic Center"; providing an effective date.

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

By Representative Morgan and others—

**HB 2177**—A bill to be entitled An act relating to the naming of state facilities; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the university track at Florida State University the "Mike L. Long Track"; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 2004 and HB 1571 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Appropriations and Criminal Justice and Representative Bloom—

**CS for HB 2004**—A bill to be entitled An act relating to the creation of the Florida Council on Criminal Justice; providing definitions; providing for appointments by the Governor, requirements of membership, terms, staffing, meetings, replacement and reimbursement of expenses; providing for meetings at least quarterly; providing responsibilities, powers and duties; providing for annual reports; replacing the Bureau of Criminal Justice Planning and Assistance with the Bureau of Criminal Justice Assistance and setting forth its duties and powers; providing for a transition period and interim commissioners; amending s. 943.25(8), Florida Statutes, relating to disbursement of funds of the Bureau of Criminal Justice Assistance; amending s. 20.31(3)(e), Florida Statutes, to conform to the act; providing an effective date.

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

By Representatives Craig and Allen—

**HB 1571**—A bill to be entitled An act relating to historic preservation; amending s. 267.0615(1), (2), and (4), Florida Stat-

utes, modifying qualifications, memberships, terms, and duties of the Historic Preservation Project Review Council; amending s. 267.0616(2), Florida Statutes, modifying procedure for submission of proposals for creation of state historical preservation boards of trustees; creating s. 267.0617, Florida Statutes, authorizing establishment of, and providing funding procedures for, the Historic Preservation Trust Fund; authorizing the division to administer a program of grants-in-aid for historic preservation projects; adding paragraph (k) to s. 550.03(2), Florida Statutes, authorizing the Board of Business Regulation to authorize licensed racetracks or frontons to conduct additional charity days under certain circumstances; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 922 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Health & Rehabilitative Services and Representative Bell—

**CS for HB 922**—A bill to be entitled An act relating to retardation; amending s. 393.065(1), Florida Statutes; requiring the Department of Health and Rehabilitative Services to provide services through departmental programs for certain persons ineligible for retardation services; specifying conditions; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1109 and HB 2107 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Davis—

**HB 1109**—A bill to be entitled An act relating to mortgages; amending s. 701.05, Florida Statutes, providing for civil rather than criminal enforcement of provisions requiring persons entitled to and receiving full payment on any mortgage, lien, or judgment to cancel and satisfy of record the mortgage, lien, or judgment; providing court costs and attorney's fees; requiring written notice of intent to file an action for enforcement; providing an effective date.

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

By Representative Mann and others—

**HB 2107**—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.22(1), Florida Statutes, providing that the signature of a person on a document, letter, or other writing is prima facie evidence of the person's identity with respect to penalties under the Unemployment Compensation Law if certain conditions exist; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1923 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig—

**HB 1923**—A bill to be entitled An act relating to unemployment compensation; adding a new subparagraph to s. 443.03(5) (d), Florida Statutes, to exempt certain resident nonprofit corporations from the provisions of the Unemployment Compensation Law; adding a subsection to s. 443.05, Florida Statutes, providing that benefits shall not be paid to employees of such corporations; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 475 and HB 1200 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representative Burrall—

**CS for HB 475**—A bill to be entitled An act relating to fishing and hunting licenses; amending s. 372.57(3), (7), and (9), Florida Statutes, increasing the fees for certain fishing and hunting licenses; repealing s. 372.57(2) and (8), Florida Statutes, relating to fees for temporary fishing licenses for non-residents and for hunting licenses for county other than county of residence; providing an effective date.

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

By Representative Hill—

**HB 1200**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; creating ss. 372.9911—372.9915, Florida Statutes; providing legislative intent; providing definitions; providing powers and duties of the commission for the regulation of the use of motor vehicles on public lands; providing a penalty for damage to certain lands; defining damage; providing civil liability; providing for the registration of off-road vehicles; establishing a maximum fee; prohibiting the operation of unregistered off-road vehicles on public land; providing a penalty; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 2064 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

**HB 2064**—A bill to be entitled An act relating to traffic control; adding subsection (8) to s. 316.545, Florida Statutes, providing that officers or agents of the Department of Highway Safety and Motor Vehicles inspecting vehicles under weight and load provisions shall have the same power as roadguard inspection special officers; specifies that such officers or agents shall not be considered high risk members for retirement purposes; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1424 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative McPherson and others—

**HB 1424**—A bill to be entitled An act relating to charity racing days; adding paragraph (k) to s. 550.03(2), Florida Statutes, directing the Board of Business Regulation to authorize an additional charity day of operation for all jai alai frontons in Broward County; providing for the payment of such funds to the Broward Community College Foundation, Inc.; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 439 and 327 and HB 2081 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice and Representative Nuckolls and others—

**CS for HB's 439 and 327**—A bill to be entitled An act relating to telephone solicitation; creating s. 365.165, Florida Statutes; prohibiting the use of automated telephone solicitation systems; providing the Attorney General or telephone companies with authority to seek injunctive relief; providing a penalty; providing an effective date.

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

By the Committee on Elections—

**HB 2081**—A bill to be entitled An act relating to mosquito control district elections; amending s. 388.101(1), Florida Statutes, to provide methods of qualifying as a candidate in such elections; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House HJR 1831 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Melvin and Fortune—

**HJR 1831**—A joint resolution proposing the creation of Section 7 of Article VIII of the State Constitution relating to local government.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2062, HB 748 and HB 1213 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Elections—

**HB 2062**—A bill to be entitled An act relating to elections; amending s. 101.161, Florida Statutes; providing that language of constitutional amendments or other public measures be printed in clear and unambiguous language; amending s. 97.091(2), Florida Statutes; providing for the change of address

or name of an elector after the general election; providing for change of address of an elector by means of an absentee ballot request; creating s. 97.1031, Florida Statutes; requiring notice of change in registration; providing an effective date.

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

By Representatives Moffitt and Papy—

**HB 748**—A bill to be entitled An act relating to county court judges; amending s. 34.021, Florida Statutes, providing that, in counties with populations over 40,000, county court judges must have been members of The Bar of Florida for 5 years; providing an exception for judges currently serving; providing an effective date.

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

By Representatives Patchett and Papy—

**HB 1213**—A bill to be entitled An act relating to acquittal for cause of insanity; amending s. 394.467(3)(b), (4)(a), and (5), Florida Statutes, relating to involuntary hospitalization; removing an obsolete reference; providing procedures relative to commitment of persons to the Department of Health and Rehabilitative Services by virtue of having been adjudicated not guilty by reason of insanity; establishing that the committing court shall retain jurisdiction in such cases; providing that an order of the hearing examiner allowing release of such a patient shall not be effective until approved by the committing court; providing that the patient and the State Attorney have the right to a hearing before the committing court; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 686 and CS for HB 1699 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations and the Select Committee on Organized Crime and Representative Smith and others—

**CS for HB 686**—A bill to be entitled An act relating to the creation of the Florida State Commission of Investigation; creating a new part III of chapter 13, Florida Statutes; providing for members, appointments, terms, salaries, vacancies and removal; providing for powers and duties of the commission; providing for contempt; directing cooperation with law enforcement officials and federal authorities; requiring examination into law enforcement activities affecting other states; directing reference of certain evidence to other authorities for the prosecution of crimes; authorizing the employment of staff; requiring reports; providing for closed meetings; providing for requests for assistance; prohibiting certain disclosures and providing a penalty; providing a privilege; authorizing the impounding of evidence; providing for immunity; providing for civil contempt; providing for notice to the state attorney and opportunity to object to proposed public hearings and proposed grants of immunity; providing legislative intent; providing for confidentiality of records; providing for procedure for the commission; providing an appropriation; providing an effective date.

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

By the Committee on Elections and Representative Batchelor—

**CS for HB 1699**—A bill to be entitled An act relating to campaign financing; amending s. 106.25(5), Florida Statutes; prohibiting the Florida Elections Commission from issuing its findings of violations of chapter 106, Florida Statutes, involving two or more persons until a certain time; granting a person being

investigated the right to waive the confidentiality of such investigation if the confidentiality has been breached; amending s. 106.26(5), Florida Statutes; prescribing contents of transcripts of hearings; providing that any witness at a hearing by the commission shall be entitled to a certified transcript of all testimony taken at the hearing; amending s. 106.25(3), Florida Statutes, providing that violations under the jurisdiction of the Florida Elections Commission must be willful acts or failure to perform required acts; amending s. 106.08(2) and (4), Florida Statutes; requiring the return of certain campaign contributions; allowing the collection of election campaign contributions after withdrawal, election, or elimination to meet campaign expenses; restricting the amount of such contributions; providing a penalty; amending s. 106.11(3), Florida Statutes; prohibiting certain persons from authorizing certain expenses from a primary campaign account without sufficient funds therein; providing a penalty; allowing certain expenses to be incurred under certain circumstances; amending s. 106.141(7), Florida Statutes, allowing funds to be collected for election campaign expenses; repealing s. 106.14(1), Florida Statutes, which requires prior payment for goods and services provided to a candidate or political committee; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House HJR 2171 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary and Representative Smith—

**HJR 2171**—A joint resolution proposing an amendment to Section 8 of Article VII of the State Constitution relating to the financing of new local government duties; providing that any general law requiring municipalities or counties to administer any program or provide any service or facility shall include an economic impact statement estimating total costs, and shall provide a method of financing such program or service.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1088 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Morgan and Tucker—

**HB 1088**—A bill to be entitled An act relating to charity racing days; amending s. 550.03(2)(h), Florida Statutes, authorizing the Jefferson County Kennel Club to conduct an additional day of racing with 50 percent of the proceeds payable to the Jefferson County Industrial Development Corporation; providing an effective date.

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

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2108 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Mann and others—

**HB 2108**—A bill to be entitled An act relating to unemployment compensation; adding subsection (10) to s. 443.06, Florida Statutes, providing that certain employees who have been terminated for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with employment shall be disqualified for unemployment compensation benefits; providing that the time any such employee

worked for the terminating employer shall not be used in computing wage credits; amending s. 443.05(1)(b), Florida Statutes, relating to benefit eligibility conditions; providing certain additional duties of the Division of Employment Security of the Department of Commerce and the Bureau of Unemployment Compensation therein relative to job openings and job referrals; requiring claimants to maintain job referral registers for the purpose of verifying contact for employment; providing duties of employers relative thereto; providing that certain temporarily laid-off claimants are not exempt from referral to or placement in certain short-term employment; providing an effective date.

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

The Senate recessed at 8:39 a.m.

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

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

Excused: Periodically, Senators Barron, MacKay and McClain, to work on a conference committee report; and periodically, conferees on HB 2044—Senators Lewis, Gordon, W. D. Childers, Peterson, Plante, Spicola, Trask, Hair.

Prayer by Senator Peterson:

Father, we're so happy that we just need to look upward or inward or nearby and find your comforting presence which we need so much in these next two days. We need you to remind us that we must be easy on each other. We must be forgiving. We must be understanding. And above all, we must remember to do all that we do so that we may be within thy will. So forgive us for all that we have done that we should not have done. Strengthen us to get through this session for the people of Florida in the way that you would like for us to. And keep our families until we can be back home to join them again. We ask all this in thy name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 1, 1978:

SB 1015	CS for HB	SB 510	CS for SB
SB 362	1068	HB 304	286
SB 1253	HB 1570	SB 823	HJR 253
SB 768	HB 2118	SB 455	SB 1056
SB 1092	HB 1739	CS for HB	CS for SB
SB 802	CS for SB 935	720	1058
HCR 1634	SB 1062	SB 1210	SB 223
HB 237	SB 857	HB 2053	SB 537
HB 161	SB 335	SB 1243	SB 1250
HB 1507	HB 261	CS for HB	HB 367
HB 1508	SB 581	361	CS for HB
HB 2183	HB 467		123

Respectfully submitted,  
W. D. Childers, Chairman

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Firestone, the rules were waived and by two-thirds vote SB 479 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Pat Thomas, the rules were waived and by two-thirds vote House Bills 2176 and 2177 were withdrawn from the Committee on Education.

On motions by Senator Jon Thomas, the rules were waived and by two-thirds vote HB 1200 was withdrawn from the Committees on Natural Resources and Conservation; Transportation; and Appropriations.

On motion by Senator Trask, the rules were waived and by two-thirds vote SB 410, with House amendments, was withdrawn from the Committee on Agriculture.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 927 was withdrawn from the Committee on Natural Resources and Conservation.

Senator Sayler moved that the rules be waived and CS for HB 910 be withdrawn from the Committee on Governmental Operations. The motion failed.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 180, 384, 385, 563, 640 and CS for SB 373, which he had approved May 30, 1978; Senate Bills: 146, 172, 269, 308, 323, 367, 408, 439, 486, 589, 601, 614, 721, 769, 839, 890, 1003, 1147, 1222 and Committee Substitutes for Senate Bills 215 and 1279, which he had approved May 31.

The Governor advised that he had transmitted to the office of the Secretary of State SB 493 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 Speaker of the House of Representatives has appointed Representatives Redman, Bloom and Maxwell as conferees on the part of the House on CS for SB 549.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

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

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

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

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 17, insert after the word "chapter": or the rules and regulations of the commission

**Amendment 4**—On page 1, line 10, after the colon ":" insert: Section 1. Section 372.0725, Florida Statutes, is created to read:

372.0725 Florida panther; killing prohibited; penalty.—

(1) It is unlawful for any person to kill that member of Florida's "endangered species," as defined in s. 372.072(3), known as the Florida panther.

(2) Any person convicted of unlawfully killing a Florida panther is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Renumber subsequent sections.

**Amendment 5**—On page 1, line 3 in title, after the semi-colon ";" insert: creating s. 372.0725, Florida Statutes, providing that it is illegal to kill a Florida panther; providing a penalty;

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

CS for SB 321 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Ware

Votes after roll call:

Yea—Chamberlin, 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 reconsidered passage, amended and passed with 2 amendments—

By Senator Henderson—

SB 340—A bill to be entitled An act relating to jai alai frontons; amending s. 551.12, Florida Statutes; prescribing the times during which jai alai may be played on certain days and extending the starting time for the last game played on certain days; 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. Section 551.12, Florida Statutes, is amended to read:

551.12 Elections; applicability of racetrack law.—No license to construct or operate a fronton for the exhibition of jai alai or pelota shall be issued until and unless the permit issued by the Division of Pari-mutuel Wagering has been ratified by the electors of the county involved pursuant to the requirements of s. 550.06, except this provision shall not apply to frontons which have been issued valid permits and licenses to operate prior to June 30, 1959, and which are now in effect. All other pertinent provisions of chapter 550 dealing with the powers, duties and liabilities of the Division of Pari-mutuel Wagering and of the operators of dogracing tracks and dealing with the location thereof and with the issuance and granting of permits and licenses to conduct dogracing and dealing with the petition for the election to revoke licenses not inconsistent with the express provisions of this chapter shall be construed to relate to and govern the division and the operators of any fronton and the location thereof and the issuance and granting of permits and licenses for the operation of frontons under the provisions of this chapter as fully as if the same were herein expressly set out; provided, however, that in no event shall any jai alai fronton permit or license be issued to conduct jai alai and pari-mutuel pools at a location within 50 miles of another location where pari-mutuel pools are conducted under chapter 550 or this chapter, said distance to be measured on a straight line, said straight line shall be measured from property line to property line at the points nearest to each other, except this proviso shall not apply to frontons which have been issued valid permits and licenses to operate prior to June 30, 1959, and which are now in effect; provided, further, that if all or any substantial portion of a fronton shall be taken by eminent domain the division may on application of the holder of the permit and license of such original fronton filed within 2 years after such taking (and in lieu of the original permit and without requiring the ratification by the electors of the permit and without regard to the foregoing 50-mile limitation) issue a permit and grant licenses to the holder of the permit

and license of such original fronton for the operation of a substitute fronton at any location in the same county within 10 miles, as so measured, of the location of the original fronton. Provided, also, that the said Board of Business Regulation shall not limit the number of *presently authorized* operation days in any 12-month period for such operators of licensed frontons to less than 90 days or more than 105 days during the period extending from and including December 1 in each year to and including April 10 of the following year. An operation day shall be a continuous period of 24 hours starting with the beginning of the first game of a public exhibition of jai alai or pelota, even though such operation day may start during 1 calendar day and extend past midnight to 2 1/4 a.m. into the following calendar day; provided, however, that no game shall be started later than 1:30 ~~12:30~~ a.m. and before 12 noon on any operation day, or 12 midnight on any Saturday night. *provided, further, that a permittee shall conduct no more than 12 games during any performance.* No minors except jai alai players apprentices and ball boys shall be permitted to attend such exhibitions or to be employed in any manner about the operation of frontons. All laws and parts of laws inconsistent with the express provisions of this chapter are expressly declared not to apply to any person engaged in the operation of a fronton, or making wagers or contributing to pools therein, as authorized and conducted under this chapter.

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

Amendment 2—On page 1, strike the entire title and insert: A bill to be entitled An act relating to jai alai frontons; amending s. 551.12, Florida Statutes; modifying restrictions relating to days and hours of operation; limiting performances to no more than 12 games; providing an effective date.

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

SB 340 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Graham	Renick	Williamson
Castor	Henderson	Scarborough	Wilson
Chamberlin	Holloway	Skinner	Winn
Firestone	Lewis	Thomas, Jon	Zinkil
Gallen	MacKay	Thomas, Pat	
Gordon	McClain	Vogt	
Gorman	Myers	Ware	

Nays—9

Barron	Johnston	Spicola	Trask
Childers, Don	Peterson	Tobiassen	
Childers, W. D.	Poston		

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

On motion by Senator Peterson, the rules were waived and by two-thirds vote SB 539, with House amendments, was withdrawn from the Committee on Economic, Community and Consumer Affairs.

*The Honorable Lew Brantley, President*

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

By Senator Peterson and others—

SB 539—A bill to be entitled An act relating to veterans; amending ss. 295.07, 295.08, 295.09, 295.10, 295.11, and 295.14(1), Florida Statutes, relating to preference in employment and promotion for certain veterans or their spouses by the state or its political subdivisions; deleting references to certain time limitations; clarifying certain references to include certain veteran's spouses, widows, and widowers; deleting the salary limitation with respect to positions designated as professional or technical by the Federal Government; specifying application

of penalties for failure to file required reports; specifying that penalties apply to appointed officers of the state and its political subdivisions; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On pages 1-7 strike everything after the enacting clause and insert: Section 1. Section 295.07, Florida Statutes, is amended to read:

295.07 Veterans' reemployment or reinstatement and preference in appointment and retention.—A veteran shall be reemployed or reinstated to the position or an equivalent position that he or she held with the state or any of its political subdivisions prior to honorable military service, if the veteran returns to the position within 1 year of his or her normal date of separation or, when a person has been extended beyond his or her normal date of honorable discharge or separation due to military requirements, of the date of discharge or separation subsequent to that extension. The state and its political subdivisions shall give preference in appointment and retention in positions of employment, except those *included* under s. 110.051(2) on June 29, 1977, to:

(1) Those disabled veterans who have served on active duty in any branch of the Armed Forces of the United States; who have been separated therefrom under honorable conditions; and who have established the present existence of a service-connected disability which is compensable under public laws administered by the U. S. Veterans' Administration, or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Veterans' Administration and the Department of Defense.

(2) The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(3) ~~A The recently discharged veteran of any war, who is a person who has served on active duty for 181 consecutive days or more, or who has served 180 consecutive days or more since January 31, 1955 between August 4, 1964, and May 7, 1976, and who was discharged or separated therefrom with an honorable discharge from the Armed Forces of the United States of America, or who was honorably discharged or separated from active duty for a service connected disability if any part of such active duty was performed during the last preceding wartime era and who was so honorably discharged or separated within 48 months preceding the person's application for employment covered by this chapter.~~

(4) The unmarried widow or widower of a veteran who died of a service-connected disability.

Section 2. Section 295.09, Florida Statutes, is amended to read:

295.09 Promotion examinations; preference points.—When a career service system or other merit-type system is used for selection of employees, the state and its political subdivisions shall, on promotional examinations, award preference points, as provided in s. 295.08, to those persons included in s. 295.07 (1), (2), (3) and (4) ~~the veteran who has honorably served in the Armed Forces of the United States. Such persons~~ The veteran shall be promoted ahead of all those who appear in an equal or lesser position on the promotional register. This provision shall apply only to such person's first promotion after employment, reinstatement or reemployment of the veteran.

Section 3. Section 295.10, Florida Statutes, is amended to read:

295.10 Noncompetitive positions; preferences.—In all positions in which the employment of persons is not subject to the career service system or other merit-type systems, preference in appointment and employment shall be given by the state and its political subdivisions first to those persons included under s. 295.07(1) and (2) and second to those persons included under s. 295.07(3) and (4) who have made application by July 1, 1982, or within 5 years of the veteran's date of honorable discharge or separation, whichever is later, and to those

persons included under s. 295.07(4) who have made application by July 1, 1982, or within 5 years of the date of the veteran's death, whichever is later, provided such persons possess the minimum qualifications necessary to the discharge of the duties involved. For the purpose of this section, noncompetitive positions are not considered to be under the career service system or other merit-type system. When such person ~~a veteran~~ is an applicant and is qualified for the position but is not employed due to employment of a person not included in s. 295.07(1), (2), (3) or (4) ~~nonveteran~~, a report shall be filed in accordance with s. 295.11, outlining the reasons for such employment ~~that a nonveteran was employed over a veteran. Failure to file such report shall be prima facie evidence of a violation of this section, punishable as provided in s. 295.14.~~

Section 4. Section 295.11, Florida Statutes, is amended to read:

295.11 Report of reason for not employing preferred ~~veteran~~ applicant; investigation.—The appointing or employing officer of any state agency or any agency of a political subdivision thereof shall forthwith file in writing with the Director of the Division of Veterans' Affairs of the Department of Community Affairs the reasons that a person not included under s. 295.07(1), (2), (3) or (4) ~~nonveteran~~ is preferred for employment over a person included under said section ~~veteran~~. This includes all positions that are classified as noncompetitive or appointive positions, except those outlined in s. 110.051(2) on June 29, 1977. The Division of Veterans' Affairs shall, upon the written request of any person specified in s. 295.07(1), (2), (3) or (4) ~~or s. 295.07(2)~~, investigate any complaint filed by such person when the person has in fact filed an application for the position. ~~Any complaint filed by a person specified in s. 295.07(3) must be filed by July 1, 1982, or within 5 years of the date of his or her date of honorable discharge or separation, whichever is later, and such person must have made application for the position. Any complaint filed by a person specified in s. 295.07(4) must be filed by July 1, 1982, or within 5 years of the date of the veteran's death, whichever is later, and such person must have made application for the position. If the division finds the equities to be with the complainant, it shall have the power to seek relief through the Career Service Commission or through the courts.~~

Section 5. Subsection (1) of section 295.14, Florida Statutes, is amended to read:

295.14 Penalties.—

(1) Any employee in the career service or other merit-type system and any appointed officer of the state or its political subdivisions who willfully violates any provision of this act or of any rule adopted pursuant to the authority herein granted shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who is convicted of a misdemeanor under this section shall, for a period of 5 years, be ineligible for appointment to or employment in a position in the state career service, and, if he is an employee of the state, he shall forfeit his position.

Section 6. The provisions of this act shall not be deemed to apply to retired military personnel insofar as this act grants a point preference to such persons in applying for employment.

Section 7. This act shall take effect upon becoming a law.

**Amendment 2**—On page 1, strike the entire title and insert: A bill to be entitled An act relating to veterans; amending ss. 295.07, 295.09, 295.10, 295.11, and 295.14(1), Florida Statutes, relating to preference in employment and promotion for certain veterans or their spouses by the state or its political subdivisions; deleting references to certain time limitations; clarifying certain references to include certain veteran's spouses, widows, and widowers; specifying application of penalties for failure to file required reports; specifying that penalties apply to appointed officers of the state and its political subdivisions; providing an effective date.

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

SB 539 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

## Votes after roll call:

Yeas—Hair, Spicola

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 Zinkil and others—

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

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 7, line 7 through 23, strike all of subsection (h) and insert: (h) The Florida Board of Building Codes and Standards shall provide by regulation criteria for granting individual modifications or, or exceptions from, the literal requirements of this part upon a determination of unnecessary or extreme hardship, provided such waivers shall not violate Federal accessibility laws and regulations and shall be reviewed by an advisory committee consisting of the following four (4) members: Executive Director, Governor's Committee on Employment of the Handicapped; Director, Division of Blind Services; Director, Office of Vocational Rehabilitation, and the President of the Florida Council of Handicapped Organizations, or their designees. Meetings shall be held in conjunction with the regular quarterly meetings of the Board. Upon application made in the form provided, individual waivers or modifications may be granted by the Board so long as such modifications or waiver is not in conflict with more stringent standards provided in another chapter.

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

**Amendment 1A**—On page 1, line 3, strike the first "or" and insert: of

On page 1 line 11, after the first "Meetings" insert: of the advisory committee

**Amendment 3**—On page 6, lines 17, 18 and 19, strike on line 17 - "Five" and on lines 18 & 19 - "but not less than one such unit shall comply with the provisions of this part"

and insert: (on line 17) *Twenty-five*

Senator Zinkil moved the following amendment to House Amendment 3 which was adopted.

**Amendment 3A**—On page 1, lines b and c, strike the words: "shall comply with the provisions of this part"

On motions by Senator Zinkil, the Senate concurred in the House Amendments as amended and requested the House to concur in Senate amendments.

**SB 628** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—29

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

## Nays—2

Johnston Wilson

*The Honorable Lew Brantley, President*

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

By Senators Jon Thomas and Zinkil—

**SB 837**—A bill to be entitled An act relating to elections; amending ss. 99.061(1), (2), 103.091(2), 103.111(1)(b), 105.031(1), 582.18(1), Florida Statutes; prescribing the qualifying time for candidates for public office, candidates for political party office, judicial candidates, and candidates for supervisor of soil and water conservation districts; providing that the date of the second primary election in 1978 shall be changed from October 10 to October 5; providing that certain special elections required by local law to be held on the third Tuesday after the first primary election provided for in s. 100.061, Florida Statutes, may be held in conjunction with the second primary election on the date provided by general law for the second primary election; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On pages 2, 3, 4, 5, 6, strike all of: Section 1, Section 2, Section 3, Section 4, Section 5, Section 7 and renumber Section 6 to Section 1 and Section 8 to Section 2.

**Amendment 2**—On page 1, lines 2-9 and 11-18, strike amending ss. 99.061 (1), (2), 103.091(2), 103.111(1)(b), 105.031(1), 582.18(1), Florida Statutes prescribing the qualifying time for candidates for public office, candidates for political party office, judicial candidates, and candidates for supervisor of soil and water conservation districts; (AND) providing that certain special elections required by local law to be held on the third Tuesday after the first primary election provided for in s. 100.061, Florida Statutes, may be held in conjunction with the second primary election on the date provided by general law for the second primary election;

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

**SB 837** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—37

Mr. President	Gorman	Poston	Trask
Barron	Graham	Renick	Vogt
Castor	Hair	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	
Gallen	Peterson	Thomas, Pat	
Gordon	Plante	Tobiassen	

## 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 3 amendments—

By Senator Gorman—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 17, after the period “.” insert:

Section 3. Any person operating a real estate school upon the effective date of this act shall not be required to comply with the provisions of s. 475.451, Florida Statutes; however he must comply with the registration status as a real estate broker. Renumber the subsequent section.

Amendment 2—On page 4, line 18 insert: Section 3. Paragraph (f) of subsection (1) and paragraph (c) of subsection (2) of section 478.221, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of said section to read:

478.221 Exemptions.—

(1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter do not apply to:

(f) A subdivision as to which the plan of disposition is to dispose to 50 ~~40~~ or fewer persons.

(2) The provisions of this chapter shall not apply to:

(c) Offers or dispositions of lots contained in a recorded subdivision plat, provided all of the following conditions exist:

1. Each lot is situated on a paved and dedicated road or street constructed to the specifications of the board of county commissioners of the county, or the governing body of the municipality, which has accepted such road or street for maintenance;

2. The subdivision has drainage structures and fill necessary to prevent flooding, which structures and fill have been approved by the board of county commissioners in the county or the governing body of the municipality or a certified engineer as to the issuance of a flood letter on the subdivision;

(d) Offers or dispositions of lots contained in a subdivision plat that has been recorded or accepted by the board of county commissioners where:

1. Each lot is situated on a road dedicated or approved by the board of county commissioners;

2. All promised improvements are complete, or improvements are under construction with the proper bond posted with the appropriate political subdivision;

3. The sales promotion plan is directed to local residents;

4. The subdivider is prepared to convey title by warranty deed when cash purchase is requested by the purchaser; and

(And renumber subsequent sections.)

Amendment 3—On page 1 in title, line 11, after the word “schools;” insert: amending s. 478.221(1)(f) and (2)(c), Florida Statutes, and adding paragraph (d) to subsection (2) of said section, exempting dispositions of an interest in land of a subdivision where the plan of disposition is to dispose to 50 or fewer persons; modifying certain exemptions relating to, and further exempting, certain offers or dispositions of lots contained in a subdivision plat that has been recorded or accepted by the board of county commissioners;

On motions by Senator Gorman, the Senate concurred in House Amendment 1 and refused to concur in House Amendments 2 and 3 and requested the House 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 refused to concur in Senate Amendment 1 to:

By Representative Ward and others—

HB 1534—A bill to be entitled An act relating to Okaloosa County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing, and equipping of capital projects of Okaloosa County and of the district school board of Okaloosa County; authorizing the issuance of certificates of indebtedness by the county and by the school board to finance the cost of such projects; authorizing the pledging to the payment of the principal of, and interest on, such certificates of indebtedness of the race track funds and jai alai fronton funds allocated to the board of county commissioners of said county or the school board out of such funds accruing annually to the county pursuant to chapters 550 and 551, Florida Statutes, the rentals and royalties derived by the county or the school board under leases or other agreements with respect to the lands or the mineral rights appertaining thereto belonging to said county or said school board, the second oil and gas severance taxes accruing to said county pursuant to the provisions of s. 211.06(1)(b), Florida Statutes, and other moneys of said county or of said school board derived from sources other than ad valorem taxation and legally available for such purposes; providing for the allocation of said county's share of such second oil and gas severance taxes equally between said board of county commissioners and said school board; providing an effective date.

—and requests the Senate to recede.

Allen Morris, Clerk

Amendment 1—On page 4, line 16, strike section 9 and insert: section 8

On motion by Senator W. D. Childers, the Senate receded from Amendment 1. HB 1534 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The Honorable Lew Brantley, President

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

By Senator Don Childers—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 5 & 6, strike entire lines and insert: Section 3. Subsection (1) of section 206.43, Florida Statutes, is amended to read:

206.43 Distributor to report to department monthly; deduction.—The taxes levied and assessed as provided in Part I of this chapter shall be paid to the department monthly in the following manner:

(1) On or before the 20th day of each month the distributor shall mail to the department verified reports on forms prescribed by the department of the number of gallons of such products sold by him during the preceding month and shall at the same time pay to the department the amount of the tax computed to be due. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The distributor shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 2 percent of the tax on motor fuels not exceeding 500,000

gallons, or less and amount equivalent to 1 percent of the tax on motor fuels in excess of 500,000 taxable gallons but not exceeding 1 million taxable gallons, which is hereby allowed to the distributor on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of tax is made on or before the 20th day of the month as herein required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.

Section 4. Subsection (1) of section 206.91, Florida Statutes, is amended to read:

206.91 Tax reports, computation and payment of tax.—

(1) For the purpose of determining the amount of tax imposed by s. 206.87, each dealer shall, not later than the twentieth day of each calendar month, mail to the department on forms prescribed by the department, monthly reports which shall include the total gallons of special fuels sold for use or used by the dealer on which the tax has not been paid by a dealer in this state, during the preceding calendar month. *However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding work day.* The reports shall contain or be verified by a written declaration that such report is made under the penalties of perjury. The dealer shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 2 percent of the tax on special fuels not exceeding 500,000 taxable gallons, and less an amount equivalent to 1 percent of the tax on special fuels in excess of 500,000 taxable gallons but not exceeding 800,000 taxable gallons, which is hereby allowed to the dealer on account of services and expenses in complying with the provisions of this part. This allowance shall not be deductible unless payment of tax is made on or before the twentieth day of the month as herein required.

Section 5. This act shall take effect upon becoming law.

**Amendment 2**—On page 1, strike the entire title and insert: A bill to be entitled An act relating to taxation; amending s. 212.02(16), Florida Statutes; redefining the term "admissions" to exclude certain charges for admission; amending s. 212.11(1), Florida Statutes; prescribing the filing deadline for sales tax returns; amending ss. 206.43(1) and 206.91(1), Florida Statutes; prescribing the filing deadline for motor and special fuel tax returns; providing an effective date.

**Amendment 5**—On page 1, line 8, after the colon ":" insert: Section 1. Subsection (16) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(16) The term "admissions" means and includes the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any place of amusement, sport, or recreation or for the privilege of entering or staying in any place of amusement, sport or recreation, including but not limited to theaters, outdoor theaters, shows, exhibitions, games, races or any place where charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, greens fees, participation fees, entrance fees or other fees or receipts of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, entertainment, including admissions to performances of philharmonic associations, opera, guilds, little theaters, and similar organizations, amusement, sport or recreation, and all dues paid to private clubs providing recreational facilities, including but not limited to golf, tennis, swimming, yachting and boating facilities; *except that the term admissions shall not mean or include charges for admission by any organization described in s. 170(c) of the Internal Revenue Code of 1954, as amended, to live performances of ballet, dance, or choral performances, concerts (instrumental and vocal), plays (with and without music), operas and readings, ocean science centers, museums of science, historical museums and botanical and zoological gardens, and exhibitions of paintings, sculpture, photography, graphic and craft arts.*

Renumber subsequent section.

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

SB 276 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator Scott, the Senate reconsidered the vote by which HB 531 passed May 31.

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 resolution:

INTRODUCTION

By Senators W. D. Childers and Tobiassen—

SR 1362—A resolution honoring the J. M. Tate High School on the occasion of its centennial.

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

On motion by Senator W. D. Childers, SR 1362 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator W. D. Childers, by two-thirds vote, SR 1362 was read the second time in full and adopted. The vote was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Graham

SPECIAL ORDER

Consideration of SB 1015 was deferred.

SB 362—A bill to be entitled An act relating to mobile homes; adding s. 320.822 (13), (14), (15), Florida Statutes; providing standard definitions of the length and width of a mobile home to conform with federal regulations; amending s. 320.8335, Florida Statutes; requiring advertisements or other communications describing a mobile home to conform to certain requirements; authorizing the Department of Highway Safety and Motor Vehicles to assign and require the affixation of an identification number for certain mobile homes; providing an effective date.

—having been received in House Messages, referred to the Committee on Transportation and withdrawn May 30, was taken up with the following House amendments:

**Amendment 1**—On page 2, line 30, insert: Section 4. Section 320.831, F.S., is amended to read:

320.831 Penalties.—Any manufacturer, ~~or~~ dealer, or *inspector*, who violates or fails to comply with any of the provisions of ss. 320.822-~~320.830~~ 320.864 or any of the rules and regulations promulgated by the department shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 or if applicable, penalized as provided for in Title VI of the National Mobile Home Construction Safety Standard Act.

Renumber subsequent section

**Amendment 2**—On page 1 in title, line 6, after “federal regulations;” insert: amending s. 320.831, Florida Statutes, providing penalties;

**Amendment 3**—On page 1, line 17, insert: Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 320.01, Florida Statutes, 1977, are amended to read:

320.01 Definitions, general.—In construing these statutes, when applied to motor vehicles, and when the context permits, the word, phrase, or term:

(1) “Motor vehicle” includes:

(b) Recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping, or travel use, which either have their own motive power or are mounted on or drawn by another vehicle. As defined below, the basic entities are:

1. “Travel trailer”: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It is of a body width of no more than 8 feet and a body length of no more than 35 feet when factory-equipped for the road.

2. “Camping trailer”: A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. “Truck camper”: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are portable units designed to be affixed to a truck chassis and constructed to provide temporary living quarters for recreational, travel, or camping use.

4. “Motor home”: A vehicular unit, *not exceeding length and width limitations provided in s. 316.515*, built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. “Fifth wheel recreation trailer”: A vehicular portable unit mounted on wheels of such size or weight as not to require special highway movement permits. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use and designed to be connected for towing through the use of a fifth wheel device. It is of a length and width not exceeding the limitations provided in s. 316.515, as the same may be hereafter amended.

(2) “Mobile home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein includes any type of trailer or vehicle body, regardless of any appurtenances, additions, or other modification thereto, without independent motive power, manufactured upon an integral chassis or undercarriage and designed either for travel over the highways or for housing accommodations or both.

Renumber subsequent sections.

**Amendment 4**—On page 1 in title, line 2, after the “;” insert: amending s. 320.01(1)(b) and (2), Florida Statutes, redefining the terms “motor home” and “mobile home”;

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

SB 362 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

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 passed HB 2096 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing—

HB 2096—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.05(3), Florida Statutes; providing a uniform discount on the purchase of tax stamps; prohibiting discounts to certain persons; providing alternative methods for securing payment for stamps; providing that payments in lieu of cash on delivery shall not preclude supplemental purchases for cash; providing an effective date.

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

SPECIAL ORDER, continued

SB 1253 was taken up and on motion by Senator Barron, by two-thirds vote HB 2096 was withdrawn from the Committee on Rules and Calendar. On motion by Senator Barron, HB 2096 a companion measure, was substituted for SB 1253 and by two-thirds vote read the second time by title.

Senator Graham moved the following amendments which failed:

**Amendment 1**—On page 1, line 30, strike “2 9/10” and insert: 2.

**Amendment 2**—On page 3, line 3, insert new Section 4 and renumber subsequent sections:

Section 4. Subsections (2) and (4) of Section 196.032, as amended by Chapter 77-476, effective July 1, 1978, are amended to read:

196.032 Replacement funds; trust fund; annual payment.—

(1) There is created the Local Government Exemption Trust Fund, to be administered by the Department of Revenue.

(2) Each qualified county, municipality, or special district is entitled to receive an annual payment from the fund in an amount equal to the revenue lost as a result of the

additional exemptions provided in s. 193.031 (3) and the reduction of inventory assessment provided in s. 193.511 as amended by chapter 77-476, Laws of Florida, and the revenue lost as a result of the enactment of this bill. Revenue lost shall be calculated by multiplying 96 percent of the additional exemption granted in s. 193.511 as amended by chapter 77-476, Laws of Florida, and the revenue lost as a result of the enactment of this bill by the applicable millage. A qualified local government is one which either:

(a) Made application to the department not later than December; or

(b) Participated in the distribution from the trust fund for the preceding year and levied an ad valorem tax for the current year.

(3) Not later than 30 days after the application deadline of each year, the department shall authorize payment to qualified local governments from the trust fund, as follows:

(a) Qualified local governments for which the department has received the data necessary to compute the amount of revenue lost in the current fiscal year's ad valorem tax levy as a result of the additional exemptions (or reduction of inventory assessment) shall receive payment in the amount of that loss. The department is authorized to make payments on a prorated basis if it deems the balance in the trust fund insufficient to make projected payments.

(b) Qualified local governments for which the department has not received sufficient data to compute the amount of revenue so lost shall receive payment in an amount equivalent to 85 percent of the replacement funds received the previous year from the trust fund. The department shall make full payment, or the proration if the fund is being prorated, upon receipt of sufficient data.

(4) Amounts by which actual payments to any qualified local government are less than the amount finally determined as the revenue lost from that year's ad valorem tax levy as the result of the additional homestead tax exemptions provided in s. 196.031 (3) and the reduction of inventory assessment provided in s. 193.511, as amended by chapter 77-476, Laws of Florida, and the revenue lost as a result of this bill shall constitute a first priority charge against the following year's distribution from the trust fund. Such deficiency payments shall be made as soon as funds are available. At the end of each state fiscal year all funds not distributed from the Local Government Exemption Trust Fund shall revert to the General Revenue Fund.

(Renumber.)

On motion by Senator Barron, by two-thirds vote HB 2096 was read the third time by title.

Senator Glisson moved that the Senate reconsider the vote by which HB 2096 was read the third time. The motion failed.

HB 2096 passed and was certified to the House. The vote on passage was:

Yeas—21

Mr. President	Holloway	Sayler	Ware
Barron	Lewis	Scarborough	Wilson
Childers, W. D.	McClain	Skinner	Winn
Dunn	Peterson	Thomas, Pat	
Gallen	Plante	Tobiassen	
Hair	Poston	Trask	

Nays—16

Castor	Glisson	MacKay	Thomas, Jon
Chamberlin	Gordon	Renick	Vogt
Childers, Don	Graham	Scott	Williamson
Firestone	Johnston	Spicola	Zinkil

Votes after roll call:

Nay—Myers  
Nay to Yea—Firestone

SB 1253 was laid on the table.

On motion by Senator Holloway, consideration of SB 768 was deferred.

Senator Scarborough presiding

SB 1092—A bill to be entitled An act relating to dogracing and horseracing; amending s. 550.26(5), Florida Statutes; providing that payments from the Florida Harness Horse Racing Promotion Trust Fund may be made directly to the Florida Standardbred Breeders' and Owners' Association; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote SB 1092 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Hair

SB 802—A bill to be entitled An act relating to dentistry; amending s. 466.17, Florida Statutes, providing for biennial renewal of licenses and for fees; providing for proof of continuing education as a condition for relicensure; providing for the type and duration of the education required; providing for waiver; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote SB 802 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Chamberlin

Vote after roll call:

Yea—Hair

HCR 1634—A concurrent resolution encouraging the purchase of The Grove, located in Leon County, Florida, by the Division of Recreation and Parks of the Department of Natural Resources.

—was read the second time in full. On motion by Senator Firestone, HCR 1634 was adopted and certified to the House. The vote on adoption was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—MacKay

**HB 237**—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(7)(a) and (c), Florida Statutes, to exempt from such tax personal property sold or leased to state headquarters of veteran organizations; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 237 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

**HB 161**—A bill to be entitled An act relating to drivers' licenses; creating s. 322.252, Florida Statutes, requiring courts which adjudicate a person incompetent to collect and forward such person's driver's license to the Department of Highway Safety and Motor Vehicles; adding subsection (8) to s. 322.26, Florida Statutes, requiring revocation of license if the court having jurisdiction so recommends due to the seriousness of the offense and surrounding circumstances; amending s. 322.27 (1), Florida Statutes, requiring suspension of license if the court having jurisdiction so recommends due to the seriousness of the offense and surrounding circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Saylor, by two thirds vote HB 161 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**HB 1507**—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.15(1)(a), (e), and (h) and (3)-(5), Florida Statutes, relating to permits, to delete obsolete language and to specify that the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation shall provide certain forms; amending s. 210.16, Florida Statutes, relating to suspension or revocation of permits, to delete references to retail dealers and to conform to chapter 120, Florida Statutes, the Administrative Procedure Act; authorizing the division and its employees to make certain examinations and to issue subpoenas; readopting ss. 210.15 and 210.16, Florida Statutes, which are scheduled for repeal; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1507 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Wilson

**HB 1508**—A bill to be entitled An act relating to public swimming pools and bathing places; amending s. 514.02, Florida Statutes; giving the Department of Health and Rehabilitative Services supervision over safety of public swimming pools and bathing places; defining public swimming pools and bathing places; exempting water therapy facilities connected with hospitals, medical doctors' offices and licensed physical therapy establishments; amending s. 514.03, Florida Statutes; requiring permits to construct, develop, or modify public swimming pools or bathing places; providing for application, review, and permitting processes; providing for denial of permitting under certain circumstances; amending s. 514.04, Florida Statutes; providing for sanitary and safety inspections of public swimming pools and bathing places; amending s. 514.05, Florida Statutes, providing for revocation of permit; amending s. 514.06, Florida Statutes; providing for injunctions to restrain violations; amending s. 514.07, Florida Statutes; providing penalties; creating s. 514.031, Florida Statutes; requiring permits for operation of public swimming pools and bathing places; providing for application, review, and permitting processes; providing for denial of permitting under certain circumstances; providing for reissuance of permits; creating s. 514.032, Florida Statutes; authorizing the Department of Health and Rehabilitative Services to delegate certain permitting and surveillance duties to local health units; creating s. 514.033, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to establish a schedule of fees; providing maximum fee limits; providing for collection of fees by local health units; providing for persons holding a valid permit on the effective date of the act; providing for revival and readoption of chapter 514, Florida Statutes, with the exception of ss. 514.01 and 514.08, Florida Statutes, which provide requirements and penalties; providing effective dates.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1508 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Holloway

Votes after roll call:

Yea—Wilson  
Nay to Yea—Holloway

**HB 2183**—A bill to be entitled An act relating to the practice of massage; replacing current chapter 480, Florida Statutes, which is scheduled for repeal July 1, 1978, under the Sunset Law, with a new massage act; providing short title, definitions and purpose; providing exemptions from regulation under the act and deleting the exemption for reflexologists; recreating the Florida Board of Massage and increasing membership thereon to include two lay members; providing for 4-year terms; providing for members' accountability to the Governor and for investigation and removal of members under certain circumstances; creating the Florida Massage Practice Commission to be composed of the Secretary of Professional and Occupational Regulation or his representative and the board; authorizing the commission to adopt rules for regulation of massage; providing for legal and investigative services; revising qualifications for licensure as a masseur, which term also includes masseuses; providing procedure for licensure; providing for licensure of massage establishments and for investigation thereof; providing for fees; establishing intent with respect to use of fee moneys to enforce the act; providing complaint and disciplinary procedures; providing a penalty; provid-

ing for prosecution of criminal violations and for civil proceedings; grandfathering in current license holders; amending ss. 215.37(1) and 215.37(2), Florida Statutes; removing provisions for a separate trust fund for the Florida Board of Massage; providing a severability clause; providing an effective date.

—was read the second time by title.

On motion by Senator Wilson, further consideration of HB 2183 was deferred.

CS for HB 1068—A bill to be entitled An act relating to retail theft; adding paragraph (d) to s. 812.014(2), Florida Statutes, requiring a written judgment and fingerprints in the record of judgment of guilty of petit theft; providing for admissibility as evidence; creating s. 812.015, Florida Statutes, providing definitions; providing minimum jail term for second convictions for certain theft; transferring s. 901.34, Florida Statutes, provisions relating to detention and arrest of persons by merchants or their employees or by peace officers; repealing s. 901.34, Florida Statutes, to conform to the act; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 1, lines 20-22, strike all of said lines and insert: Section 1. Subsection (1) of section 812.014, Florida Statutes, is amended, and paragraph (d) is added to subsection (2) of said section, to read:

812.014 Theft.—

(1) A person is guilty of theft if he knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent:

(a) To deprive the other person of a right to the property or a benefit therefrom.

(b) To appropriate the property to his own use or to the use of any person not entitled thereto.

Amendment 2—On page 1, insert between the title and enacting clause: WHEREAS, the Legislature has enacted sections 812.012-812.037, designating said sections as the Florida Anti-Fencing Act, and by so doing intended said sections to be read in pari materia; and

WHEREAS, the Florida Supreme Court in the case of *Griffis v. State*, 356 So. 2d 297 (Fla. 1978) opinion filed March 2, 1978, held that:

... [I]f a particular matter in litigation can be determined by statutory construction, this Court will avoid considering the constitutional question is raised . . .

The Court further held that:

In construing a statute, this Court is committed to the proposition that a statute should be construed and applied so as to give effect to the evident legislative intent, regardless of whether such construction varies from the statute's literal meaning.

In disposing of the question before it, the Supreme Court read in pari materia all sections of the law designated as the "Florida Uniform Contraband Transportation Act;" and

WHEREAS, the Supreme Court, in the case of *Tracey v. State*, 130 So. 2d 605 (Fla. 1961), has read the element of knowledge into a criminal statute wherein the word was not expressly contained therein to effectuate legislative intent; and

WHEREAS, the Legislature in section 812.022 of the Florida Anti-Fencing Act has declared that certain facts, when established in prosecutions for theft, give rise to an inference that persons charged with theft "knew or should have known" that the property which they possessed was stolen and when read in pari materia with section 812.014, which prohibits theft, effects the Legislature's intent to require the element of criminal intent or knowledge; and

WHEREAS, several circuit courts in the state of Florida have declared section 812.014, Florida Statutes (the Florida

Anti-Fencing Act) unconstitutional for failure to require the element of criminal intent or knowledge; and

WHEREAS, the Legislature is desirous of explicitly clarifying its intent, by amending s. 812.014(1), Florida Statutes, without changing the context or substance of section 812.014, Florida Statutes, NOW, THEREFORE,

Senator Myers moved the following amendment which was adopted:

Amendment 3—On page 3, strike lines 9 through 13 and insert: (2) Upon a second or subsequent conviction for petit theft involving merchandise taken from a merchant, the offender shall be punished as provided in s. 812.014(2)(c) except that the court shall impose a fine of not less than \$50 nor more than \$1,000. However, in lieu of such fine the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform less than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing.

Senator Zinkil moved the following amendment which failed:

Amendment 4—On page 3, between lines 13 and 14, insert:

(3) If any person is in the act of purchasing any merchandise, and any merchant or merchant's employee observes that such person is in possession of, or has consumed, any article of merchandise but has not offered to purchase such article, and the merchant or merchant's employee has reasonable cause to believe that the failure to offer to purchase such article was inadvertent, then the merchant or merchant's employee shall ask that person to pay for the article.

[Renumber subsequent sections.]

Senator Dunn moved the following amendment which was adopted:

Amendment 5—On page 1 in title, strike line 2 and insert: An act relating to theft; amending s. 812.014(1), Florida Statutes, clarifying the legislature's intent requiring knowledge as an element of theft; adding

Senator Myers moved the following amendment which was adopted:

Amendment 6—On page 1 in title, line 9, strike "jail term" and insert: penalties

On motion by Senator Dunn, by two-thirds vote CS for HB 1068 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—Skinner, Peterson

The Senate reverted to SB 768 and on motions by Senator Holloway, the rules were waived and by two-thirds vote HB 1958 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Transportation.

On motion by Senator Holloway—

HB 1958—A bill to be entitled An act relating to special assessments; amending s. 170.01, Florida Statutes; allowing mu-

municipalities to levy special assessments for the construction of off-street parking facilities; providing an effective date.

—a companion measure, was substituted for SB 768 and read the second time by title.

Senators Holloway and Plante offered the following amendment which was moved by Senator Holloway and adopted:

**Amendment 1**—On page 2, line 4, strike the period and insert: ; however offstreet parking facilities, parking garages, or other similar facilities shall have prior approval of affected property owners.

On motion by Senator Holloway, by two-thirds vote HB 1958 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—33**

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

**Nays—2**

Chamberlin	Wilson
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Vote after roll call:

Yea—Peterson

SB 768 was laid on the table.

**HB 1570**—A bill to be entitled An act relating to state contracts; creating s. 286.27, Florida Statutes, to restrict substitution of subcontractors on projects let pursuant to competitive bidding, subsequent to the time the bids are opened; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 1570 was read the third time by title.

Senator Graham moved that the Senate reconsider the vote by which HB 1570 was read the third time. The motion failed.

HB 1570 passed and was certified to the House. The vote on passage was:

**Yeas—21**

Barron	Holloway	Scott	Vogt
Chamberlin	Peterson	Skinner	Ware
Childers, W. D.	Poston	Thomas, Jon	Zinkil
Firestone	Renick	Thomas, Pat	
Glisson	Sayler	Tobiassen	
Gordon	Scarborough	Trask	

**Nays—10**

Castor	Henderson	Myers	Winn
Childers, Don	Johnston	Williamson	
Graham	McClain	Wilson	

Votes after roll call:

Nay—Hair, Spicola

**HB 2118**—A bill to be entitled An act relating to securities; replacing current provisions relating to sale of securities by creating a new "Florida Securities Act"; creating ss. 517.011, 517.021, and 517.041, Florida Statutes, relating to a new short title, new definitions, and new provisions with respect to employment of additional help and reports by the Department of Banking and Finance, respectively; creating s. 517.051,

Florida Statutes, relating to exempt securities; providing for an exception for certain governmental obligations; specifying which utility companies may issue exempt securities; requiring full and fair disclosure when securities are issued by certain charitable and religious organizations; deleting certain present exemptions; creating s. 517.061, Florida Statutes, relating to exempt transactions; exempting notes or bonds secured by real property; increasing number of sales allowed by an issuer of its own securities; providing disclosure requirements; exempting securities registered under the Securities Act of 1933; amending s. 517.07, Florida Statutes, and creating s. 517.081, Florida Statutes, relating to registration and procedures therefor; providing for registration of all securities which are not exempt nor registered pursuant to the Securities Act of 1933; creating s. 517.101, Florida Statutes, relating to consent to service; creating s. 517.111, Florida Statutes, providing for revocation or denial of registration; amending s. 517.12, Florida Statutes, requiring registration of all dealers, salesmen, issuers, and investment advisers, unless exempted under certain provisions; requiring processing of fingerprint cards by the FBI and Department of Criminal Law Enforcement; providing for waiver of examination under certain circumstances; creating ss. 517.131, 517.141, and 517.151, Florida Statutes, relating to the Security Guaranty Fund; replacing current bonding provisions with fees generated from dealers, salesmen, and investment advisers; providing for compensation from the fund; creating ss. 517.161, 517.171, and 517.181, Florida Statutes, relating to, respectively: revocation, denial, or suspension of registration; burden of proof for exemption; and escrow agreements; creating s. 517.191, Florida Statutes, authorizing the department to enjoin violations in circuit court, request appointment of receiver, and seek restitution; creating s. 517.201, Florida Statutes, authorizing the department to initiate investigations, subpoena witnesses, and gather evidence; creating s. 517.211, Florida Statutes, providing remedies in case of lawful sale; creating s. 517.221, Florida Statutes, authorizing the department to issue cease and desist orders; creating ss. 517.241, 517.303, and 517.304, Florida Statutes, and amending s. 517.301(1), Florida Statutes, relating to, respectively: remedies; fraudulent transactions; destroying certain records and reproduction; and funding; amending s. 517.311(1), (2), and (4), Florida Statutes, to conform to the act; adding a paragraph to s. 517.351(5), Florida Statutes, creating an exemption to permit a shareholder to dispose of his own shares; creating s. 517.364, Florida Statutes, relating to severability; adding a paragraph to s. 95.11(4) and to s. 775.15(2), Florida Statutes, to conform to the act; repealing ss. 517.01, 517.02, 517.031, 517.04, 517.05, 517.06, 517.08, 517.09, 517.0901, 517.091, 517.10, 517.11, 517.13, 517.14, 517.15, 517.16, 517.17, 517.18, 517.19, 517.20, 517.21, 517.22, 517.23, 517.24, 517.25, 517.26, 517.28, 517.27, 517.29, and 517.33, Florida Statutes, relating to current provisions of the "Sale of Securities Law" which are being replaced herein; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 2118 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—31**

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

Nays—None

The Senate resumed—

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

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

**Amendment 1**—On page 1, line 12, strike everything after enacting clause and insert: Section 1. Paragraph (f) of subsection (1) of section 893.13, Florida Statutes, is amended to read:

**893.13 Prohibited acts; penalties.—**

(1)

(f) If the ~~first~~ offense is the possession or delivery without consideration of not more than 1 *avoirdupois ounce* or 28.35 grams ~~5 grams~~ of cannabis, that person shall be guilty of a misdemeanor ~~of the first degree, punishable by a fine not to exceed \$100 as provided in s. 775.082 and s. 775.083. Any second or subsequent conviction of possession or delivery without consideration of not more than 1 avoirdupois ounce or 28.35 grams of cannabis shall constitute a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.~~ For purposes of this subsection, "cannabis" shall not include the resin extracted from the plant *Cannabis sativa*, L., or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

Section 2. Subsection (1) of section 893.14, Florida Statutes, is amended to read:

**893.14 Conditional discharge and expunction of records for first offense possession.—**

(1) If a person who has not previously been convicted of a violation of the drug abuse laws of any state or the United States is convicted of a violation of s. 893.13(1)(e), ~~(1)(f)~~, (3)(a)4., or (3)(b), relating to possession, after trial or upon a plea of guilty, the court may, without entering a judgment of guilty, and with the consent of such person, defer further proceeding and place him on probation upon such reasonable condition as may be required and for such period not to exceed 1 year as the court may prescribe. Discharge and dismissal under this section shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the Department of Criminal Law enforcement solely for the purpose of use by the courts in any subsequent criminal proceedings and in determining whether such person qualifies under this section. Discharge and dismissal hereunder shall not be deemed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime, but it shall be deemed a conviction for the purpose of determining whether a defendant in a subsequent criminal prosecution is a multiple offender. Discharge and dismissal under this section may occur only once with respect to any person.

Section 3. Section 893.15, Florida Statutes, is amended to read:

**893.15 Rehabilitation.**—Any person who violates s. 893.13(1)(e) or ~~(1)(f)~~ relating to possession may, in the discretion of the trial judge, be required to participate in a drug rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services pursuant to the provisions of chapter 397, provided the director of such program approved the placement of the defendant in such program. Such required participation may be imposed in addition to, or in lieu of, any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 4. 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 5. This act shall take effect January 1, 1979.

Senator Myers moved the following amendment which was adopted:

**Amendment 2**—On page 1 in title, strike lines 4 through 8, and insert: amending s. 893.13(1)(f), Florida Statutes; modifying the penalty for possession or delivery of not more than 1 *avoirdupois ounce* of cannabis; amending s. 893.14(1), Florida Statutes; conforming provisions; amending s. 893.15, Florida Statutes; excluding persons convicted under s. 893.13(1)(f), Florida Statutes, from the provision allowing judge to require a rehabilitation program; providing severability;

On motion by Senator Myers, by two-thirds vote HB 1739 as amended was read the third time by title.

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

**The President presiding**

By the Committee on Health and Rehabilitative Services and Senator Jon Thomas—

**CS for SB 935**—A bill to be entitled An act relating to the Local Government Comprehensive Planning Act of 1975; amending s. 163.3177(6)(f), Florida Statutes; requiring comprehensive plans to include the provision of adequate sites for future group home facilities; providing an effective date.

—was read the first time by title and SB 935 was laid on the table.

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

**Yeas—32**

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

**Nays—3**

Poston	Sayler	Skinner
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**SB 1062**—A bill to be entitled An act relating to licensed medical practitioners; creating ss. 458.23, 459.23, 460.235, 461.23, Florida Statutes; requiring itemized patient billing by physicians, osteopathic physicians, chiropractic physicians, and podiatrists, for professional services rendered; prohibiting the requirement of prior payment by the patient as a condition of the right to an itemized statement; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 1062 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—36**

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

**Nays—None**

SB 857 was taken up and on motion by Senator Vogt the rules were waived and by two-thirds vote HB 1393 was withdrawn from the Committee on Natural Resources and Conservation. On motion by Senator Vogt—

**HB 1393**—A bill to be entitled An act relating to environmental control; amending ss. 253.126 and 403.061(16), Florida Statutes; providing that the Department of Environmental Regulation may allow certain state agencies to perform all activities regulated by chapters 253 and 403, Florida Statutes, upon certification that such agencies will meet all requirements for environmental control and protection; providing for investigation and enforcement; providing that, in certain related hearings before the Division of Administrative Hearings of the Department of Administration, the Department of Environ-

mental Regulation may intervene as a party and may issue a final order adopting, rejecting, or modifying the division's recommended order; providing an effective date.

—a companion measure, was substituted for SB 857 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 3, strike everything after the enacting clause and insert; Section 1. Section 253.124, Florida Statutes, is amended to read:

253.124 *Permits for construction, dredging or Application for filling land.*—

(1) Any private person, firm or corporation desiring to construct islands or fill, dredge, or add to or extend existing lands or islands located in the unincorporated area of any county bordering on or in the navigable waters of the state, as defined in s. 253.12, by pumping sand, rock or earth from such waters or by any other means shall make application in writing to the Department of Environmental Regulation board of county commissioners of the county wherein such construction is desired for a permit authorizing such person, firm or corporation to engage in such construction; provided, that where it is desired to construct islands or add to or extend existing lands or islands within the territory of any municipality such application for a construction or fill permit shall be made to the governing body of such municipality.

(2) In each instance the written application herein provided for shall be accompanied by a plan or drawing showing the proposed dredging, filling, or construction and the manner in which said dredging, filling, or construction will be accomplished and also the area from which any fill material is to be dredged if the proposed construction is intended to be created from dredged material. In the event the Department of Environmental Regulation board of county commissioners or other authorized body shall find that such proposed extension or filling of land or such proposed dredging is not violative of any statute, rule zoning law, ordinance, or other restrictions which may be applicable thereto, that no harmful obstruction to or harmful alteration of the natural flow of the navigable water, as defined in s. 253.12, within such area will arise from the proposed dredging, filling, or construction, that no harmful or increased erosion, shoaling of channels or stagnant areas of water will be created thereby, and that no material injury or monetary damage to adjoining land will accrue therefrom, a permit the same shall be granted to the applicant, subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund, who shall have the power to approve, reject or issue; provided, however, that prior to the issuance of such permit, the Department of Environmental Regulation board of county commissioners or other authorized body shall determine whether the granting of such permit and the construction to be done pursuant thereto would interfere with the conservation of fish, marine and wildlife or other natural resources to such an extent as to be contrary to the public interest, and whether the destruction of oyster beds, clam beds, or marine productivity, including, but not limited to, destruction of natural marine habitats, grass flats suitable as nursery or feeding grounds for marine life, including established marine soils suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life, will result therefrom to such an extent as to be contrary to the public interest. The Department of Environmental Regulation board shall also consider any other factors affecting the public interests. Within 10 days of receipt of an application, the Department of Environmental Regulation shall provide copies of the application to the governing body of the appropriate county, municipality, or both in which the activity is proposed. Such governing body shall, within 45 days of receipt of this copy from the department, submit to the department its written objections to, or comments regarding, the proposed activity. Failure to comment or object within 45 days shall constitute approval by the local governing body. Comments shall include a statement as to whether the application conforms to a comprehensive plan adopted pursuant to chapter 163. Notwithstanding the provisions of s. 120.60, if a majority of the local governing board objects to the application by resolution, based on a determination of whether the proposed activity is in conformance with a comprehensive plan adopted pursuant to chapter 163, the

department shall take no further action on the application until such time as the applicant secures approval of the activity by resolution of the local governing board. In any county where the Legislature by special law or general law of local application has heretofore transferred or delegated to a county board or agency, other than the board of county commissioners or the governing body of a municipality, powers and duties over dredging permits, fill permits, seawall construction, or any other powers of a like nature, such agency shall have jurisdiction under this section in lieu of the board of county commissioners or the governing body of the municipality. The secretary of the department may, by rule, exempt any short form applications as defined in s. 403.813 from the requirements of this subsection.

(3) No construction permit shall be issued or approved until the Department of Environmental Regulation board of county commissioners or other authorized body shall have obtained, at the expense of the applicant, a biological survey, an ecological study, and, where deemed necessary by the Department of Environmental Regulation Department of Natural Resources, a hydrographic survey of the area within which such construction and dredging is proposed, each by or under the supervision of the Department of Natural Resources and shall have in hand the report and findings thereof. The report shall be read into the record and duly considered at the same meeting at which the board of county commissioners or other authorized body takes final action on the application for permit. Such surveys and studies may not be required if the proposed filling, construction, or dredging is wholly shoreward of a previously established bulkhead line which was fixed after consideration by the bulkhead authority of a biological survey and ecological study previously made by the Department of Natural Resources or under its supervision in connection with the fixing of such line or if the proposed construction or dredging is wholly within lands or islands heretofore purchased from the Board of Trustees of the Internal Improvement Trust Fund under s. 253.12 and in the consummation of such sale the board had before it a biological survey made by or under the supervision of the Department of Natural Resources.

(4) No construction permit shall authorize work for a period of time in excess of 5 3 years. After approval and issuance of such permit, said 5 3-year period shall commence upon receipt by the applicant of all governmental authorizations, state and federal, including such license, permit, or variance from the Department of Environmental Regulation under chapter 403 as may be required for completion of the proposed work. The Department of Environmental Regulation board may revoke such construction permit if the applicant fails to use due diligence in obtaining such required governmental authorizations. Such time may be extended for additional periods of up to 3 years by the department board for good cause, upon showing that all due efforts and diligence toward completion of said work have been made. Before such time may be extended, the department shall review the terms and conditions of the permits to determine studies required by s. 253.12(2)(a) shall be brought up to date to assist the board in determining if such extension of time would not be contrary to the public interest. The construction permit herein provided for may be revoked by the department board for noncompliance with, or violation of, its terms and conditions after notice of intention to do so has been furnished to the holder thereof and an opportunity for a hearing has been afforded. In the event an application for a construction permit is denied, the applicant therefor may have the order refusing the permit reviewed within the time and in the manner set forth in s. 253.122(6).

(5)(a) Except as provided in paragraph (b), any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates this section by creating or causing to be created an illegal fill is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Each day in which such a violation continues, subsequent to the initial citation, shall constitute a separate offense.

(5)(6) The Department of Environmental Regulation board shall have the authority to direct the abutting upland owner to remove any fill created in violation of this section, either on behalf of itself or on behalf of itself and the Department of Natural Resources. In the event that the abutting upland owner does not remove said fill as directed, the Department of Environmental Regulation board may remove it at its own expense

and the costs thereof shall become a lien upon the property of said abutting upland owner; provided, that the Department of Environmental Regulation board may, upon the request of the Department of Natural Resources if it chooses, allow said fill to remain as state-owned land, and may employ a surveyor to determine the boundary between such state land and that of the previous abutting upland owner. The amount of the cost of such survey shall become a lien upon the property of the previous abutting upland owner. Nothing herein shall be construed to grant the Department of Environmental Regulation board authority to direct an upland owner to adjust, alter or remove silt, fill or other solid material which has accumulated or been deposited seaward of his property through no action on his part.

(6)(7)(a) The Department of Environmental Regulation board shall in no case issue an "after the fact" construction permit to any applicant authorizing construction regulated by this section subsequent to the time it has occurred, unless it, upon consideration of a report by the Department of Natural Resources, the board finds that the exercise of any other remedy or penalty available to it, either as provided by subsection (5) (6) or otherwise by law or by rule or regulation adopted by the department board would be more damaging to the environment, water quality, or the marine resources sought to be protected by this chapter than would be the granting of such permit.

(b) The granting of such an "after the fact" construction permit shall not absolve any applicant from the provisions of s. 253.127 subsection (5) of this section.

(7)(8) Any riparian upland owner of land bordering on or in the navigable waters of the state who desires to repair, rebuild, replace, or reconstruct coastal structures in the nature of seawalls, revetments, retaining walls, bulkheads, or other similar protective structures installed upon his riparian upland, or who desires to restore such uplands after damage by avulsion or by artificially induced erosion, shall, before undertaking such project, obtain a permit for such work from the Department of Environmental Regulation board of county commissioners or other authorized body or from the governing body of a municipality if the work proposed shall be within the territory of such municipality. Such a permit shall be subject to the approval of the board of trustees and shall not be valid without such approval. The riparian owner making application for such a permit may not be required to comply with s. 253.122. A biological survey and ecological study may not be required if the proposed work lies at no greater distance than 25 feet into the waters where such work is proposed from the existing and established line of mean high water or existing coastal structure. A permit issued under the provisions of this subsection shall not be construed to allow construction of coastal structures or restoration of lands that may be subject to the provisions of chapter 161. In an emergency threatening damage to life or public property, the Department of Transportation will be permitted temporarily to repair, reconstruct, rebuild, or replace any structures or roadways on the state-maintained transportation system, subject to immediate notification of the Department of Environmental Regulation executive director of the Board of Trustees of the Internal Improvement Trust Fund and its subsequent review and approval.

(8)(9)(a) The written application herein provided for shall indicate whether the applicant holds title to the submerged land or islands upon which he seeks permission to dredge or fill lands and whether he is a riparian owner with respect to such submerged lands or islands. If the applicant does not hold title to such lands and is not a riparian owner with respect to such lands and his application so indicates, the Department of Environmental Regulation board of county commissioners shall, upon receipt of the application, be on notice that the applicant intends to apply to the Board of Trustees of the Internal Improvement Trust Fund for purchase of such lands, and the provisions of s. 253.111(2)-(5) shall become operative. The Department of Environmental Regulation shall not take final agency action until the applicant has complied with s. 253.77.

(b) If as a result of the provisions of paragraph (a) above, the provisions of s. 253.111(2)-(5) become operative and the board of county commissioners determines that it does not propose to devote the land to public outdoor recreational purposes, the Department of Environmental Regulation board of county commissioners shall proceed to consider the application for permission to dredge or fill land.

Section 2. Section 253.126, Florida Statutes, is amended to read:

253.126 Application Legislative intent.—

(1) The limitations and restrictions imposed by this chapter upon the removal of sand, rock, or earth from the navigable waters of the state or the submerged bottoms thereof, or as amended by chapter 67-303 upon the construction of islands or the extension or addition to existing lands or islands bordering on or being in the navigable waters, as defined in s. 253.12, shall apply to the state, its agencies and all political subdivisions and governmental units. However, the Department of Environmental Regulation may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the Department of Environmental Regulation under this chapter upon certification by such agency that it will meet all requirements imposed by statute, rule or standard for environmental control and protection as they apply to a governmental program. To this end, the department may accept such certification of compliance for programs of that agency, may conduct investigations for compliance, and, if a violation is found to exist, take all necessary enforcement action, including but not limited to, revocation of the authorization. The authorization shall be by rule of the department, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the agency with specific guidelines or requirements which are set forth therein, as deemed necessary by the department to assure future compliance with this chapter and applicable department rules. Failure of the agency to comply with any provision of the written authorization shall constitute grounds for revocation of the authorization by the department.

(2) If the substantial interests of any party are affected by an activity proposed to be conducted pursuant to certification and authorization, the provisions of chapter 120 shall apply. If a proceeding is conducted pursuant to s. 120.57, the department may intervene as a party. Should a hearing officer submit a recommended order pursuant to s. 120.57, any final department order issued in accordance with that section shall be issued by the Department of Environmental Regulation.

No other general or special act shall operate to grant exceptions to this section unless this section is specifically repealed thereby.

Section 3. Section 253.127, Florida Statutes, is amended to read:

253.127 Enforcement; remedies.—The Board of Trustees of the Internal Improvement Trust Fund, the board of county commissioners or governing body of any municipality, or any aggrieved person, shall have the power to enforce the provisions of this law by appropriate suit in equity. The terms of any rule, order, or permit adopted or issued by the Department of Environmental Regulation pursuant to this chapter are enforceable, and remedies are available, as provided by this chapter and also as provided by ss. 403.121, 403.131, 403.141, 403.151, and 403.161.

Section 4. Section 253.76, Florida Statutes, is amended to read:

253.76 Appeals; proceedings.—The Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund and as the owners of state lands are vested with the authority to hear and decide appeals of decisions of the Department of Environmental Regulation under this chapter and, when transferred by the Environmental Regulation Commission, appeals of related permit matters under chapter 403. Notice of such appeal shall be filed with the Governor and Cabinet within 15 days of the rendition of such decision. The hearing shall be appellate in nature; however, the Governor and Cabinet may, at their discretion, take additional testimony. Such hearings shall be completed and a decision rendered within 60 days of receipt of the complete record on appeal. Evidentiary hearings shall be in accordance with provisions of chapter 120.

Section 5. Subsection (16) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and

rules and regulations adopted and promulgated by it, and for this purpose to:

(16) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution; provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provisions of this chapter, the secretary department may authorize any agency created by chapter 20 the Department of Transportation to perform any activity requiring a permit from the Department of Environmental Regulation under this chapter upon certification by such agency that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as they apply to a governmental program. To this end, the department may accept such certification of compliance for programs of that agency, may conduct investigations for compliance, and, if a violation is found to exist, take all necessary enforcement action, including but not limited to, revocation of the authorization. The authorization shall be by rule of the department, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the agency with specific guidelines or requirements which are set forth therein, as deemed necessary by the department to assure future compliance with this chapter and applicable department rules. Failure of the agency to comply with any provision of the written authorization shall constitute grounds for revocation of the authorization by the department.

(b) If the substantial interests of any party are affected by an activity proposed to be conducted pursuant to certification and authorization, the provisions of chapter 120 shall apply. If a proceeding is conducted pursuant to s. 120.57, the department may intervene as a party. Should a hearing officer submit a recommended order pursuant to s. 120.57, any final department order issued in accordance with that section shall be issued by the Department of Environmental Regulation.

Section 6. Subsection (2) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(2) The department shall adopt, amend, or repeal rules, regulations, and standards for the application for and the issuance, denial, and revocation of permits, including a requirement for the giving of public notice on each permit application in a manner and form prescribed by the department. The cost of such notice shall be borne by the applicant.

Section 7. Subsections (1) and (3) of section 403.804, Florida Statutes, are amended to read:

403.804 Environmental Regulation Commission; powers and duties.—

(1) The commission shall exercise the exclusive standard-setting authority of the department, except as provided in subsection (2) and ss. 20.261(7)-(10), 120.54(9)(a), 373.026(7), and 373.073(4). The commission shall also act as an adjudicatory body for final actions taken by the department, except for those appeals and decisions authorized in ss. 20.261(12) and 255.76. The commission may transfer to the Board of Trustees of the Internal Improvement Trust Fund appeals of permit decisions under chapter 403 when there is a related permit appeal under chapter 253.

(3) The commission shall have final state approval on applications for and disbursements of federal grants for the construction of waste water or water treatment works.

Section 8. Section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—In addition to those powers and duties of heads of departments set forth in chapter 20, the secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, district, and subdistrict managers; however, for projects qualifying as developments of regional impact pursuant to chapter 380, F.S., and chapter 22F 2, Florida Ad-

ministrative Code, the secretary and the Tallahassee office shall perform all the duties relating to the granting, modification, or denial of permits under chapters 253 and 403, subject to ss. 20.261(12), 253.76, and 403.804.

Section 9. Subsection (18) of section 403.061, Florida Statutes, is hereby repealed.

Section 10. This act shall take effect October 1, 1978.

Amendment 2—On page 1 in title, strike all of lines 1 through 30 and insert: A bill to be entitled An act relating to environmental regulation; amending s. 253.124, Florida Statutes; deleting provision requiring application to the appropriate local government for dredge, fill, or construction permits for construction of islands or addition to existing land in navigable waters of the state; requiring that such application be made to the Department of Environmental Regulation; providing that the local government may approve or disapprove the application; transferring authority for requiring hydrographic survey from the Department of Natural Resources to the Department of Environmental Regulation; transferring authority for revocation or extension of permits from the Board of Trustees of the Internal Improvement Trust Fund to the Department of Environmental Regulation; deleting certain penalty provisions; transferring authority to direct the removal of illegally created fill from the board to the Department of Environmental Regulation; amending s. 253.126, Florida Statutes; providing that the department may authorize the Department of Transportation to conduct certain operations upon certification by that agency that it will comply with all requirements set forth by the department; amending s. 253.127, Florida Statutes; providing that the judicial and administrative remedies, penalties, and civil liability established by chapter 403, Florida Statutes, shall be applicable to the violation of any rule, order, or permit issued by the department pursuant to chapter 253, Florida Statutes; amending s. 253.76, Florida Statutes; authorizing the Environmental Regulation Commission to delegate to the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund the authority to hear appeals of certain permit matters under chapter 403, Florida Statutes; amending s. 403.061(16), Florida Statutes; providing that the department may authorize the Department of Transportation to perform certain activity requiring a permit under chapter 403, Florida Statutes, upon certification by such agency that it will comply with all requirements set forth by the department; amending s. 403.087 (2), Florida Statutes; requiring each permit applicant to bear the cost of giving public notice; amending s. 403.804(1), (3), Florida Statutes; authorizing the Environmental Regulation Commission to delegate to the Board of Trustees of the Internal Improvement Trust Fund the authority to hear appeals of permit decisions under chapter 403, Florida Statutes, when there is a related permit appeal under chapter 253, Florida Statutes; limiting authority of the commission on approval of federal grant applications and disbursements to those grants for the construction of waste water or water treatment works; amending s. 403.805, Florida Statutes; deleting provision requiring that the secretary grant, modify, or deny permits for developments of regional impact and authorizing the secretary to delegate any authority granted by chapter 403, Florida Statutes, to the assistant secretary, division directors, district managers, or subdistrict managers; repealing s. 403.061(18), Florida Statutes, relating to notice requirements for installation or expansion of new air or water contaminant sources; providing an effective date.

On motion by Senator Vogt, by two-thirds vote HB 1393 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Skinner

SB 857 was laid on the table.

## Senator Hair presiding

SB 335—A bill to be entitled An act relating to public lands; amending s. 253.03(2), Florida Statutes, and adding a new subsection (3), and amending ss. 253.45(1), 253.53, 253.62(2), 270.13, 270.22, and 270.23, Florida Statutes; providing that the proceeds of the sale or lease of oil or mineral rights to any lands the title to which is vested in the state or in any state agency shall be deposited in the General Revenue Fund; providing an effective date.

—was read the second time by title.

## The President presiding

The Committee on Appropriations offered the following amendment which was moved by Senator Gordon and failed:

Amendment 1—On page 6, strike all of line 3 and insert: Section 8. With respect to lands conveyed to the Armory Board, State of Florida, by the United States pursuant to P. L. 83-493, nothing in chapter 253 or chapter 270, Florida Statutes, shall permit the disposal of any interests or rights in such lands by lease, license, or easement or by contract of sale of timber or timber products, or the disposition of proceeds therefrom, in a manner not authorized by P. L. 83-493 and any agreement executed pursuant to that law.

Section 9. This act shall take effect July 1, 1978.

On motion by Senator Jon Thomas, further consideration of SB 335 was deferred.

HB 261—A bill to be entitled An act relating to mopeds; amending s. 316.2065(15), Florida Statutes, 1977, removing a prohibition upon the operation of mopeds on bicycle paths; requiring mopeds to conform to certain federal safety standards; adding subsection (5) to s. 320.02, Florida Statutes, 1977, providing for registration and licensing of mopeds; amending the introductory paragraph of s. 320.08, Florida Statutes, 1977, and adding paragraph (1)(c), providing a license tax; creating s. 320.0803, Florida Statutes, providing for the issuance of moped tags; amending s. 322.01(1) and (2), Florida Statutes, 1976 Supplement, requiring moped operators to obtain a driver's license; providing an effective date.

—as amended was read the third time.

On motion by Senator Gorman, further consideration of HB 261 was deferred.

SB 581—A bill to be entitled An act relating to penalties for crimes; amending s. 775.087(2), Florida Statutes, providing a mandatory minimum 3-year sentence with respect to any person who actively and knowingly aids a person who possesses a "firearm" or "destructive device" while committing certain enumerated crimes; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Don Childers and adopted:

Amendment 1—On page 2, line 1, after comma insert: *with knowledge that the person possessed a firearm or destructive device,*

On motion by Senator Don Childers, by two-thirds vote SB 581 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gordon	McClain	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Childers, Don	Graham	Poston	Tobiassen
Childers, W. D.	Hair	Renick	Williamson
Firestone	Holloway	Sayler	Zinkil
Gallen	Johnston	Skinner	
Glisson	MacKay	Spicola	

Nays—5

Castor	Henderson	Myers	Wilson
Chamberlin			

Votes after roll call:

Yea—Scott, Vogt

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Message from the House of Representatives containing SB 230 with House Amendments was referred to the Committee on Finance, Taxation and Claims.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 847 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Pat Thomas, by unanimous consent—

HB 2176—A bill to be entitled An act relating to the naming of state facilities; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the Florida State University swimming facility the "N. B. Stults Aquatic Center"; providing an effective date.

—was taken up out of order. On motions by Senator Pat Thomas, by two-thirds vote HB 2176 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

Mr. President	Glisson	McClain	Thomas, Jon
Barron	Gordon	Myers	Thomas, Pat
Castor	Graham	Plante	Ware
Childers, Don	Hair	Poston	Williamson
Childers, W. D.	Henderson	Renick	Winn
Dunn	Holloway	Sayler	
Firestone	Johnston	Skinner	
Gallen	MacKay	Spicola	

Nays—None

Votes after roll call:

Yeas—Chamberlin, Gorman, Peterson, Scott, Tobiassen, Trask, Vogt

On motion by Senator Pat Thomas, by unanimous consent—

HB 2177—A bill to be entitled An act relating to the naming of state facilities; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the university track at Florida State University the "Mike L. Long Track"; providing an effective date.

—was taken up out of order. On motions by Senator Pat Thomas, by two-thirds vote HB 2177 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

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

Nays—None

Votes after roll call:

Yeas—Chamberlin, W. D. Childers, Peterson, Tobiassen, Trask

On motion by Senator Jon Thomas, by unanimous consent—

**HB 1200**—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; creating ss. 372.9911—372.9915, Florida Statutes; providing legislative intent; providing definitions; providing powers and duties of the commission for the regulation of the use of motor vehicles on public lands; providing a penalty for damage to certain lands; defining damage; providing civil liability; providing for the registration of off-road vehicles; establishing a maximum fee; prohibiting the operation of unregistered off-road vehicles on public land; providing a penalty; providing an effective date.

—was taken up out of order. On motions by Senator Jon Thomas, by two-thirds vote HB 1200 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—30

Mr. President	Graham	Poston	Thomas, Pat
Castor	Hair	Renick	Trask
Childers, Don	Henderson	Sayler	Williamson
Childers, W. D.	Holloway	Scarborough	Wilson
Dunn	Johnston	Scott	Winn
Firestone	MacKay	Skinner	Zinkl
Gallen	Myers	Spicola	
Glisson	Plante	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Chamberlin, McClain, Peterson, Vogt.

**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 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 consent 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.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—Strike everything after the enacting clause and insert: (Amendment attached to original bill)

On motion by Senator Dunn, the rules were waived and the amendment in its entirety was not printed in the Journal because of the length of the amendment.

**Amendment 2**—Strike the title and insert: A bill to be entitled An act relating to juveniles; generally revises chapter 39, Florida Statutes, and separates it into parts relating to general provisions; delinquency cases, and dependency cases; amending s. 39.01, Florida Statutes, providing additional definitions; amending ss. 39.02-39.10, 39.11(2)-(4) and (7)-(9), renumbering and amending s. 959.115 as s. 39.111, amending ss. 39.12 and 39.14(2) and (3), and creating ss. 39.031, 39.032, and 39.115, all Florida Statutes; repealing s. 39.11(1), (5) and (6), Florida Statutes, relating to delinquency cases; requiring probable cause findings in detention cases; providing jurisdiction over traffic cases; authorizing the filing of information against certain children; providing for adult criminal judicial jurisdiction over certain children; revising custody, fingerprinting and photographing provisions; providing for judicial determinations of the placement of certain children in jail; providing certain responsibilities upon the intake officer on questions of detention; providing for notice of noncontested delinquency petitions; providing for certain mental evaluations of delinquent children; restricting the sterilization of children and providing for certain placement of children in a drug rehabilitation facility; providing certain exemptions from liability; changing the rules of procedure in adjudicatory hearings; providing for the consideration of specified criteria prior to transfer of a case to the criminal division; providing for certain availability of predispositional reports; providing dispositions of juvenile traffic cases; providing criteria to be considered prior to the sentencing of a child to an adult detention facility; providing a penalty for escape or attempted escape; requiring the destruction and inspection of certain court records; creating ss. 39.40-39.412, Florida Statutes, relating to dependency; clarifying procedures for dependency cases; providing for counsel for parents and children; authorizing certain placement of runaways; clarifying the rights of children and their parents; restricting sterilization; providing certain exemption from liability; providing for the confidentiality of additional dependency cases; providing considerations for predispositional studies of dependent children; clarifying provisions severing parental rights; providing for certain mental evaluations of dependent children; amending s. 316.630(5), Florida Statutes, conforming juvenile traffic offense provisions to the act; amending ss. 959.13, 394.57, and 394.60, Florida Statutes, conforming certain provisions relating to mental evaluations of children to the act; amending s. 959.15(1), conforming provisions relating to the detention of escapees to the act; designating the Interstate Compact on Juveniles as Part IV of chapter 39, Florida Statutes; providing an effective date.

On motions by Senator Dunn, the Senate refused to concur in the House amendments and the House was requested to recede, and in the event the House refused to recede, a conference committee was requested. The action of the Senate was certified to the House.

**SPECIAL ORDER, continued**

**HB 467**—A bill to be entitled An act relating to the county annual budget; creating s. 129.025, Florida Statutes, requiring counties to designate a county budget officer to prepare the annual county budget; amending s. 129.03, Florida Statutes, requiring specified officers to submit tentative budgets to the board of county commissioners by June 1 of each year; requiring county budget officers rather than county auditors to participate in the preparation of the county annual budget; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote HB 467 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Chamberlin	Firestone	Gorman
Barron	Childers, Don	Glisson	Graham
Castor	Childers, W. D.	Gordon	Hair

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

Nays—None

On motion by Senator Plante, the Senate reconsidered the vote by which HB 2096 passed this day.

On motion by Senator Plante, further consideration of HB 2096 was deferred.

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jon Thomas, the rules were waived and by two-thirds vote SB 1089 was withdrawn from the Committee on Appropriations.

#### SPECIAL ORDER, continued

On motion by Senator Peterson, consideration of SB 510 was deferred.

On motion by Senator W. D. Childers, the rules were waived and time of adjournment was extended until 12:15 p.m.

**HB 304**—A bill to be entitled An act relating to Indian Key in Monroe County; providing an appropriation for research, interpretation and development thereof by the Division of Recreation and Parks of the Department of Natural Resources; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 304 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Winn

**SB 823**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08(7)(c), Florida Statutes; providing that private nonprofit corporations whose purpose is to raise funds for colleges and universities shall be considered educational institutions for purposes of the exemption from said tax granted to such institutions; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Paragraph (1) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution and the storage to be used or consumed in this state, of the following tangible personal property, are hereby specifically exempt from the tax imposed by this chapter.

#### (7) Miscellaneous Exemptions.—

(1) *Aircraft*.—Also exempt is any sale, including an occasional or isolated sale, of an aircraft to an air carrier which is based in the state and which is subject to regulation by the Florida Public Service Commission.

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

**Amendment 2**—On page 1 in title, strike all of lines 2 through 10 and insert: An act relating to the tax on sales, use, and other transactions; adding s. 212.08(7)(1), Florida Statutes; providing an exemption from said tax for sales of aircraft to certain air carriers; providing an effective date.

On motion by Senator Sayler, by two-thirds vote SB 823 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—4

Castor	Firestone	Gordon	Spicola
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Votes after roll call:

Yea—Peterson, Pat Thomas

**SB 455** was taken up and on motion by Senator Hair, by two-thirds vote HB 748 was withdrawn from the Committee on Judiciary-Civil. On motion by Senator Hair—

**HB 748**—A bill to be entitled An act relating to county court judges; amending s. 34.021, Florida Statutes, providing that, in counties with populations over 40,000, county court judges must have been members of The Bar of Florida for 5 years; providing an exception for judges currently serving; providing an effective date.

—a companion measure, was substituted for SB 455. On motion by Senator Hair by two-thirds vote HB 748 was read the second time by title.

Senator Hair moved the following amendment which was adopted:

**Amendment 1**—On page 1 in title, strike all of lines 3 through 7 and insert: amending s. 34.021, Florida Statutes; establishing membership in The Florida Bar as a prerequisite to qualifying or being nominated for such office;

On motion by Senator Hair, by two-thirds vote HB 748 as amended was read the third time by title and failed to pass. The vote was:

Yeas—18

Mr. President	Gordon	Poston	Thomas, Jon
Castor	Gorman	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Dunn	Johnston	Scott	
Gallen	McClain	Spicola	

Nays—18

Barron	Graham	Skinner	Wilson
Childers, Don	Henderson	Thomas, Pat	Winn
Childers, W. D.	Holloway	Tobiassen	Zinkil
Firestone	Plante	Trask	
Glisson	Scarborough	Williamson	

**SB 455** was laid on the table.

Consideration of CS for HB 720 was deferred.

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

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

On motion by Senator Scarborough, the rules were waived and time of adjournment was extended until final action on HB 2053.

HB 2053—A bill to be entitled An act relating to citrus; amending s. 601.15(7), Florida Statutes, relating to advertising campaigns financed by certain excise taxes levied on citrus products, specifying that such advertising shall be commodity advertising, merchandising, publicity and sales promotion of citrus fruits and products; authorizing the use of 10 percent of funds collected for noncommodity advertising, including brand advertising rebate programs, for up to 3 years; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2053 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—3

Castor Chamberlin Spicola

Vote after roll call:

Yea—Lewis

On motion by Senator Zinkil the Senate reconsidered the vote by which—

HB 748—A bill to be entitled An act relating to county court judges; amending s. 34.021, Florida Statutes, providing that, in counties with populations over 40,000, county court judges must have been members of The Bar of Florida for 5 years; providing an exception for judges currently serving; providing an effective date.

—as amended failed to pass this day. HB 748 as amended passed and was certified to the House. The vote on passage was:

Yeas—18

Mr. President	Gorman	Sayler	Ware
Castor	Hair	Scarborough	Williamson
Dunn	Johnston	Scott	Zinkil
Firestone	McClain	Spicola	
Gallen	Poston	Vogt	

Nays—12

Barron	Gordon	Peterson	Thomas, Jon
Childers, Don	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Skinner	Wilson

Vote after roll call:

Yea—Graham

The following resolution was read by the Secretary:

A resolution commending the President of the Senate for his contributions to the Senate softball team.

WHEREAS, athletic competition is basic to the American way of life, and

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2011 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Health & Rehabilitative Services and Representatives Hodes and Lehman—

HB 2011—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 409.016, 409.026(1), (2), (5), and (6), 409.085, 409.145, 409.165, 409.175(1) and (2), 409.185, 409.235(1), (2), and (3), 409.2567, 409.266, 409.335, and 409.345, Florida Statutes, and creating ss. 402.34, 409.210, 409.220, and 409.2351, Florida Statutes; revising and updating chapter 409, Florida Statutes, and providing corrections, many of which are necessitated by departmental reorganization; designating the department as the state agency responsible for administering social service funds under Titles XIX and XX of the Social Security Act; modifying definitions; clarifying general social and economic functions of the department; modifying provisions relating to transfer of surplus funds between programs; modifying provisions relating to care of dependent children; clarifying eligibility requirements with respect to financial assistance to needy persons; providing for mandatory or optional supplementation payments to certain persons, under specified conditions; modifying provisions relating to aid to families with dependent children (AFDC); providing for administration of emergency disaster assistance programs; removing an application fee for child support collection and paternity determination services; providing for third party coverage for medical services; providing services of a nurse midwife; expanding the department's role in recovery of overpayments; modifying provisions relating to debt of recipient of public assistance payments; transferring ss. 409.055, 409.065, and 409.135, Florida Statutes, relating to general authority of the department, to specified sections in chapter 402, Florida Statutes; transferring ss. 409.360-409.3639, 409.3641-409.3649, 409.511, and 409.514, Florida Statutes, relating to aging and adult services, to specified sections in chapter 410, Florida Statutes; repealing ss. 409.075, 409.095, 409.155, 409.195-409.225, 409.235(4), 409.364, 409.375, and 409.385, Florida Statutes, relating to deposit of federal funds; administrative service areas; fees for adoption placement costs; exclusions from consideration in determining amount of financial assistance; separate assistance categories for old age assistance, aid to the blind, and aid to the totally and permanently disabled; consideration of suitability of the home in determining eligibility for AFDC assistance; and departmental authority to set fees for aging and adult services, to destroy obsolete records and to photograph, microphotograph, etc., records and destroy originals of same; providing an effective date.

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

SPECIAL ORDER, continued

SB 1210 was taken up and on motion by Senator Jon Thomas, by two-thirds vote HB 2011 was withdrawn from the Committee on Health and Rehabilitative Services. On motion by Senator Jon Thomas HB 2011, a companion measure, was substituted for SB 1210. On motions by Senator Jon Thomas by two-thirds vote HB 2011 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	Childers, W. D.	Glisson	Henderson
Castor	Dunn	Gordon	Holloway
Chamberlin	Firestone	Gorman	Johnston
Childers, Don	Gallen	Graham	MacKay

WHEREAS, in many large organizations intramural softball competition has proven to be a useful means of promoting employee morale and group harmony, and

WHEREAS, the Florida Senate softball team defeated the Florida House of Representatives softball team three times in three games, despite the unreasonable refusal of the House team to recognize one of those victories, and

WHEREAS, The Honorable Lew Brantley, President of the Senate, made the great success of the Senate team possible by purchasing, at his own expense, jerseys for the team, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That The Honorable Lew Brantley, President of the Senate, is hereby commended for his contributions to the Senate softball team.

BE IT FURTHER RESOLVED that a softball jersey be presented to the Honorable Lew Brantley, President of the Senate, as a tangible token of the appreciation of the Senate for his contributions to the Senate softball team.

The President was presented a jersey by Olan Brunson, a member of the team.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:27 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 1, 1978 to be considered at 2:00 p.m.:

SB 1015	CS for HB	HB 467	CS for SB
SB 362	1068	SB 510	286
SB 1253	HB 1570	HB 304	HJR 253
SB 768	HB 2118	SB 823	SB 1056
SB 1092	HB 1739	SB 455	CS for SB
SB 802	CS for SB	CS for HB	1058
HCR 1634	935	720	SB 223
HB 237	SB 1062	SB 1210	SB 537
HB 161	SB 857	HB 2053	SB 1250
HB 1507	SB 335	SB 1243	HB 367
HB 1508	HB 261	CS for HB	CS for HB
HB 2183	SB 581	361	123

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

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 1571 was withdrawn from the Committee on Governmental Operations and by two-thirds vote placed at the end of special order calendar for this day.

On motion by Senator Peterson, the rules were waived and by two-thirds vote HB 742 was withdrawn from the Committee on Appropriations.

On motions by Senator W. D. Childers, by two-thirds vote CS for HB 2004 was withdrawn from the Committees on Judiciary-Criminal and Governmental Operations and by two-thirds vote placed at the end of special order calendar for this day.

On motion by Senator Skinner, by two-thirds vote HM 1967 was withdrawn from the Committee on Rules and Calendar.

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

#### INTRODUCTION

By Senator Pat Thomas—

SB 1363—A bill to be entitled An act relating to the old Florida Capitol; amending chapter 78-127, Laws of Florida; providing a short title; directing the Division of Building Construction and Property Management of the Department of General Services to restore and preserve the old Capitol in its authentic 1902 form; providing an appropriation; providing an effective date.

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

On motion by Senator Pat Thomas, by two-thirds vote SB 1363 was withdrawn from the Committee on Finance, Taxation and Claims and placed on the calendar.

On motions by Senator Pat Thomas, by unanimous consent SB 1363 was taken up out of order and by two-thirds vote read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Gordon	Myers	Saylor	Wilson
Johnston			

On motion by Senator Skinner 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 HCR 2211 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hodges—

HCR 2211—A concurrent resolution requesting the Governor to return House Bill No. 342 to the Legislature for the purpose of further consideration.

—which was read the first time in full. On motions by Senator Skinner, by two-thirds vote HCR 2211 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SPECIAL ORDER, continued

On motion by Senator Jon Thomas consideration of SB 335 was deferred.

On motions by Senator Skinner—

HM 1967—A memorial to the Congress of the United States urging Congress to take immediate action to prevent the extraction of phosphate ore by surface mining methods in the Osceola National Forest.

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

Yeas—32

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

Nays—None

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

—was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 1, line 22, strike the words: "or death" and insert: *or death, or any action for malicious prosecution, false arrest or false imprisonment,*

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

Amendment 1A—On page 1, line 2, after "imprisonment," insert: *violations of civil rights, libel, slander or defamation,*

Amendment 1 as amended was adopted.

Senator Peterson moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 5, following the "semicolon" insert: *providing for actions for malicious prosecution, false arrest, and false imprisonment;*

On motion by Senator Peterson, by two-thirds vote SB 1243 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, W. D.	Glisson	Hair
Barron	Dunn	Gordon	Henderson
Castor	Firestone	Gorman	Holloway
Childers, Don	Gallen	Graham	Johnston

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

Nays—1

Scott

CS for HB 361—A bill to be entitled An act relating to tax exemption; amending s. 196.1975(4)(a), Florida Statutes, providing that the surviving spouse of a person who was qualified to reside in a federally subsidized housing project for the aged shall be entitled to a specified tax exemption; adding subsection (4) to s. 196.196, Florida Statutes; specifying criteria under which certain structures owned by bona fide civic organizations shall be considered to serve a charitable purpose and be exempt from ad valorem taxation; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment which was adopted:

Amendment 1—On page 3, strike lines 9 through 28 and insert: *Art. VII of the State Constitution, if the board of county commissioners of the county in which the property is located passes an ordinance allowing the exemption for all such structures located within the county and only if:*

(a) *The civic organization is nonprofit pursuant to s. 196-195;*

(b) *Said organization is composed entirely of residents of a single residential development or neighborhood;*

(c) *Said organization is organized exclusively to perform a purpose facilitating the education and recreation of its members and the general public, which purpose involves the ownership and maintenance of a meeting hall;*

(d) *Said hall is generally open to the general public; and*

(e) *Alcoholic beverages are not sold on the property of said organization.*

(Renumber subsequent section)

Senator Gordon moved the following amendments which were adopted:

Amendment 2—On page 2, lines 4 through 15, delete all underlined language and on lines 10 and 18, strike the periods ("."), and insert: *, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death.*

Amendment 3—On page 1 in title, lines 5 and 6, strike the words "federally subsidized housing project" and insert: *home*

On motion by Senator Peterson, by two-thirds vote CS for HB 361 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Spicola

HB 847—A bill to be entitled An act relating to the Department of Criminal Law Enforcement; amending s. 20.201 and various sections of chapter 943, Florida Statutes, renaming the

department as the Department of Law Enforcement; redesignating division and bureaus; providing a directive to statute editors; providing an effective date.

--was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 847 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Gordon

CS for SB 1058, by the Committee on Judiciary-Civil, was read the first time by title and SB 1058 was laid on the table. On motions by Senator Hair, the rules were waived and by two-thirds vote CS for HB 1699 was withdrawn from the Committee on Judiciary-Civil. On motion by Senator Hair—

CS for HB 1699—A bill to be entitled An act relating to campaign financing; amending s. 106.25(5), Florida Statutes; prohibiting the Florida Elections Commission from issuing its findings of violations of chapter 106, Florida Statutes, involving two or more persons until a certain time; granting a person being investigated the right to waive the confidentiality of such investigation if the confidentiality has been breached; amending s. 106.26(5), Florida Statutes; prescribing contents of transcripts of hearings; providing that any witness at a hearing by the commission shall be entitled to a certified transcript of all testimony taken at the hearing; amending s. 106.25(3), Florida Statutes, providing that violations under the jurisdiction of the Florida Elections Commission must be willful acts or failure to perform required acts; amending s. 106.08(2) and (4), Florida Statutes; requiring the return of certain campaign contributions; allowing the collection of election campaign contributions after withdrawal, election, or elimination to meet campaign expenses; restricting the amount of such contributions; providing a penalty; amending s. 106.11(3), Florida Statutes; prohibiting certain persons from authorizing certain expenses from a primary campaign account without sufficient funds therein; providing a penalty; allowing certain expenses to be incurred under certain circumstances; amending s. 106.14(7), Florida Statutes, allowing funds to be collected for election campaign expenses; repealing s. 106.14(1), Florida Statutes, which requires prior payment for goods and services provided to a candidate or political committee; providing an effective date.

--a companion measure, was substituted for CS for SB 1058 and read the second time by title.

Senator Hair moved the following amendment:

**Amendment 1**—On page 2, strike everything after the enacting clause and insert: Section 1. Subsections (2) and (4) of section 106.08, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.—

(2) Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate or political committee on the day of any election or less than 5 days prior to the day of any election shall be returned by him to the person or political committee contributing it and shall not be used or expended by or on behalf of a candidate or political committee. Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate after the date at which the candidate withdraws his candidacy, or after the date the candidate is defeated or elected to office, shall be returned to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate. Any contribution received by a

political committee after the date of the general election shall be returned by it to the person or political committee contributing it and shall not be used or expended by or on behalf of the political committee.

(4) Any person who knowingly and willfully makes a contribution in violation of subsection (1) or subsection (3), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (2), this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Subsection (3) of section 106.11, Florida Statutes, is amended to read:

106.11 *Expenses of and expenditures by candidates and political committees.*—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(3) No candidate, campaign manager, treasurer, deputy treasurer, political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any *expenses expenditure*, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized *expense expenditure*, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an *expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provision of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Any *expense expenditure* incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter.*

Section 3. Subsections (3) and (5) of section 106.25, Florida Statutes, are amended to read:

106.25 Reports of alleged violations to Department of State; disposition of findings.—

(3) For the purposes of Florida Elections Commission jurisdiction, a violation shall mean *the willful* performance of an act prohibited by this chapter or *the willful* failure to perform an act required by this chapter.

(5) All sworn complaints filed pursuant to this chapter with the Division of Elections or the Florida Elections Commission, all division investigations and investigative reports or other papers of the division or commission with respect to violations of this chapter, and all proceedings of the commission with respect to violations of this chapter shall be confidential, shall be exempt from the provisions of s. 119.07(1) ~~chapters 119 and chapter 286~~, and shall be exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violations. Upon entry of an order by the commission disposing of a case before it, the entire proceedings and records relating to such case shall become a public record, except that if an order disposing of a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such order and the proceedings and records relating to such case shall not become public until noon of the day following such election.

When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter, the commission shall not publicly enter an order disposing of the findings of the case until the disposition of the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation shall have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (5) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all such other pertinent matters as the commission or its chairman may direct. A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of all his testimony taken at the hearing.

Section 5. Subsection (1) of section 106.14, Florida Statutes, as amended by chapter 77-175, Laws of Florida, is hereby repealed.

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

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

Amendment 1A—On page 5, line 10, insert: Section 6. Subsection (2) of section 97.091, Florida Statutes, is amended to read:

97.091 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which registered may be permitted to vote in the precinct to which he has moved his residence in any election prior to and including the next general election, provided such elector furnishes at the polls proof of his new residence address and executes an affidavit under oath in substantially the following form:

AFFIDAVIT

Change of Residence of Registered Voter

I, \_\_\_\_\_ (Name of voter) \_\_\_\_\_, being first duly sworn under oath, certify that my former residence was \_\_\_\_\_ (Address) \_\_\_\_\_ in the municipality of \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and I was registered to vote in the \_\_\_\_\_ precinct of \_\_\_\_\_ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at \_\_\_\_\_ (Address) \_\_\_\_\_ in the Municipality of \_\_\_\_\_, in \_\_\_\_\_ County, Florida, and am therefore eligible to vote in the precinct of \_\_\_\_\_ County, Florida; and I further certify that I am otherwise legally registered and entitled to vote. \_\_\_\_\_ (Signature of voter whose residence has changed) \_\_\_\_\_ Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_ (Signature and title of person administering oath) \_\_\_\_\_

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector furnishes at the polls proof of his new name and executes an affidavit under oath in substantially the following form:

AFFIDAVIT

Change of Name of Registered Voter

I, \_\_\_\_\_ (New name of voter) \_\_\_\_\_, being first duly sworn under oath, certify that my name has been changed because of marriage or other legal process. My former name and address appear on the registration books of precinct \_\_\_\_\_ as follows:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Municipality \_\_\_\_\_  
County \_\_\_\_\_  
Florida, Zip \_\_\_\_\_

My present name and address are as follows:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Municipality \_\_\_\_\_  
County \_\_\_\_\_  
Florida, Zip \_\_\_\_\_

and I further certify that I am otherwise legally registered and entitled to vote.

\_\_\_\_\_ (Signature of voter whose name has changed) \_\_\_\_\_  
Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_ (Signature and title of person administering oath) \_\_\_\_\_

(c) Such affidavit, when properly executed and presented at the precinct in which such elector is entitled to vote shall entitle such elector to vote as provided in this subsection. Upon receipt of an affidavit certifying a change in residence or change in name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to reflect the change in residence or change in name of such elector.

(d) In accordance with the provisions of s. 98.051, after the general election has passed subsequent to the change of residence or name, the elector whose residence has changed may notify the supervisor in writing and obtain a voter identification card reflecting the new residence address; and, in case of change of name, such elector shall notify the SUPERVISOR in person to be entitled to vote in any future elections.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates the elector has had a change of residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of elections of change of residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his place of residence, the supervisor of elections shall provide the elector with the proper ballot for the precinct in which he then has his permanent place of residence.

Section 7. Section 97.1031, Florida Statutes, is created to read:

97.1031 Notice of change in registration.—Whenever an elector moves from the address named on his voter registration records, it is the duty of such elector to notify the office of the supervisor of elections in writing of such change, or when the name of an elector is changed by marriage or other legal process, it is the duty of such elector to notify the office of the supervisor of elections as in person of such change. The supervisor of elections shall make the necessary changes in the elector's records upon receipt of such notice of a change of residence or name.

RENUMBER SUBSEQUENT SECTIONS

Amendment 1 as amended was adopted.

Senator Hair moved the following amendment:

Amendment 2—On page 1, in title, strike all of lines 2 through and including line 31, and on page 2 in title, strike all of lines 1 through and including line 8 and insert: An act relating to elections; amending s. 106.08(2), (4), Florida Statutes; requiring the return of certain campaign contributions; providing a penalty; amending s. 106.11(3), Florida Statutes; prohibiting certain persons from authorizing certain expenses from a primary campaign account without sufficient funds therein; providing a penalty; allowing certain expenses to be incurred under certain circumstances; amending s. 106.25(3), (5), Florida Statutes; prohibiting the Florida Elections Commission from publicly issuing its findings of violations of

chapter 106, Florida Statutes, involving two or more persons until a certain time; granting a person being investigated the right to waive the confidentiality of such investigation if the confidentiality has been breached; providing for a definition of a violation for the purposes of jurisdiction under the Florida Elections Commission; amending s. 106.26(5), Florida Statutes; prescribing contents of transcripts of hearings; providing that any witness at a hearing by the commission shall be entitled to a certified transcript of the testimony taken at the hearing; repealing s. 106.14(1), Florida Statutes, as amended, which requires prior payment for goods and services provided to a candidate or political committee; providing an effective date.

Senator Johnston moved the following amendment to Amendment 2 which was adopted:

**Amendment 2A**—On page 1, line 27, after "hearing;" insert: *amending s. 97.091(2), Florida Statutes, providing for the change of address or name of an elector after the general election; providing for change of address of an elector by means of an absentee ballot request; creating s. 97.1031, Florida Statutes; requiring notice of change in registration;*

Amendment 2 as amended was adopted.

On motion by Senator Hair, by two-thirds vote CS for HB 1689 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 1058 was laid on the table.

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Firestone, the rules were waived and by two-thirds vote HB 400 and SB 538 were withdrawn from the Committee on Commerce.

#### SPECIAL ORDER, continued

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

--was read the second time by title.

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

**Amendment 1**—On page 1, strike all of line 30 through and including line 31, and on page 2, strike all of line 1 through and including line 27 and insert: (2) The voting membership of the MPO shall consist of not less than 5 nor more than 15 apportioned members, the exact number to be determined on an equitable geographic/population ratio basis by the Governor, except that in no case shall the county commission members be less than 33 1/3 percent of the MPO. The remaining voting members shall be elected officials of general purpose government and members of statutorily authorized transportation plan-

ning boards such as but not limited to transportation authorities, expressway authorities, aviation authorities and port authorities. Where a policy committee or its equivalent already exists, it shall be reorganized, if necessary, to meet these requirements.

(3) The Governor shall apportion the membership among the various governmental entities within the area on the basis of equitable population-ratio and geographic factors, and the governing body of each governmental entity so designated shall appoint the appropriate number of officials to the MPO from eligible officials. Representatives of the Department of Transportation shall serve as nonvoting members of the MPO, and other nonvoting members may be appointed as deemed necessary. The Governor shall reapportion the MPO membership at least every 5 years. Metropolitan planning organization members shall serve for 3-year terms, but membership shall terminate upon the member leaving the appointing body for any reason. Vacancies shall be filled by the original appointing body. Members may be reappointed for one or more additional 3-year terms.

(4) If any municipality or county fails to fill an assigned appointment to the MPO within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of said municipality or county.

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

**Amendment 2**—On page 2, lines 1 and 10, strike "population-ratio" and insert: population ratio

**Amendment 3**—On page 3, strike all of line 3 and insert: (6) Upon notification by an agency of the

**Amendment 4**—On page 3, strike all of line 10 and insert: (7) Metropolitan planning organizations

(Renumber subsequent section)

Senator Myers moved the following amendment which was adopted:

**Amendment 5**—On page 1 in title, line 9, after the word "funds;" insert: providing for operation under s. 163.01, F. S., Florida Interlocal Cooperation Act of 1969;

On motion by Senator Myers, by two-thirds vote SB 1250 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	Peterson	Tobiassen
Barron	Hair	Poston	Vogt
Castor	Holloway	Renick	Ware
Chamberlin	Johnston	Sayler	Williamson
Childers, W. D.	Lewis	Scott	Wilson
Firestone	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Jon	Zinkil
Glisson	Myers	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Graham

On motion by Senator Spicola, the Senate reconsidered the vote by which—

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

—as amended passed this day.

On motion by Senator Spicola, the Senate reconsidered the vote by which SB 1243 was read the third time by title.

On motion by Senator Spicola the Senate reconsidered the vote by which Amendment 2 was adopted. By permission Amendment 2 was withdrawn.

Senator Spicola moved the following amendment which was adopted:

**Amendment 3**—On page 1 in title, line 5, following the semi-colon insert: providing for actions for malicious prosecution, false arrest, false imprisonment, violations of civil rights, libel, slander or defamation;

On motion by Senator Spicola, by two-thirds vote SB 1243 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	Gorman	Poston	Vogt
Barron	Hair	Renick	Ware
Castor	Holloway	Sayler	Williamson
Chamberlin	Lewis	Scott	Wilson
Childers, W. D.	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	
Glisson	Peterson	Tobiassen	

Nays—None

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

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Trask and adopted:

**Amendment 1**—On page 2, line 5, after the word “auction” insert: , a copy of the written lease signed by the marina and the boat or vessel owner, and a copy of the certified letter sent to the boat or vessel owner,

**Amendment 2**—On page 2, between lines 13 and 14, insert: (e) No boat or vessel shall be sold at a nonjudicial sale for less than 50 percent of the fair market value of said boat or vessel. Fair market value shall be determined by two independent appraisals done by licensed property appraisers. Copies of the appraisals shall be submitted to the department 30 days prior to the sale.

Senator Trask moved the following amendment which was adopted:

**Amendment 3**—On page 1 in title, line 7, after “notice;” insert: prohibiting such a sale at below a certain price;

On motion by Senator Trask, by two-thirds vote HB 367 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	Gorman	Peterson	Tobiassen
Castor	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Wilson
Firestone	MacKay	Spicola	Winn
Gallen	McClain	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Graham

**CS for HB 123**—A bill to be entitled An act relating to environmental control; adding subsections (10)-(15) to s. 403.703, Florida Statutes, providing definitions; adding subsections (12)-(15) to s. 403.704, Florida Statutes, requiring the Department of Environmental Regulation to encourage, or require, certain solid waste disposal areas to include certain facilities, equipment, and personnel; requiring the department to promulgate rules with respect to certain types of solid waste disposal areas; adding a paragraph to s. 403.707(2), Florida Statutes, providing an additional permitting exemption; creating s. 403.7075, Florida Statutes, providing for the preparation and submission of construction plans for certain low cost solid waste disposal areas; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 28, insert new (11) and renumber subsequent subsections. (11) *Trash landfills*.—*Trash landfills means combinations of yard trash and construction and demolition debris along with paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires and other like matter.*

**Amendment 2**—On page 3, line 24, after the word “debris” insert: *and for solid waste disposal areas limited exclusively to trash*

On motion by Senator Vogt, by two-thirds vote CS for HB 123 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Graham, Spicola

By the Committee on Health and Rehabilitative Services and Senator Jon Thomas—

**CS for SB 1089**—A bill to be entitled An Act relating to adult day care centers; providing for annual licensure by the Department of Health and Rehabilitative Services; providing a fee; providing exemptions; requiring proof of financial ability and liability coverage by license applicants; providing grounds for license denial, suspension, and revocation; authorizing inspection of centers by the department; providing for injunctive relief; requiring certain notice and surrender of license when a center voluntarily closes; providing for an ad hoc committee to assist the department; providing for rules and standards; providing for enforcement by the department; prohibiting certain offer of services and misrepresentation; providing a penalty; amending s. 509.241(2)(b), Florida Statutes, exempting centers from licensing provisions applicable to public food service establishments; providing an effective date.

—was read the first time by title and SB 1089 was laid on the table.

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 1089 was read the second time by title.

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

**Amendment 1**—On page 3, line 26, after “state” strike the comma (,) and all of lines 27 through 30 and insert: period (.)

On motion by Senator Jon Thomas, by two-thirds vote CS for SB 1089 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Graham, Peterson

HB 2035—A bill to be entitled An act relating to rights of patients; amending s. 394.459(9)(a), Florida Statutes; providing that a medical discharge summary of the clinical record of a patient committed to, or to be returned to, the Department of Offender Rehabilitation from the Department of Health and Rehabilitative Services will be furnished to the Department of Offender Rehabilitation without charge upon its request; providing for the confidentiality of such information; amending s. 394.50, Florida Statutes; establishing children's residential and day treatment centers under the supervision and control of the Department of Health and Rehabilitative Services; amending ss. 394.56-394.62, Florida Statutes; providing for voluntary admission, involuntary admission, transfer of records, fees for care and treatment, transfer of patients, discharge from a center, and age limits; repealing ss. 394.51, 394.52, 394.53, 394.54, and 394.55, Florida Statutes, relating, respectively, to employment of the director of the Children's Division of the South Florida State Hospital, and of other necessary personnel, to powers, duties, and compensation of the director and other employees, to bonds required of employees, and to removal of employees; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote HB 2035 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Dunn

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 2183 was placed at the end of the special order calendar for this day.

SB 223—A bill to be entitled An act relating to life and disability insurance; authorizing the Department of Insurance to approve forms providing for life insurance and disability insurance policies at reduced premiums for certain individuals; providing an effective date.

—was read the second time by title.

Senator Jon Thomas moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of line 5 and insert: Section 2. Subsection (1) of s. 627.6111 is amended to read:

627.6111 Standard health claim form.—

(1) The Department of Insurance shall prescribe a standard health claim form *which may* ~~to~~ be used by all hospitals and a standard health claim form *which may* ~~to~~ be used by all physicians and pharmacists. Such forms shall be in a format that allows for the use of generally accepted coding systems by providers, in order to facilitate the processing of claims. Such standard health claim forms shall be accepted by all insurers and the Department of Health and Rehabilitative Services.

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

Amendment 2—On page 1, strike all of line 7 and insert: amending s. 627.6111, F. S., to remove the mandatory requirement that hospitals, physicians and pharmacists use the standard health claim form prescribed by the Department of Insurance; providing an effective date.

On motion by Senator Jon Thomas, by two-thirds vote SB 223 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—3

Childers, Don Johnston Zinkil

SB 537—A bill to be entitled An act relating to environmental control; amending ss. 403.061(28) and 403.0615(2), Florida Statutes, empowering and requiring the Department of Environmental Regulation to enhance public access in its program to restore and preserve bodies of water in the state; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Firestone and adopted:

Amendment 1—On page 1, line 22, insert after the word "access": *to bodies of water*

On motion by Senator Firestone, by two-thirds vote SB 537 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	Glisson	McClain	Thomas, Pat
Barron	Gordon	Peterson	Tobiassen
Castor	Gorman	Poston	Vogt
Childers, Don	Hair	Renick	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Johnston	Scott	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	MacKay	Thomas, Jon	

Nays—3

Henderson Skinner Trask

Vote after roll call:

Yea—Chamberlin

HB 1990—A bill to be entitled An act relating to the Department of Offender Rehabilitation; creating s. 944.0265, Florida Statutes, directing the department to make rules requiring prisoners in the correctional system to disclose sources of income

and assets while incarcerated and to pay a portion or all of their daily subsistence cost; providing that refusal to disclose such income and assets or false disclosure shall make the prisoner ineligible for parole until the prisoner complies; providing a time limit on the adoption of such rules; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendments which were moved by Senator Pat Thomas and adopted:

**Amendment 1**—On page 1, lines 30-31, and on page 2, lines 1-18, strike all of said lines and insert: burden on the taxpayers of the state, all prisoners except those who have entered into an agreement under s. 947.135, Florida Statutes, prior to the effective date of this act; in the state correctional system:

(a) shall disclose all revenue or assets as a condition of parole eligibility.

(b) shall pay from such income and assets, except where such income is exempt by state or federal law, based upon the inmate's ability to pay, the liability or potential liability of the inmate to the victim or the guardian or the estate of the victim, and the needs of his dependents, all or a fair portion of the prisoner's daily subsistence costs.

(2) Any prisoner who is directed to pay all or a fair portion of daily subsistence costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.

(3) The department shall promulgate, within 90 days of the effective date of this act, rules which implement this section.

**Amendment 2**—On page 1, lines 4-14, strike all of said lines and insert: Statutes, requiring that all prisoners disclose income or assets before parole eligibility; requiring able prisoners to pay a fair portion of subsistence costs; providing for reasonable notice of assessment and opportunity to present opposition thereto; providing rule-making authority; providing an effective date.

On motion by Senator Pat Thomas, by two-thirds vote HB 1990 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—21**

Mr. President	MacKay	Sayler	Vogt
Childers, W. D.	McClain	Skinner	Winn
Firestone	Peterson	Spicola	Zinkil
Glisson	Plante	Thomas, Pat	
Graham	Poston	Tobiassen	
Hair	Renick	Trask	

**Nays—13**

Chamberlin	Gorman	Lewis	Williamson
Childers, Don	Henderson	Myers	
Dunn	Holloway	Scott	
Gordon	Johnston	Thomas, Jon	

Vote after roll call:

Yea—Wilson

**HB 571**—A bill to be entitled An act relating to obscene literature; creating s. 847.0125, Florida Statutes; providing definitions; prohibiting the display of certain materials to minors in a retail establishment; providing a penalty; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, line 12, strike all of paragraph (b) and reletter subsequent paragraph

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

**Amendment 2**—On page 1, line 16, strike "17" and insert: 18

On motion by Senator MacKay, by two-thirds vote HB 571 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—34**

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

**Nays—None**

Vote after roll call:

Yea—Firestone

**CS for HB 1951**—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082(1) and (4), Florida Statutes, adding Volusia County to a list of counties in which it is unlawful to set, lay out, or fish any gill net, wing net or similar device unattended in any of the waters of the county; authorizing the use of such nets or devices in Volusia County for research under certain circumstances; providing for the confiscation of unmarked nets or devices; amending s. 370.08(1), Florida Statutes, relating to illegal possession of seines and nets, providing a penalty; amending s. 370.0821, Florida Statutes, relating to use of nets in St. Johns County; specifying restricted areas and periods; increasing penalty; repealing chapters 67-1984 and 69-1540, Laws of Florida, which provide similar prohibitions with respect to use of any type of net or seine except a common cast net; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for HB 1951 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—33**

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

**Nays—None**

The Senate resumed—

**HB 261**—A bill to be entitled An act relating to mopeds; amending s. 316.2065(15), Florida Statutes, 1977, removing a prohibition upon the operation of mopeds on bicycle paths; requiring mopeds to conform to certain federal safety standards; adding subsection (5) to s. 320.02, Florida Statutes, 1977, providing for registration and licensing of mopeds; amending the introductory paragraph of s. 320.03, Florida Statutes, 1977, and adding paragraph (1)(c), providing a license tax; creating s. 320.0803, Florida Statutes, providing for the issuance of moped tags; amending s. 322.01(1) and (2), Florida Statutes, 1976 Supplement, requiring moped operators to obtain a driver's license; providing an effective date.

Senators Williamson, Gorman, Henderson, Ware, Wilson, Scott, Johnston, Jon Thomas and W. D. Childers offered the following amendment which was moved by Senator Williamson:

**Amendment 6**—On page 1, lines 21-30, page 2 lines 1-30, page 3 lines 1-31, page 4 lines 1-3, strike everything after the enact-

ing clause and insert: Section 1. Subsection (15) of section 316.2065, Florida Statutes, 1977, is amended to read:

**316.2065 Bicycle regulations.—**

(15) *No person shall operate a "moped" as defined in s. 316.003 that does not conform to all applicable federal motor vehicle safety standards relating to lights and safety and other equipment contained in section 49, Code of Federal Regulations. "Mopeds," as defined in subsection 316.03(2), shall not be operated on paths or parts of roadways set aside for the exclusive use of bicycles.*

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

Senator Zinkil moved that debate be limited to two minutes per person. The motion failed.

Senator McClain moved the following substitute amendment which failed:

**Amendment 7**—On page 3, strike lines 1 through 18 and renumber subsequent section

**Amendment 6** failed to receive the required two-thirds vote. The vote was:

Yeas—20

Chamberlin	Henderson	Renick	Thomas, Jon
Childers, Don	Johnston	Sayler	Trask
Childers, W. D.	Lewis	Scarborough	Vogt
Gorman	Plante	Scott	Ware
Graham	Poston	Skinner	Williamson

Nays—13

Castor	Gordon	Peterson	Zinkil
Dunn	Holloway	Spicola	
Firestone	McClain	Thomas, Pat	
Glisson	Myers	Winn	

Vote after roll call:

Nay to Yea—Pat Thomas

HB 261 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—20

Castor	Graham	McClain	Spicola
Childers, Don	Holloway	Myers	Thomas, Pat
Dunn	Johnston	Peterson	Tobiassen
Firestone	Lewis	Poston	Winn
Gordon	MacKay	Renick	Zinkil

Nays—17

Barron	Henderson	Skinner	Williamson
Chamberlin	Plante	Thomas, Jon	Wilson
Childers, W. D.	Sayler	Trask	
Glisson	Scarborough	Vogt	
Gorman	Scott	Ware	

Vote after roll call:

Yea—Hair

The Senate resumed—

**HB 2096**—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.05(3), Florida Statutes; providing a uniform discount on the purchase of tax stamps; prohibiting discounts to certain persons; providing alternative methods for securing payment for stamps; providing that payments in lieu of cash on delivery shall not preclude supplemental purchases for cash; providing an effective date.

Senator Barron moved the following amendments which were adopted by two-thirds vote:

**Amendment 1**—On page 1, line 30, strike "9/10"

**Amendment 2**—On page 2, lines 6 and 7, strike "15 cents tax per pack and no more" and insert: 21 cents per pack

HB 2096 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Gordon Williamson

Votes after roll call:

Yea—Castor, Chamberlin, Pat Thomas

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

**INTRODUCTION**

By Senators Lewis, Brantley, MacKay, Scarborough and Plante—

**SR 1364**—A resolution commending Senator W. D. Childers and urging him to remain in the Florida Senate.

WHEREAS, Senator W. D. Childers was born in Okaloosa County, graduated from high school in Bay County and from Florida State University, and now resides in Escambia County with his wife, Ruth, and his daughters, Gail, Jeanna, Karen and Marvel, where they are a family beloved by and involved in that community, and

WHEREAS, Senator Childers was elected to the Florida Senate in 1970 and has demonstrated his unique electioneering ability by being reelected subsequently with a greater majority of the vote each time he returned to face his constituents, and

WHEREAS, he served as Chairman of the Senate Natural Resources and Conservation Committee during the environmentally-oriented period of 1972 to 1974, and became an expert in the natural resources of the State of Florida, our most valuable heritage, and

WHEREAS, he served as Chairman of the Senate Commerce Committee from 1974-1977 and became an expert in the needs of business and industry of the eighth largest state in the nation, which is the most significant challenge facing us in the years ahead as we seek to balance the needs of the people for economic growth and employment with the necessity for the conservation of our unique and valuable environment, and

WHEREAS, he served as Chairman of the Appropriations Subcommittee on General Government from 1976 to the present, and has demonstrated a keen grasp of the fiscal affairs of state government and an ability to balance fairly the priorities of the numerous needs and demands for government services, and

WHEREAS, his close relationship with, and understanding of, his constituency resulted in an 87 percent vote of the people asking him to serve them in the Florida Senate until 1980, and

WHEREAS, he is currently serving as Chairman of the Senate Rules and Calendar Committee and has proved outstanding in his even-handed and fair consideration of all members' legislation, and

WHEREAS, he has been recognized by his Senate colleagues as Most Outstanding in Debate in 1975 and 1976 for his ability to relate complex issues to the average men and women in their every-day lives, and has taught the Senate what West Florida sawmill talk is all about, and

WHEREAS, he understands not only the needs of the environment, business, the economy, and state government, but also responds with compassion to the problems and needs of the working man and the underprivileged people of this State since he has experienced those problems first-hand during his youth and manhood, and

WHEREAS, a vacancy has occurred in the First Congressional District of Florida, and there has been an outpouring of support from his constituents to accept the high honor of election to the United States Congress, and there has been an equal outpouring of encouragement from other constituents to remain in the Florida Senate where the real problems and opportunities of North Florida and his constituency lie, and

WHEREAS, the next President of the Senate and his colleagues in the Florida Senate have urged him to remain in the State Capitol and use his expertise in solving state problems to benefit his constituency and all of Florida, and

WHEREAS, he is a man of the earth and a product of the hills and rivers of North Florida, who regenerates his energy by returning to his people and the soil of North Florida, and then brings to the Senate a fresh view of the means for developing the opportunities and attaining the desires of his people, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the loss of Senator W. D. Childers would create a void in the Florida Senate, where his sage advice and counsel would be sorely missed, and the members of the Senate earnestly believe that the needs of Florida and his constituents would best be served by his continued service in the Capitol, where he has expertise, seniority, and the confidence of the members of the Legislative, Executive, and Judicial branches of state government.

BE IT FURTHER RESOLVED that the Senate of the State of Florida urges Senator W. D. Childers to demonstrate his great strength of character by declining the prestige and honor of the opportunity of serving in Washington and urges him to remain in the Florida Senate, where the real work of Florida remains to be done and where he may better utilize those talents which he has so ably demonstrated as the State Senator from the First District of Florida.

—was read the first time in full. On motion by Senator Lewis, SR 1364 was read the second time by title and adopted. The vote was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—MacKay, Tobiassen

**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 8 amendments—

By the Committee on Commerce and Senator Barron and others—

CS for SB 1308—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727(7), Florida Statutes; providing that uninsured motorist coverage shall not include damages for pain and suffering except for specified injuries or death; amending s. 627.732(1), Florida Statutes; providing definitions of "motor vehicle", "private passenger motor vehicle", and "commercial motor vehicle"; amending s. 627.736(1), Florida Statutes; providing for \$10,000 in personal injury protection coverage; amending s. 627.737(2), Florida Statutes; providing for limitations on rights to damages for pain, suffering, mental anguish, and inconvenience in tort actions arising out of use of a motor vehicle; amending s. 627.7372(1), Florida Statutes; pro-

viding for the admission into evidence in certain actions the amount of all collateral sources paid or payable to the claimant, and prohibiting an award of damages which are otherwise paid or payable; creating s. 627.7405, Florida Statutes; providing personal injury protection benefits for the insured, certain relatives, operators, and passengers of a commercial motor vehicle or other Florida residents struck by a commercial motor vehicle in Florida; repealing s. 627.735(2), Florida Statutes, relating to the compliance of motor vehicle liability insurance policies with financial responsibility or compulsory insurance laws of other states; providing for review by the Department of Insurance of the rates of all licensed motor vehicle insurers; providing for issuance of orders by the Department of Insurance to require new rate schedules where existing rates are unfairly discriminatory; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 20, strike through "(c) (~~£~~) of s. 627.737(2)." and insert: through (d) (~~£~~) of s. 627.737(2).

**Amendment 2**—On page 4, line 21, strike "~~other than scarring or disfigurement~~" and insert: , other than scarring or disfigurement

**Amendment 4**—On page 3, line 2, strike "~~designed for use with such vehicle, and includes:~~" and insert: *designed for use with such vehicle, except mopeds, as defined in s. 316.003(2), and includes:*

**Sub. Amendment 6**—On page 6, line 13, strike "Section 9. This act shall take effect January 1, 1979." and insert:

Section 9. This act shall take effect on January 1, 1979, and shall apply to all accidents occurring on or after the effective date.

**Amendment 7**—On page 5, between lines 13 & 14, insert: Section 6. Subsection (1) of section 627.739, Florida Statutes, is amended to read:

627.739 Personal injury protection; optional limitations; deductibles; optional methods of payment for repair work.—In order to prevent duplication with other private or governmental insurance or benefits for senior citizens and others with access to such insurance or benefits, each insurer providing the coverage and benefits described in s. 627.736(1) shall offer to the named insureds modified forms of personal injury protection as described in this section. Such election may be made by the named insured to apply to the named insured alone, or to the named insured and dependent relatives residing in the same household. Any person electing such modified coverage, or subject to such modified coverage as a result of the named insured's election, shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator, or occupant of a vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by ss. 627.730-627.741. Premium reductions for each modification or combination of modifications shall be adequate to recognize the reduction in hazard and shall be subject to the approval of the Department of Insurance.

(1) Insurers shall offer to each applicant and to each policyholder, upon the renewal of an existing policy, deductibles, in amounts of \$250, \$500, \$1,000, \$2,000, \$3,000, and \$4,000, \$6,000 and \$8,000, said amount to be deducted from the benefits otherwise due each person subject to the deduction, and shall explain to each applicant or policyholder that if they have coverage under private or governmental disability plans, they may avail themselves of deductibles or other modifications as provided in subsection (1), (2) and (3).

renumber subsequent sections

**Amendment 8**—On page 1 in title, line 23, after the semicolon ";" insert: amending s. 627.739(1), Florida Statutes, relating to personal injury protection to revise amounts of deductibles;

Amendment 10—On page 6, between lines 10 & 11, insert:

Section 8. Section 627.343, Florida Statutes, is created to read:

627.343 Uniform risk classification reporting system for motor vehicle insurance.—

(1) The department shall establish and promulgate a uniform statewide reporting system to classify risks for the purpose of evaluating rates and premiums and for the purpose of evaluating competition and the availability of motor vehicle insurance in the voluntary market. The system shall divide risks into classifications based upon variations in hazards or expense of claims. The classification system may include any difference among risks that can be demonstrated to have a probable effect upon losses or expenses, but in no event shall the system adopted by the department discriminate among risks based upon race, creed, color, or national origin. The classification system shall divide the state into geographical areas based upon hazards or expenses of claims.

(2) Each insurer shall annually file with the department a statement reflecting the total number of persons insured by the insurer within each classification by coverage, the premium volume in each classification by coverage, the paid and reserved losses incurred in each classification by coverage, the number of cancellations or nonrenewals by the insurer during the period and the number of new insureds during the period. This statement shall be filed annually on a date determined by the department and shall cover a 1-year period.

(3) The department may promulgate rules to require each insurer to report its loss and expense experience by classification, in such detail and as often as may be necessary to aid the department in determining the reasonableness of rates, the validity of loss projections and the validity of the risk classification system.

Section 9. Section 627.342, Florida Statutes, as created by chapter 77-468, Laws of Florida, is hereby repealed.

and renumber subsequent sections

Amendment 11—On page 2 in title, line 7, after the semicolon (;) insert: creating s. 627.343, Florida Statutes; requiring the Department of Insurance to promulgate a uniform statewide reporting system to classify risks for the purpose of evaluating motor vehicle insurance rates, premiums, competition, and availability; requiring insurers to file annual statements with the department; providing that the department may require insurers to report certain loss and expense experience; repealing s. 627.342, Florida Statutes, which provides for annual risk classification reporting by insurers;

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

CS for SB 1308 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	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Chamberlin	Graham	Plante	Tobiassen
Childers, W. D.	Hair	Poston	Trask
Dunn	Henderson	Renick	Vogt
Firestone	Holloway	Saylor	Ware
Gallen	Lewis	Scarborough	Winn
Glisson	MacKay	Skinner	Zinkil

Nays—5

McCain	Spicola	Williamson	Wilson
Scott			

Votes after roll call:

Nay—Castor

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

CS for HB 2004—A bill to be entitled An act relating to the creation of the Florida Council on Criminal Justice; providing definitions; providing for appointments by the Governor, requirements of membership, terms, staffing, meetings, replacement and reimbursement of expenses; providing for meetings at least quarterly; providing responsibilities, powers and duties; providing for annual reports; replacing the Bureau of Criminal Justice Planning and Assistance with the Bureau of Criminal Justice Assistance and setting forth its duties and powers; providing for a transition period and interim commissioners; amending s. 943.25(8), Florida Statutes, relating to disbursement of funds of the Bureau of Criminal Justice Assistance; amending s. 20.31(3)(e), Florida Statutes, to conform to the act; providing an effective date.

On motions by Senator Dunn, by two-thirds vote CS for HB 2004 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—37

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

Nays—None

HB 1571—A bill to be entitled An act relating to historic preservation; amending s. 267.0615(1), (2), and (4), Florida Statutes, modifying qualifications, memberships, terms, and duties of the Historic Preservation Project Review Council; amending s. 267.0616(2), Florida Statutes, modifying procedure for submission of proposals for creation of state historical preservation boards of trustees; creating s. 267.0617, Florida Statutes, authorizing establishment of, and providing funding procedures for, the Historic Preservation Trust Fund; authorizing the division to administer a program of grants-in-aid for historic preservation projects; adding paragraph (k) to s. 550.03(2), Florida Statutes, authorizing the Board of Business Regulation to authorize licensed racetracks or frontons to conduct additional charity days under certain circumstances; providing an effective date.

On motions by Senator Renick, by two-thirds vote HB 1571 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	Graham	Myers	Thomas, Jon
Barron	Hair	Peterson	Thomas, Pat
Chamberlin	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Gallen	Johnston	Renick	Williamson
Glisson	Lewis	Saylor	Winn
Gordon	MacKay	Skinner	Zinkil
Gorman	McClain	Spicola	

Nays—None

HB 2183—A bill to be entitled An act relating to the practice of massage; replacing current chapter 480, Florida Statutes, which is scheduled for repeal July 1, 1978, under the Sunset Law, with a new massage act; providing short title, definitions and purpose; providing exemptions from regulation under the act and deleting the exemption for reflexologists; recreating the Florida Board of Massage and increasing membership thereon to include two lay members; providing for 4-year terms; providing for members' accountability to the Governor and for investigation and removal of members under certain circumstances; creating the Florida Massage Practice Commission to be composed of the Secretary of Professional

and Occupational Regulation or his representative and the board; authorizing the commission to adopt rules for regulation of massage; providing for legal and investigative services; revising qualifications for licensure as a masseur, which term also include masseuses; providing procedure for licensure; providing for licensure of massage establishments and for investigation thereof; providing for fees; establishing intent with respect to use of fee moneys to enforce the act; providing complaint and disciplinary procedures; providing a penalty; providing for prosecution of criminal violations and for civil proceedings; grandfathering in current license holders; amending ss. 215.37(1) and 215.37(2), Florida Statutes; removing provisions for a separate trust fund for the Florida Board of Massage; providing a severability clause; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 2183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gordon	Myers	Thomas, Jon
Castor	Henderson	Peterson	Thomas, Pat
Chamberlin	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Firestone	Lewis	Sayler	Wilson
Gallen	MacKay	Skinner	
Glisson	McClain	Spicola	

Nays—1

Zinkil

The Senate resumed—

SB 335—A bill to be entitled An act relating to public lands; amending s. 253.03(2), Florida Statutes, and adding a new subsection (3), and amending ss. 253.45(1), 253.53, 253.62(2), 270.13, 270.22, and 270.23, Florida Statutes; providing that the proceeds of the sale or lease of oil or mineral rights to any lands the title to which is vested in the state or in any state agency shall be deposited in the General Revenue Fund; providing an effective date.

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

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Part II of Chapter 253, Florida Statutes, is created to read:

PART II  
CONSERVATION AND RECREATION LANDS ACQUISITION

253.80 Short Title.—This part shall be known and may be cited as the Conservation and Recreation Lands Act of 1978.

253.81 Conservation and Recreation Lands Trust Fund.—There is established within the Department of Natural Resources a Conservation and Recreation Lands Trust Fund, to be used exclusively for the purposes set forth in this act. Monies shall be credited to the fund as provided for by law.

253.82 Use of the fund; land purchases.—

(1) The Governor and Cabinet, as head of the Department of Natural Resources, and hereinafter referred to as "the board," may purchase conservation and recreation lands with moneys from the fund created by this part. For purposes of this part, the term, "conservation and recreation lands," includes the following:

(a) Areas which qualify as environmentally endangered lands under the Florida Environmentally Endangered Lands Plan developed pursuant to chapter 259, Florida Statutes.

(b) Areas not necessarily qualified as environmentally endangered lands, if the acquisition has been determined by the board to be:

1. For use and protection as natural floodplain, marsh, or estuary, when the protection and conservation of such floodplain, marsh, or estuary would enhance or protect water quality or quantity or would protect the state's natural resources; or,

2. For uses under the outdoor recreation or wildlife management programs of the Department of Natural Resources, the Division of Forestry of the Department of Agriculture and Consumer Services, or the Game and Fresh Water Fish Commission; or,

3. For restoration of altered ecosystems to correct environmental damage that has already occurred; or

4. For preservation of significant archaeological or historical sites, artifacts, evidence, past environments, or ecosystems; or,

5. For other conservation and recreation uses that may be in the public interest as determined by the board. It is not the intent of this part to deny participation in land purchases to any geographic area of the state.

(2) The board may allocate monies from the fund each year toward the annual debt service on environmentally endangered land bonds issued pursuant to s. 259.02, Florida Statutes.

(3) The board may enter into contracts with the United States Government or any agency or instrumentality thereof, with the state, or any county, municipality, district authority, or political subdivision, or with any person, corporation, partnership, or association providing for or having functions relating to the conservation or protection of certain lands, in accomplishing the purpose of this part.

(4) The board is authorized to purchase the fee or any lesser interest in land sufficient to meet the purposes of this part.

253.83 Planning and management.—

(1) Prior to or concurrent with the purchase of conservation and recreation lands under this part, the board shall designate an agency or agencies to manage the lands to be purchased. Prior to or concurrent with such a purchase, the board shall make a determination of the purposes for which the land is to be purchased and a preliminary determination as to the extent and nature of public use for which the land will be available.

(2) The board shall adopt policies for the acquisition of lands to be purchased under this part and under chapter 259, Florida Statutes. Such policies may incorporate applicable portions of existing policies and shall be updated and reevaluated as necessary.

(3) Agencies designated to manage lands purchased under this part or under chapter 259, Florida Statutes, shall develop and adopt, with the approval of the board, individual management plans to conserve and protect such lands and resources associated therewith.

(4) The board may allocate up to, but no more than, an amount equal to 10 per cent of the moneys credited to the fund in any 1 year for use by managing agencies for maintenance and management of lands purchased under this part or under chapter 259, Florida Statutes.

253.84 Interagency Advisory Council on Conservation and Recreation Lands.—

(1) There is created in the Department of Natural Resources, within the office of the executive director, an Interagency Advisory Council on Conservation and Recreation Lands, hereinafter referred to as "the council." The council shall consist of the executive director of the Department of Natural Resources, who shall serve as chairman; the director of the Division of Marine Resources of the Department of Natural Resources; the director of the Division of Resource Management of the Department of Natural Resources; the director of the Game and Fresh Water Fish Commission; the director of the Division of Wildlife Management of the Game and Fresh Water Fish Commission; the chief of the Office of Environmental Services of the Game and Fresh Water Fish Commission; the director of the Division of Forestry of the Department of Agriculture and Consumer Services; the secretary of the Department of Environmental Regulation; and the director of the Division of Archives, History, and Records Management of the Department of State.

(2) The council shall study all matters concerning the conservation and recreation lands acquisition program and, after holding at least one public hearing on each proposed land acquisition, shall make recommendations to the board concerning the purchase of such lands. The council shall review and make recommendations to the executive director of the De-

partment of Natural Resources on all policies and plans for the management of lands purchased pursuant to this part and chapter 259, Florida Statutes.

253.85 Public use.—All lands purchased under this part shall be open for public use and enjoyment to the extent the board finds compatible with the conservation and protection of such lands. Such public use may include, but shall not be limited to, fishing, utility easements, hunting, wilderness camping, hiking, nature study, and canoeing.

Section 2. Section 376.11, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 376.11, Florida Statutes, 1977, for present text.)

**376.11 Florida Coastal Protection Trust Fund.—**

(1) The purpose of this section is to provide a mechanism to have financial resources immediately available for cleanup and rehabilitation after a pollutant has been discharged, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department exclusively as provided in this section. To this fund shall be credited all registration fees, penalties, judgments, and other fees and charges related to this chapter. Charges shall be in accordance with this section.

(3)(a) There is hereby levied, to be collected from and paid by each registrant, an excise tax upon each registrant for the privilege of operating a terminal facility and handling all pollutants covered by this chapter, the amount of which is to be determined by the department as measured by the volume in barrels of liquid pollutants transferred to or from the registrant.

(b) The excise tax shall be 2 cents per barrel transferred. The balance in the fund after July 1, 1978, shall not exceed \$15 million. Monies in the fund in excess of this amount, existing or accruing on or after July 1, 1978, shall be transferred to the Conservation and Recreation Lands Trust Fund, created and administered pursuant to Part II of Chapter 253, Florida Statutes.

(c) The excise tax provided for in this section shall be collected monthly by the Department of Revenue on the basis of records certified to the Department of Revenue and Department of Natural Resources and shall be credited to the Florida Coastal Protection Trust Fund. However, for the purposes of this section, the excise tax on each barrel of the pollutant shall be imposed only once, at the first transfer of the specific pollutant. Each tax barrel of the specific pollutant shall only be considered once for the purpose of this excise tax. This excise tax shall be in addition to all other taxes imposed upon or paid by the registrant.

(4) Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its responsibilities under this chapter shall be deposited with the treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the Conservation and Recreation Lands Trust Fund, created pursuant to Part II of Chapter 253, Florida Statutes.

(5) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(a) Administrative expenses, personnel expenses, and equipment costs of the department related to the enforcement of this chapter subject to s. 376.18.

(b) All immediate costs involved in the abatement of pollution related to the discharge of pollutants covered by this chapter and the abatement of other potential pollution hazards as authorized herein.

(c) All costs and expenses of the cleanup and rehabilitation of water fowl, wildlife, and all other natural resources damaged by the discharge of pollutants, whether performed or authorized by the department or any other state or local agency.

(d) All provable costs and damages which are the proximate results of the discharge of pollutants covered by this chapter.

(6) The department shall recover to the use of the fund from the person or persons causing the discharge or from the Federal Government, jointly and severally, all sums owed or expended therefrom, pursuant to subsection 376.12(4), except that recoveries resulting from damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the Florida Coastal Protection Trust Fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

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

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

**Amendment 1A**—On page 5, insert a new section to be designated as Section 2; and renumber subsequent section.

Section 2. Section 270.211, Florida Statutes is amended to read:

270.211 Contracts for sale of public lands to reserve certain mineral rights in state.— In all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund, there shall be reserved for the board of trustees and its successors an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same. The said board of trustees may in its discretion sell or release said reserved interest in or as to any particular parcel of land when such parcel has a building thereon or on which a building is proposed to be erected, and the State Board of Education may sell or release any such interest which was reserved for said board pursuant to this section prior to September 1, 1967. Such sale or release shall be made on application of the owner of the title to the particular parcel of land with statement of reason justifying such sale or release. *All fees and charges established by the Board of Trustees of the Internal Improvement Trust Fund, or agency of the state acting on its behalf, for release of minerals, oil, gas or petroleum rights, and in existence as of January 1, 1978, shall remain unchanged unless modified by general act of the legislature. Said board shall not prohibit or withhold the release of any mineral rights, unless authorized to do so by general law; provided that said prohibition shall not prevent the board, or agency acting on its behalf, from establishing uniform procedures for the release of said mineral rights.*

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

**Amendment 1B**—On page 5, line 7, strike "utility easements"

Amendment 1 as amended was adopted.

Further consideration of SB 335 was deferred.

On motion by Senator Gorman, the Senate reconsidered the vote by which—

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

—as amended passed this day.

On motion by Senator Gorman, the Senate reconsidered the vote by which SB 1250 was read the third time by title.

On motions by Senator Gorman, the Senate reconsidered the vote by which Amendments 1 and 5 were adopted.

Amendments 1 and 5 failed.

Senator Gorman moved the following amendments which were adopted:

**Amendment 6**—On page 1, strike all of line 30 through and including line 31, and on Page 2, strike all of line 1 through and including line 22 and insert: (2) The voting membership of the M.P.O. shall consist of not less than five nor more than 15 apportioned members, the exact number to be determined on an equitable geographic/population ratio basis by the Governor, except that in no case shall the county commission members be less than 33 1/3 percent of the M.P.O. The remaining voting members shall be elected officials of general purpose government, except that the local governing body making appointments may, from their apportionment, appoint members of statutorily authorized planning boards, transportation or expressway authorities, aviation authorities, or port authorities. The M.P.O. shall be operated under the provisions of s. 163.01, F.S., Florida Interlocal Cooperation Act of 1969, whereby the signators to the Interlocal Agreement forming the M.P.O. shall be the Governor's designated city and county commissions or councils and the Florida Department of Transportation.

(3) The Governor shall apportion the membership among the various governmental entities within the area on the basis of equitable population ratio and geographic factors, and the governing body of each governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the Department of Transportation shall serve as nonvoting members of the M.P.O., and other nonvoting members may be appointed as deemed necessary. The Governor shall reapportion the M.P.O. membership at least every five years. Metropolitan planning organization members shall serve for three-year terms, but membership shall terminate upon the member leaving his elective or appointive office for any reason, or by a majority vote of the total membership of a county or city governing body represented by the member. Vacancies shall be filled by the original appointing body. Members may be reappointed for one or more additional three-year terms.

**Amendment 7**—On page 1, line 9, after the word "funds;" insert: providing for operation under s. 163.01, F.S., Florida Interlocal Cooperation Act of 1969;

SB 1250 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	Graham	Peterson	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Dunn	Johnston	Sayler	Vogt
Firestone	Lewis	Scarborough	Wilson
Gallen	MacKay	Skinner	Winn
Gordon	McClain	Spicola	Zinkil
Gorman	Myers	Thomas, Jon	

Nays—None

On motion by Senator Hair, the Senate reconsidered the vote by which—

**SB 223**—A bill to be entitled An act relating to life and disability insurance; authorizing the Department of Insurance to approve forms providing for life insurance and disability insurance policies at reduced premiums for certain individuals; providing an effective date.

—passed this day.

On motion by Senator Hair, the Senate reconsidered the vote by which SB 223 was read the third time.

On motions by Senator Hair, the Senate reconsidered the votes by which Amendments 1 and 2 were adopted.

By permission, Amendments 1 and 2 were withdrawn.

On motion by Senator Hair, by two-thirds vote SB 223 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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 passed with amendments—

By the Committee on Governmental Operations and Senators Sayler and Wilson—

**CS for SB 22**—A bill to be entitled An act relating to statutory boards, committees, commissions, and councils adjunct to executive agencies; creating the Sundown Act; providing legislative intent; repealing provisions of law relating to boards, committees, commissions, and councils which have held no official meetings subsequent to January 1, 1975; repealing provisions of law relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975 and providing for the Legislature to review, 2 years prior to the date of repeal, such boards, committees, commissions, and councils; providing that subsequent reestablishment of such boards, committees, commissions, and councils be for a period not to exceed 6 years; providing that the procedural provisions of s. 11.61(3), (8), Florida Statutes, apply to this act; providing for this act to be supplemental to s. 11.61, Florida Statutes; 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. This act shall be known and may be cited as the "Sundown Act."

Section 2. The Legislature finds it to be in the public interest to systematically review the need for and the benefits derived from boards, committees, commissions, and councils adjunct to executive agencies which were created by statute. The Legislature further finds it to be in the public interest to abolish without further review boards, committees, commissions, and councils adjunct to executive agencies which were created by statute which have held no official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977. The Legislature declares this act to be supplemental to chapter 76-168, Laws of Florida (the Regulatory Reform Act of 1976), and directs the Division of Statutory Revision of the Joint Legislative Management Committee to include the appropriate provisions of this act in chapter 11, Florida Statutes.

Section 3. (1) The following sections of the Florida Statutes relating to boards, committees, commissions, and councils which have held no official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977, are repealed effective October 1, 1979:

(a) Sections 573.14, 573.15, and 573.16, Florida Statutes, relating to Celery and Sweet Corn Advisory Councils.

(b) Section 553.38(2), Florida Statutes, relating to the Factory-built Housing Council.

(c) Sections 943.27 and 943.28, Florida Statutes, relating to the Local Law Enforcement Advisory Council.

(d) Section 23.123, Florida Statutes, relating to the State Mutual Aid Council.

(e) Chapter 369, Florida Statutes, relating to the Commission on Marine Sciences and Technology and the ad hoc council for red-tide research.

(f) Section 592.011, Florida Statutes, relating to the Recreation and Parks Advisory Council and the five Regional Recreation and Parks Advisory Councils.

(g) Section 443.12(5)(a), Florida Statutes, relating to the Employment Service Advisory Council.

(h) Section 290.01, Florida Statutes, relating to the Florida Nuclear and Space Council.

(i) Section 601.9914(5), Florida Statutes, relating to the Concentrate Quality Council.

(2) The records of the boards, committees, commissions, and councils enumerated in subsection (1) are transferred to the executive agency to which such boards, committees, commissions, or councils were assigned on the established repeal date.

Section 4. (1) The following sections of the Florida Statutes relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975, according to the Legislative Information Division computer printout of December 2, 1977, are repealed effective October 1, 1981:

(a) Sections 573.885(14), 573.895, 573.896, and 573.897, Florida Statutes, relating to the Peanut Advisory Council.

(b) Sections 573.859(14), 573.869, 573.870, and 573.871, Florida Statutes, relating to Tobacco Advisory Councils.

(c) Section 478.34, Florida Statutes, relating to the Advisory Council of the Division of Florida Land Sales and Condominiums.

(d) Sections 553.71(1), 553.74, 553.75, 553.76, and 553.77, Florida Statutes, relating to the Board of Building Codes and Standards.

(e) Section 229.561(2), Florida Statutes, relating to the Board of Advisors for Educational Research and Development.

(f) Sections 413.032, 413.033, 413.034, 413.035, 413.036, and 413.037, Florida Statutes, relating to the Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped.

(g) Section 372.025(4), Florida Statutes, relating to the Everglades Recreational Planning Board.

(h) Section 322.125, Florida Statutes, relating to the medical advisory committee of the Department of Highway Safety and Motor Vehicles.

(i) Sections 943.38, 943.39, and 943.40, Florida Statutes, relating to the Crime Laboratory Council.

(j) Sections 943.06, 943.07 and 943.08, Florida Statutes, relating to the Criminal Justice Information Systems Council.

(k) Sections 943.10(3), 943.11, 943.12, 943.13(5), (6) and (7), 943.14, 943.15, 943.16, 943.17, 943.18, 943.19, and 943.20, Florida Statutes, relating to the Police Standards and Training Commission.

(l) Sections 944.58, 944.581, 944.582, 944.583, 944.584(4) and (5), 944.585, 944.586, 944.587, 944.588, 944.589, 944.590, 944.591, 944.592, and 944.593, Florida Statutes, relating to the Correctional Standards Council.

(m) Section 267.0615, Florida Statutes, relating to the Historic Preservation Project Review Council.

(n) Section 20.19(5), Florida Statutes, relating to the district advisory councils of the Department of Health and Rehabilitative Services.

(o) Section 20.19(7), Florida Statutes, relating to the District Human Rights Advocacy Committees of the Department of Health and Rehabilitative Services.

(p) Section 20.19(6), Florida Statutes, relating to the state-wide Human Rights Advocacy Committee.

(q) Section 601.154(4), Florida Statutes, relating to the School Marketing Program Administrative Committee.

(r) Sections 570.38 and 570.39, Florida Statutes, relating to the Animal Industry Technical Council.

(s) Sections 570.42 and 570.43, Florida Statutes, relating to the Dairy Industry Technical Council.

(t) Sections 487.061, 570.52, and 576.091, Florida Statutes, relating to the Fertilizer and Pesticide Technical Councils and the Fertilizer Technical Council.

(u) Sections 570.23, 570.24, 570.25, 570.26, 570.27, and 570.28, Florida Statutes, relating to the State Agricultural Advisory Council.

(v) Section 570.282, Florida Statutes, relating to the Florida Consumers' Council.

(w) Sections 570.34 and 570.35, Florida Statutes, relating to Plant Industry Technical Council.

(x) Sections 582.01(3)(b) and 582.06, Florida Statutes, relating to the Soil and Water Conservation Council.

(y) Sections 573.843, 573.844, and 573.845, Florida Statutes, relating to Soybean Advisory Council.

(z) Section 550.025, Florida Statutes, relating to the Florida Thoroughbred Racing Advisory Committee.

(aa) Section 601.9914(4), Florida Statutes, relating to the Canned Juice Quality Council.

(bb) Section 229.805(3)(b), Florida Statutes, relating to the Educational Television Advisory Council and to powers of the Department of Education.

(cc) Sections 246.201, 246.203, 246.205, 246.207, 246.209, 246.211, 246.213, 246.215, 246.217, 246.219, 246.220, 246.221, 246.223, 246.225, 246.227, 246.229, and 246.231, Florida Statutes, relating to the State Board of Independent Post-secondary Vocational, Technical, Trade, and Business Schools.

(dd) Sections 233.07, 233.08, 233.09, 233.10, and 233.11, Florida Statutes, relating to the State Instructional Materials Councils.

(ee) Section 230.751, Florida Statutes, relating to the State Community College Council.

(ff) Section 413.011, Florida Statutes, relating to the Advisory Council for the Blind.

(gg) Sections 257.02 and 257.031, Florida Statutes, relating to the State Library Council.

(hh) Section 616.251, Florida Statutes, relating to the Florida State Fair Authority.

(ii) Section 266.301, Florida Statutes, relating to the Historic Boca Raton Preservation Board of Commissioners.

(jj) Section 266.401, Florida Statutes, relating to the Historic Tampa-Hillsborough County Preservation Board of Trustees.

(kk) Section 20.19(3)(c)2., Florida Statutes, relating to the Child Care Advisory Sub-Council, the Children's Medical Services Program Advisory Council, the Health Program Office Advisory Council; the Kidney Disease Committee of the Health Program Office Advisory Committee; the Medicaid Advisory Sub-Council; the Mental Health Program Office Advisory Council; the Vocational Rehabilitation Advisory Sub-Council for Deaf People; the Youth Services Program Office Advisory Council.

(ll) Sections 493.23(3) and 493.53, Florida Statutes, relating to the Private Security Advisory Council.

(mm) Section 241.755, Florida Statutes, relating to the Diabetes Advisory Council.

(nn) Section 229.8055(5), Florida Statutes, relating to the Environmental Education Advisory Council.

(oo) Section 231.10, Florida Statutes, relating to the Florida Council on Teacher Education.

- (pp) Section 239.68, Florida Statutes, relating to the Florida Student Financial Aid Advisory Council.
- (qq) Section 230.66(2), Florida Statutes, relating to the Industry Services Advisory Council.
- (rr) Section 231.57, Florida Statutes, relating to the Professional Practices Council.
- (ss) Section 468.144, Florida Statutes, relating to the Speech Pathology and Audiology Advisory Council.
- (tt) Section 246.031, Florida Statutes, relating to the State Board of Independent Colleges and Universities.
- (uu) Section 231.604, Florida Statutes, relating to the State Council for Teacher Education Centers.
- (vv) Section 13.9988, Florida Statutes, relating to the Balance of State Prime Sponsor Advisory Council.
- (ww) Section 292.04, Florida Statutes, relating to the Advisory Council on Veterans Affairs.
- (xx) Section 509.301, Florida Statutes, relating to the Advisory Council for Industry Education.
- (yy) Section 468.154, Florida Statutes, relating to the Bureau of Electronic Repair Dealer Registration Advisory Board.
- (zz) Section 457.15, Florida Statutes, relating to the Certified Shorthand Court Reporters Advisory Board.
- (aaa) Section 718.501(2), Florida Statutes, relating to the Condominium Advisory Board.
- (bbb) Section 372.072(4), Florida Statutes, relating to the Endangered and Threatened Species Advisory Council.
- (ccc) Section 509.291, Florida Statutes, relating to the Industry Advisory Council.
- (ddd) Section 372.921(2), Florida Statutes, relating to the Wildlife Exhibitors Criteria Committee.
- (eee) Section 288.10, Florida Statutes, relating to the Florida Council on International Development.
- (fff) Section 272.12(2) and (3), Florida Statutes, relating to the Capitol Center Planning Commission.
- (ggg) Section 288.39(7), Florida Statutes, relating to the Small Business Advisory Council.
- (hhh) Section 446.031, Florida Statutes, relating to the State Apprenticeship Council.
- (iii) Section 288.347, Florida Statutes, relating to the Tourism Advisory Council.
- (jjj) Section 288.344, Florida Statutes, relating to the Florida Tourism Commission.
- (kkk) Section 443.12(5)(b), Florida Statutes, relating to the Unemployment Insurance Advisory Council.
- (lll) Section 440.44(8), Florida Statutes, relating to the Workmen's Compensation Advisory Council.
- (mmm) Section 23.030, Florida Statutes, relating to the Data Processing Advisory Committee, Administrative Management Information Center.
- (nnn) Section 601.158(10), Florida Statutes, relating to the Florida Citrus Harvesting Research and Development Advisory Committee.
- (ooo) Section 20.19(7), Florida Statutes, relating to the Florida State Hospital Human Rights Advocacy Committees, and the Retardation Human Rights Advocacy Committees.
- (ppp) Sections 400.304 and 400.307, Florida Statutes, relating to the State Nursing Home Ombudsman Committee and the Regional Nursing Home Ombudsman Committees.
- (qqq) Section 381.493(3)(k), Florida Statutes, relating to the Statewide Health Coordinating Council.
- (rrr) Section 633.511, Florida Statutes, relating to the Florida Fire Safety Board.
- (sss) Section 175.271, Florida Statutes, relating to the Municipal Firemen's Pension Trust Fund Advisory Committee.
- (ttt) Section 185.231, Florida Statutes, relating to the Municipal Police Officers' Retirement Trust Fund Advisory Committee.
- (uuu) Section 374.031, Florida Statutes, relating to the Canal Authority Board.
- (vvv) Section 320.864, Florida Statutes, relating to the Advisory Council on Mobile Home and Recreational Vehicle Manufacturers.
- (www) Section 945.065, Florida Statutes, relating to the Prison Industry Commission.
- (xxx) Section 20.315(10), Florida Statutes, relating to the Department of Offender Rehabilitation Regional Advisory Councils.
- (yyy) Section 559.69, Florida Statutes, relating to the Collection Agency Advisory Council.
- (zzz) Section 601.9914(6), Florida Statutes, relating to the Chilled Juice Quality Council.
- (aaaa) Sections 13.998, 13.9981, 13.9982, 13.9984, and 13.9987, Florida Statutes, relating to the State Manpower Services Council and to the authority of comprehensive regional planning councils.
- (bbbb) Section 20.18(4), Florida Statutes, relating to the Council of Community Affairs.
- (cccc) Sections 633.30(4), 633.31, 633.32, and 633.33, Florida Statutes, relating to the Firefighters Standards and Training Council.
- (dddd) Section 420.005(3), Florida Statutes, relating to the Florida Council on State Housing Goals.
- (eeee) Section 20.18(5), Florida Statutes, relating to the Interdepartmental Coordinating Council on Community Services.
- (ffff) Section 272.18, Florida Statutes, relating to the Governor's Mansion Advisory Council.
- (gggg) Sections 406.02, 406.03, 406.04, and 406.05, Florida Statutes, relating to the Medical Examiners Commission.
- (hhhh) Section 396.171, Florida Statutes, relating to the State Alcoholism Advisory Council.
- (iiii) Section 267.031(2), Florida Statutes, relating to the Religious Heritage Advisory Council.
- (jjjj) Section 241.68(1), Florida Statutes, relating to the Board of Trustees of the State Theater of Florida.
- (kkkk) Sections 265.13, 265.14, 265.15, and 265.151, Florida Statutes, relating to the Stephen Foster Memorial Board of Trustees.
- (llll) Sections 265.26, 265.261, and 265.27, Florida Statutes, relating to the Board of Trustees of the John and Mable Ringling Museum of Art.
- (mmmm) Sections 265.28 and 265.29, Florida Statutes, relating to the Fine Arts Council.
- (nnnn) Sections 266.01-266.07, Florida Statutes, relating to the St. Augustine Preservation Board of Trustees.
- (oooo) Sections 266.101-266.106, Florida Statutes, relating to the Historic Pensacola Preservation Board of Trustees.
- (pppp) Sections 266.201-266.206, Florida Statutes, relating to the Key West Preservation Board of Trustees.
- (qqqq) Sections 266.110-266.115, Florida Statutes, relating to the Historic Tallahassee Preservation Board of Trustees.
- (rrrr) Section 267.031(2), Florida Statutes, relating to the authority of the Secretary of State to appoint advisory councils.
- (ssss) Sections 589.01, 589.02 and 589.03, Florida Statutes, relating to the Florida Forestry Council.
- (tttt) Section 449.17, Florida Statutes, relating to the Private Employment Agencies Advisory Committee.
- (uuuu) Section 320.694, Florida Statutes, relating to the Motor Vehicle Dealer Advisory Committee.
- (vvvv) Section 616.21(2), Florida Statutes, relating to the Agricultural and Livestock Fair Council.

(xxxx) Section 719.501(2), Florida Statutes, relating to the Cooperative Apartments Advisory Board.

(2) Two years prior to the date of repeal of the boards, committees, commissions, and councils enumerated in subsection (1), the Legislature shall review said boards, committees, commissions, and councils to determine which, if any, should be reestablished in the public interest; provided no such reestablishment shall be for a period of time longer than 6 years.

(3) Any new board, committee, commission, or council adjunct to executive agencies which is created by statute after the effective date of this act shall not be established for a period of time longer than 6 years, at which time such board, committee, commission or council shall undergo legislative review as required by subsections (2) and (4).

(4) The Select Joint Committee appointed pursuant to s. 11.61(8), Florida Statutes, shall establish the criteria and the procedures for the review required by this act.

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

**Amendment 2**—On page 1 in title, lines 2-22, strike all of said lines and insert: An act relating to statutory boards, committees, commissions, and councils adjunct to executive agencies; creating the Sundown Act; providing legislative intent; repealing provisions of law relating to boards, committees, commissions, and councils which have held no official meetings subsequent to January 1, 1975; repealing provisions of law relating to boards, committees, commissions, and councils which have held official meetings subsequent to January 1, 1975, and providing for the Legislature to review, 2 years prior to the date of repeal, such boards, committees, commissions, and councils; providing that subsequent reestablishment of such boards, committees, commissions, and councils be for a period not to exceed 6 years; providing that any new statutorily created executive board, committee, commission or council shall not be established for a period longer than 6 years, at which time it shall undergo legislative review; providing for the establishment of review criteria and procedures; providing for this act to be supplemental to s. 11.61, Florida Statutes; providing an effective date.

#### Senator Plante presiding

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

CS for SB 22 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

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 amendments—

By Senators MacKay and Peterson—

**SB 958**—A bill to be entitled An act relating to education; amending s. 229.58(1), Florida Statutes; authorizing certain groups to function as district and school advisory committees; creating s. 229.59, Florida Statutes; authorizing a district school board or a principal, pursuant to certain rules, to submit proposed educational improvement projects to the Commissioner of Education; requiring the commissioner to authorize distribution of a grant in a certain amount for each approved project; amending s. 229.832, Florida Statutes; authorizing the Department of Education to establish and operate

through grants, regional diagnostic and learning resource centers for exceptional children rather than regional diagnostic and resource centers; deleting the provision specifying the number and location of such centers; prescribing duties and responsibilities of the centers; amending s. 236.081(5), Florida Statutes; providing for funding for diagnostic and learning resource centers as a general categorical program; deleting provision providing for the funding of exceptional child support services as transitional categorical programs; requiring the Department of Education to develop an operational plan for the system of diagnostic and learning resource centers; prescribing the contents of such plan; requiring a copy of such plan to be transmitted to specified committees of the Legislature; repealing s. 229.831, Florida Statutes, which provides legislative intent; repealing s. 229.833, Florida Statutes, as amended, which prescribes functions and responsibilities of the centers of the regional diagnostic and resource system; repealing s. 229.835, Florida Statutes, as amended, which prescribes the duties and responsibilities of the state coordinator of the diagnostic and resource system; repealing s. 229.836, Florida Statutes, which prescribes the duties and responsibilities of the district school boards with respect to the diagnostic and resource system; repealing s. 229.837, Florida Statutes, which prescribes the duties of each director of a diagnostic and resource center; repealing ss. 229.838, 229.839, Florida Statutes, which provide for grants to school districts for special education support services, provide that such services utilize and supplement services by certain agencies, and prohibit funds from being used for certain purposes; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 7, strike lines 21-28 and insert new Section 6, 7 and 8:

Section 6. Subsection (1) of section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually handicapped and hearing impaired students.—

(1) The Division of Public Schools of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually handicapped and hearing impaired children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these blind and partially sighted students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually handicapped and hearing impaired students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

Section 7. Sections 229.831, 229.836, 229.837, 229.838, 229.839, Florida Statutes, and section 229.833, Florida Statutes as amended by chapter 77-147, and chapter 77-174, Laws of Florida and section 229.835, as amended by chapter 77-320, Laws of Florida, are hereby repealed.

Section 8. This act shall take effect upon becoming a law, except that sections 3, 4 and 7 of this act shall take effect July 1, 1979.

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

**Amendment 1A**—On page 2, lines 3-8, strike all of page 2 and insert: Section 7. Subsection (6) is added to section 229.814, Florida Statutes, to read:

229.814 Secondary Level Examination Program.—

(6) All high school equivalency diplomas issued under the provisions of this section shall have equal status with other high school diplomas for all state purposes, including admission to any institution in the State University System or any public community college.

Section 8. Subsection (25) of section 228.041, Florida Statutes, is amended, subsections (26), (27), (28), and (29) are renumbered as subsections (27), (28), (29), and (30), respectively, and a new subsection (26) is added to said section to read:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(25) **TEACHER AIDE**.—A teacher aide is any *paid* person appointed by a school board to assist members of the instructional staff in carrying out their instructional or professional duties and responsibilities. ~~Teacher aides may include parents, foster grandparents, paraprofessionals, students, and others who serve in the classroom as instructional or paraprofessional assistants to the teacher, whether such aides are paid workers or volunteers.~~

(26) **SCHOOL VOLUNTEER**.—A school volunteer is any *nonpaid* person who may be appointed by a school board or its designee. School volunteers may include, but not be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

(27)~~(26)~~ **SUSPENSION**.—Suspension is the temporary removal of a student from his regular school program for a period not to exceed 10 school days.

(28)~~(27)~~ **EXPULSION**.—Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board, and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance.

(29)~~(28)~~ **CORPORAL PUNISHMENT**.—Corporal punishment is the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term corporal punishment shall not include the use of such reasonable force by a teacher or principal as may be necessary to protect himself or other students from disruptive students.

(30)~~(29)~~ **ALTERNATIVE MEASURES FOR STUDENTS WITH SPECIAL NEEDS**.—Alternative measures for students with special needs are measures designed to meet the special needs of a student that cannot be met by regular school curricula, including, but not limited to, student services, parent conferences, physical examinations, remedial techniques, educational alternatives, and properly supervised activities relating to the upkeep and maintenance of school facilities, notwithstanding the provisions of chapter 450 to the contrary.

Section 9. Paragraph (a) of subsection (2) of Section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed under the cost factors in s. 236.081(1)(c) for:

1. Five school days or the equivalent, in a standard school, comprising not less than 25 net hours for students in or at the grade level of 4 through 12 and adult, or not less than 20 net hours for students in or at the grade level of kindergarten through grade 3, or

2. Five school days or the equivalent, in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 22 1/2 net hours in grades 4 through 12 or not less than 17 1/2 net hours in kindergarten through grade 3. *The following school programs, utilizing modified school calendars which have demonstrated effectiveness during an experimental period in the manner prescribed by the State Board are hereby approved and authorized for continued full funding under the Florida Education Finance Program until 1984:*

- a. *Concept Six Program - Palm Beach County School Board*
- b. *Any other school program specifically authorized by the Legislature*

Section 10. Subsection (1) of section 240.011, Florida Statutes, is amended to read:

240.011 Board of Regents; appointment of members; qualifications and terms of office of members, etc.—

(1) The Board of Regents shall consist of 10 citizens of this state selected from the state at large, representative of the geographical areas of the state, who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment, one of whom shall be a ~~nonvoting~~ member registered as a full-time student in the State University System, and who shall be appointed by the Governor, approved by three members of the cabinet, and confirmed by the Senate; however, no appointee shall take office until after his appointment has been approved by three members of the cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Their terms of office shall be 9 years, except for the full-time student member, who shall serve for 1 year, and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. However, no member shall be selected from any county to serve with any other member from the same county. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein. The terms of the initial membership of the Board of Regents shall be as follows: One member shall be appointed for 1 year beginning January 1, 1965; one member shall be appointed for 2 years beginning January 1, 1965; one member shall be appointed for 3 years beginning January 1, 1965; one member shall be appointed for 4 years beginning January 1, 1965; one member shall be appointed for 5 years beginning January 1, 1965; one member shall be appointed for 6 years beginning January 1, 1965; one member shall be appointed for 7 years beginning January 1, 1965; one member shall be appointed for 8 years beginning January 1, 1965; one member shall be appointed for 9 years beginning January 1, 1965.

Section 11. Section 233.0645, Florida Statutes, is created to read:

233.0645 Voting instruction; use of county voting machines.—In order to orient students to the electoral process and to encourage participation in future public elections by students upon their attaining the age of majority, the school board of any district is authorized to provide a program of student instruction in the use of voting machines. The board of county commissioners of any county is authorized to make its voting machines available to the school board for use in such instruction and in student and school elections.

Section 12. Section 233.0615, Florida Statutes, is created to read:

233.0615 Law education program.—

(1) There is hereby created a law education program, which program shall be administered by the Commissioner of Education in cooperation with The Florida Bar and other appropriate organizations and agencies pursuant to rules adopted by the State Board of Education. Such program may be implemented and conducted in any public school pursuant to a proposal developed and approved pursuant to subsection (2).

(2) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory committees, school advisory committees, and those agencies and organizations which are concerned with law education or with the criminal and juvenile justice systems of the state, and shall include:

(a) Provisions for instruction in the rights and duties of citizens under the law and under the State and Federal Constitutions, with particular emphasis on the consequences to the individual and society of disobedience of the law;

(b) Provisions for in-service training programs in law education for teachers, administrators, and other personnel;

(c) Provisions for enlisting the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program;

(d) Information concerning the number of teachers and students to be involved, the estimated cost of the project, and the number of years for which it is to be funded;

(e) Provisions for evaluation of the program, and for its integration into the general curricula and financial program of

the school district at the end of the funded term of years; and

(f) Such other information and provisions as shall be required by the commissioner.

(3) For those programs approved, the commissioner shall authorize distribution of funds from funds available to the Department of Education for law education programs.

**Amendment 2**—On page 1, line 21 in title, insert after the semi-colon: amending s. 233.056 (1), Florida Statutes, authorizing hearing impaired students to be served by the instructional materials center for the visually handicapped;

Senator Peterson moved the following amendment to House Amendment 2 which was adopted:

**Amendment 2A**—On page 1, line 4, following the semicolon insert: amending s. 229.814(6), Florida Statutes, relating to high school equivalency diplomas; amending s. 228.041, Florida Statutes; defining the terms "teacher aide" and "school volunteer"; amending s. 236.013, Florida Statutes; authorizing special schools to operate on a modified school calendar; amending s. 240.011(1), Florida Statutes; making the student member of the Board of Regents a voting member of such board; creating s. 233.0645, Florida Statutes; authorizing district school boards to provide instruction in the use of voting machines; authorizing the use of county voting machines for certain purposes; creating s. 633.0615, Florida Statutes; providing for a law education program; providing for the development and administration of the program; providing for the distribution of funds available to the Department of Education for law education programs;

**Amendment 3**—On page 7, strike lines 21-28 and insert: Section 6. Subsection (6) is added to section 229.814, Florida Statutes, to read:

229.814 Secondary Level Examination Program.—

(6) All high school equivalency diplomas issued under the provisions of this section shall have equal status with other high school diplomas for all state purposes, including admission to any institution in the State University System or any public community college.

Section 7. Sections 229.831, 229.836, 229.837, 229.838, 229.839, Florida Statutes, and section 229.833, Florida Statutes as amended by chapter 77-147, and chapter 77-174, Laws of Florida and section 229.835, as amended by chapter 77-320, Laws of Florida, are hereby repealed.

Section 8. This act shall take effect upon becoming a law, except that sections 3, 4 and 7 of this act shall take effect July 1, 1979.

**Amendment 4**—On page 1, line 12, insert after the semi-colon: amending s. 229.814 (6), Florida Statutes, relating to high school equivalency diplomas;

**Amendment 5**—On page 7, between lines 25 and 26 insert: Section 6. Subsection (25) of section 228.041, Florida Statutes, is amended, subsections (26), (27), (28), and (29) are renumbered as subsections (27), (28), (29), and (30), respectively, and a new subsection (26) is added to said section to read:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(25) **TEACHER AIDE**.—A teacher aide is any *paid* person appointed by a school board to assist members of the instructional staff in carrying out their instructional or professional duties and responsibilities. ~~Teacher aides may include parents, foster grandparents, paraprofessionals, students, and others who serve in the classroom as instructional or paraprofessional assistants to the teacher; whether such aides are paid workers or volunteers.~~

(26) **SCHOOL VOLUNTEER**.—A school volunteer is any *nonpaid* person who may be appointed by a school board or its designee. School volunteers may include, but not be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

Renumber subsequent section.

**Amendment 6**—On page 2 in title, line 23, insert after the semi-colon: ; amending s. 228.041, Florida Statutes, defining the terms "teacher aide" and "school volunteer";

**Amendment 7**—On page 7, between lines 20 and 21, insert: new Sections 6, 7 and 8: Section 6. Paragraph (a) of subsection (2) of Section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed under the cost factors in s. 236.081(1)(c) for:

1. Five school days or the equivalent, in a standard school, comprising not less than 25 net hours for students in or at the grade level of 4 through 12 and adult, or not less than 20 net hours for students in or at the grade level of kindergarten through grade 3, or

2. Five school days or the equivalent, in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 22½ net hours in grades 4 through 12 or not less than 17½ net hours in kindergarten through grade 3. *The following school programs, utilizing modified school calendars which have demonstrated effectiveness during an experimental period in the manner prescribed by the State Board are hereby approved and authorized for continued full funding under the Florida Education Finance Program until 1984:*

a. *Concept Six Program - Palm Beach County School Board*

b. *Any other school program specifically authorized by the Legislature*

**Amendment 8**—On page 2, line 23 in title, insert after the semi-colon: amending s. 236.013, Florida Statutes, authorizing special schools to operate on a modified school calendar;

**Amendment 9**—On page 7, between lines 25 and 26, insert a new Section 7: Section 7. Subsection (1) of section 240.011, Florida Statutes, is amended to read:

240.011 Board of Regents; appointment of members; qualifications and terms of office of members, etc.—

(1) The Board of Regents shall consist of 10 citizens of this state selected from the state at large, representative of the geographical areas of the state, who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment, one of whom shall be a ~~nonvoting~~ member registered as a full-time student in the State University System, and who shall be appointed by the Governor, approved by three members of the cabinet, and confirmed by the Senate; however, no appointee shall take office until after his appointment has been approved by three members of the cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Their terms of office shall be 9 years, except for the full-time student member, who shall serve for 1 year, and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. However, no member shall be selected from any county to serve with any other member from the same county. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein. The terms of the initial membership of the Board of Regents shall be as follows: One member shall be appointed for 1 year beginning January 1, 1965; one member shall be appointed for 2 years beginning January 1, 1965; one member shall be appointed for 3 years beginning January 1, 1965; one member shall be appointed for 4 years beginning January 1, 1965; one member shall be appointed for 5 years beginning January 1, 1965; one member shall be appointed for 6 years beginning January 1, 1965; one member shall be appointed for 7 years beginning January 1, 1965; one member shall be appointed for 8 years beginning January 1, 1965; one member shall be appointed for 9 years beginning January 1, 1965.

(Renumber subsequent section)

**Amendment 10**—On page 2, line 23 in title, after the semicolon “;” insert: amending s. 240.011(1), Florida Statutes; making the student member of the Board of Regents a voting member of such board;

**Amendment 11**—On page 5, line 29, insert new Section 4 and renumber subsequent sections: Section 4. Section 233.0645, Florida Statutes, is created to read:

**233.0645 Voting instruction; use of county voting machines.**—In order to orient students to the electoral process and to encourage participation in future public elections by students upon their attaining the age of majority, the school board of any district is authorized to provide a program of student instruction in the use of voting machines. The board of county commissioners of any county is authorized to make its voting machines available to the school board for use in such instruction and in student and school elections.

**Amendment 12**—On page 1, line 21 in title, insert after semicolon: creating s. 233.0645, Florida Statutes, authorizing district school boards to provide instruction in the use of voting machines; authorizing the use of county voting machines for certain purposes;

On motions by Senator Peterson, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments.

On motions by Senator Peterson, the Senate refused to concur in House Amendments 3 through 12 and the House was requested to recede.

SB 958 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

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 amendments—

By Senator Wilson—

**SB 845**—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.24, Florida Statutes, exempting political subdivisions of the state from the tax on notes, mortgages, and bonds under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 17, insert: Section 2. Section 201.23 is amended by adding a new subsection (2) to read as follows:

(2) There shall also be exempt from the tax levied by section 201.08 mortgages, trust deeds, security agreements or other evidences of indebtedness entered into outside the state and filed or recorded in the state by public utilities as defined in section 364.02(4) and section 366.02, Florida Statutes, including natural gas pipeline transmission companies, rural electric cooperatives, and municipal utilities.

(Renumber subsequent section)

Senator MacKay moved the following amendment to House Amendment 1 which failed:

**Amendment 1A**—On page 1, line 10, insert: The Public Service Commission is directed to reduce utility rates sufficiently to

be certain that the benefits of the tax exemption granted herein are passed on to the consumer.

**Amendment 2**—On page 1, line 4, insert after the word “state”: , public utilities and others

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

SB 845 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Hair	Sayler	Tobiassen
Barron	Henderson	Scarborough	Trask
Childers, W. D.	McClain	Scott	Vogt
Firestone	Peterson	Skinner	Ware
Gallen	Plante	Spicola	Wilson
Glisson	Poston	Thomas, Jon	Winn
Gorman	Renick	Thomas, Pat	Zinkil

Nays—10

Castor	Dunn	Holloway	Myers
Chamberlin	Gordon	Johnston	
Childers, Don	Graham	MacKay	

The bill was ordered engrossed and then enrolled.

*The Honorable Lew Brantley, President*

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

By Senators Gorman and Vogt —

**SB 1341**—A bill to be entitled An act creating the South Seminole and North Orange County Wastewater Transmission Authority; declaring the intent and purpose of said act; providing a legal description of the authority’s boundary and a method of modifying the boundary lines; providing for a governing board; providing definitions; prescribing the purpose and powers of the authority; providing for the issuance of revenue bonds; providing a method for charging for services performed; requiring customers to provide a method to pay for services received; providing penalties for nonpayment; providing for sealed bids for contracts for construction or improvements; prohibiting free wastewater transmission services; providing for conveyance of property to the authority without consideration; providing for cooperation with other governmental units, boards, and agencies and individuals; providing for covenant of the state not to alter or limit the rights and powers of the authority; providing for exemption of the authority from taxation; providing for exemption of the authority from certain regulations; providing for deposit of money received; providing for sale of surplus property; providing for liberal construction and severability; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 28, lines 23-26, strike all of said lines and insert: resolutions authorizing the issuance thereof. The bonds shall 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 authority 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.

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

SB 1341 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—34

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

Nays—None

Vote after roll call:

Yea—McClain

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 HB 2205 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Melvin and others—

HB 2205—A bill to be entitled An act relating to the City of Crestview; providing for the annexation of specifically described land to the city; providing an effective date.

Proof of publication of the required notice was attached.

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

On motion by Senator Tobiassen, by two-thirds vote HB 2205 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Tobiassen, by two-thirds vote HB 2205 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—28

Mr. President	Glisson	Plante	Thomas, Pat
Barron	Graham	Poston	Tobiassen
Castor	Hair	Renick	Trask
Chamberlin	Holloway	Scott	Vogt
Childers, W. D.	MacKay	Skinner	Ware
Dunn	McClain	Spicola	Winn
Firestone	Myers	Thomas, Jon	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 2 and 3 and requests the Senate to recede.

*Allen Morris, Clerk*

By Representative Maxwell—

HB 35—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.0801, Florida Statutes, authorizing community colleges which provide group insurance plans for employees to continue such coverage with respect to retired employees under certain circumstances; providing an effective date.

On motions by Senator Pat Thomas, the Senate receded from Amendments 2 and 3.

HB 35 passed and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—35

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

Nays—None

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed with 6 amendments—

By the Committee on Natural Resources and Conservation and Senator Wilson and others—

CS for SB 557—A bill to be entitled An act relating to salt-water fisheries and conservation; amending s. 370.12(2), Florida Statutes; relating to protection of manatees or sea cows; citing and declaring the State of Florida to be a refuge and sanctuary for the manatee; providing authority of the Department of Natural Resources to determine entitlement to a permit to possess manatees; providing for concurrence of the U. S. Department of the Interior; providing that it shall be unlawful to capture, kill, wound, annoy, etc., manatees without specified permit; specifying the species known as the manatee or sea cow as *Trichechus manatus*; increasing penalties; providing for confiscation of certain items; providing for regulation of motorboat traffic in certain areas; providing for future regulation; providing for interagency cooperation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 3, line 10, strike shall and insert: may

Amendment 3—On page 2, line 24, strike *annoy*,

Amendment 5—On page 5, line 25, insert: (j) For the purpose of this act, the term boat, vessel or motor boat, and the regulation thereof, does not refer to commercial vessels engaged in interstate, intrastate or foreign commerce entering or leaving the channels and harbors of the port authorities of this state. In addition, the department shall promulgate regulations relating to the operation and speed of motor boat traffic in port waters with due regard to the safety requirements of said traffic and the navigational hazards related to the movement of commercial vessels as defined herein.

Amendment 6—On page 1, line 20 in title, insert: providing for port traffic;

Amendment 8—On page 4, line 30, strike “on a year-round basis” and insert: *between the dates of November 15 and March 31 of each year*

Amendment 9—On page 5, lines 1 & 2, strike all of said lines and insert: *and the Jupiter Inlet in Palm Beach County.*

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

CS for SB 557 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—37

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

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

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator W. D. Childers, the rules were waived and time of adjournment was extended until 6:00 p.m.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 and requests the Senate to recede.

*Allen Morris, Clerk*

By Representative Hagler and others—

**HB 1874**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; providing for a civil service system for certain employees of the City; establishing a Civil Service Board to administer the system; setting the powers, duties and responsibilities of the Board and the term of office, qualification, election and disqualification of Board members; providing methods and terms of employment and provisions for promotion, discipline, discharge and determination of disability of employees under the system; stating general and specific provisions for the regulation and administration of the system and its employees; providing that violations of certain provisions shall constitute crimes; repealing chapters 63-1775, 65-2097, 67-1903, 69-1467, 70-887, 71-851, 73-589, 76-468, 77-629, and 77-631, Laws of Florida, relating to Civil Service of the City of Pensacola; providing an effective date.

**Amendment 1**—On page 36, lines 1-22, strike all of lines 1 through 22 inclusive, and insert: (F) *No person discharged for cause by the Civil Service Board who has a vested interest or vested right to pension benefits in the City Pension System shall be deprived of those benefits unless the findings and decisions of the Civil Service Board certify that the charges upon which this person has been found guilty constitute a felony under the laws of the State of Florida.*

(G) *Any person who has been discharged from the service of the City by action of the Civil Service Board and on the date of his discharge held a vested interest and vested rights to pension benefits and the findings and decisions of the Civil Service Board on the charge or charges upon which he was discharged do not constitute a felony under the laws of the State of Florida shall, upon his request to the Civil Service Board, have his discharge reviewed and if it is found that the findings and decision on the charges do not, in fact, constitute a felony under the laws of the State of Florida, the Civil Service Board shall thereupon certify this person to the city Pension Board as eligible for a pension to which his period of service entitles him, effective to the date of his discharge by the Civil Service Board. It is the intention of this Act that no person be deprived of pension rights, except upon grounds that would constitute a felony under the laws of the State of Florida, notwithstanding any act, law, order, or resolution or ordinance to the contrary.*

On motion by Senator Tobiassen, the Senate receded from Amendment 1.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which HB 1874 passed May 31.

Senators Tobiassen and W. D. Childers offered the following amendment which was moved by Senator Tobiassen and adopted by two-thirds vote:

**Amendment 2**—On page 36, strike all of lines 1 through 22 inclusive and insert: (F) Any employee hereafter discharged from the service of the City who has a vested interest or right to pension benefits in the City Pension System on the date of discharge shall have the right for a period of thirty (30) calendar days from the date of discharge to make application to freeze his or her pension rights until such time as he or

she shall otherwise become eligible under the pension system to receive benefits unless they shall withdraw their fund contributions. Any such application shall be in writing and filed with the Director of the Civil Service Board and the Civil Service Board shall thereupon certify the period of eligibility which the employee's service entitles him or her to the appropriate pension board. It is the intent of this act that no employee discharged from the service of the City who has a vested interest or right to pension benefits shall be deprived of or denied such interest or right to pension benefits unless such employee shall have failed to make proper application to the Civil Service Board as provided herein or voluntarily withdraws his or her pension fund contributions. Upon confirmation of discharge of any classified employee, the Board shall give immediate written notice to such discharged employee of his or her right to freeze vested pension benefits as provided herein.

HB 1874 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 3 and passed CS for HB's 691 & 839, as amended and has refused to concur in Senate Amendments 4 and 5 and requests the Senate to recede.

*Allen Morris, Clerk*

By the Committee on Community Affairs and Representative McPherson and others—

**CS for HB's 691 and 839**—A bill to be entitled An act relating to the financing of new local government duties; providing that any general law requiring municipalities or counties to administer any program or provide any service or facility shall include an economic impact statement estimating total costs, and shall provide a method of financing such program or service; providing an effective date.

On motions by Senator Glisson, the Senate receded from Amendments 4 and 5.

CS for HB's 691 and 839 as amended passed and was certified to the House. The vote on passage was:

Yeas—26

Childers, Don	Graham	Renick	Vogt
Childers, W. D.	Henderson	Scott	Ware
Dunn	Holloway	Skinner	Wilson
Firestone	Lewis	Thomas, Jon	Winn
Gallen	MacKay	Thomas, Pat	Zinkil
Glisson	Plante	Tobiassen	
Gorman	Poston	Trask	

Nays—9

Mr. President	Gordon	Myers	Williamson
Castor	Johnston	Spicola	
Chamberlin	McClain		

Votes after roll call:

Yea—Hair, Peterson

## Senator Scarborough presiding

Senator Glisson moved that SB 230 be withdrawn from the Committee on Finance, Taxation and Claims. The motion failed to receive the required two-thirds vote. The vote was:

## Yeas—20

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gorman	Poston	Tobiassen
Childers, W. D.	Hair	Renick	Trask
Firestone	Henderson	Scott	Vogt
Gallen	Lewis	Skinner	Wilson

## Nays—17

Castor	Graham	Peterson	Winn
Chamberlin	Holloway	Sayler	Zinkil
Childers, Don	Johnston	Spicola	
Dunn	MacKay	Ware	
Gordon	Myers	Williamson	

Senator Lewis moved that the Senate take up for consideration the Conference Committee Report on SB 1100. The motion failed.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which—

**HB 1534**—A bill to be entitled An act relating to Okaloosa County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing, and equipping of capital projects of Okaloosa County and of the district school board of Okaloosa County; authorizing the issuance of certificates of indebtedness by the county and by the school board to finance the cost of such projects; authorizing the pledging to the payment of the principal of, and interest on, such certificates of indebtedness of the race track funds and jai alai fronton funds allocated to the board of county commissioners of said county or the school board out of such funds accruing annually to the county pursuant to chapters 550 and 551, Florida Statutes, the rentals and royalties derived by the county or the school board under leases or other agreements with respect to the lands or the mineral rights appertaining thereto belonging to said county or said school board, the second oil and gas severance taxes accruing to said county pursuant to the provisions of s. 211.06(1)(b), Florida Statutes, and other moneys of said county or of said school board derived from sources other than ad valorem taxation and legally available for such purposes; providing for the allocation of said county's share of such second oil and gas severance taxes equally between said board of county commissioners and said school board; providing an effective date.

—as amended passed this day.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which the Senate receded from—

**Amendment 1**—On page 4, line 16, strike section 9 and insert: section 8

On motion by Senator Tobiassen, the Senate refused to recede and again requested the House to concur.

**HB 1534** 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	Trask
Castor	Hair	Renick	Vogt
Chamberlin	Holloway	Sayler	Ware
Childers, Don	Johnston	Scarborough	Wilson
Childers, W. D.	Lewis	Skinner	Winn
Firestone	MacKay	Spicola	Zinkil
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

## Nays—None

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2207 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

## By Representative Richmond and others—

**HB 2207**—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.103, Florida Statutes, relating to the scope and applicability of the Evidence Code; amending s. 90.108, Florida Statutes, relating to introduction of related writings or recorded statements; amending ss. 90.202(11) and (12) and 90.206, Florida Statutes, relating to judicial notice; adding subsection (4) to s. 90.301, Florida Statutes, limiting applicability of provisions relating to presumption; amending s. 90.403, Florida Statutes, relating to exclusion of evidence on grounds of prejudice or confusion; amending s. 90.405(1), Florida Statutes, relating to methods of proving character; amending s. 90.410, Florida Statutes, relating to inadmissibility of evidence of statements made in connection with certain pleas or offers; amending s. 90.501, Florida Statutes, relating to recognition of certain privileges; amending s. 90.504(3)(b), Florida Statutes, relating to husband-wife privilege; creating s. 90.5055, Florida Statutes, providing for accountant-client privilege; amending s. 90.505, Florida Statutes, relating to the definition of clergyman; amending s. 90.507, Florida Statutes, relating to waiver of privilege by voluntary disclosure; amending ss. 90.608(1)(d) and (2), 90.609, and 90.610, Florida Statutes, relating to who may impeach, character of witness as impeachment, and conviction of certain crimes as impeachment; amending s. 90.614, Florida Statutes, relating to prior statements of witnesses; creating s. 90.706, Florida Statutes, relating to the authoritative nature of literature for use in cross-examination; amending ss. 90.801(2)(a) and 90.803(5), (9), (17), (18)(e), and (22), Florida Statutes, relating to hearsay and hearsay exceptions; repealing s. 90.201(2), Florida Statutes, relating to judicial notice of ordinances and municipal and county charters; amending section 8 of ch. 76-237, Laws of Florida, as amended by ch. 77-77, Laws of Florida, relating to the effective date of the Evidence Code; providing an effective date.

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

On motion by Senator Gallen, by two-thirds vote HB 2207 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1440 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Hair, by two-thirds vote HB 2081 was withdrawn from the Committee on Judiciary-Civil.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives again has refused to recede from House Amendments 1 and 2 to CS for CS for SB 119 and acceded to the request for a Conference Committee. The Speaker has appointed Representatives Rish, Gordon and Bell as the conferees on the part of the House.

*Allen Morris, Clerk*

## 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 information 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.

#### Conferees on CS for CS for SB 119 Appointed

The President appointed Senators Dunn, Johnston and Spicola as conferees on CS for CS for SB 119.

Senator Glisson moved that the Senate take up SB 1144. The motion failed.

#### The Honorable Lew Brantley, President

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

By the Committee on Transportation and Senator Myers—

CS for SB 64—A bill to be entitled An act relating to motor vehicle safety equipment inspections; amending s. 325.16, Florida Statutes; providing for a motor vehicle which fails the safety equipment inspection to be reinspected one time within 30 days without additional charge; amending s. 325.19, Florida Statutes; eliminating the inspection of emission control devices, other conditions as may be reasonably demonstrated to render a motor vehicle unsafe, and exhaust system noise level; requiring the adjustment of headlights at inspection stations under certain conditions; amending s. 325.27, Florida Statutes; deleting language relating to forfeiture by counties of rights to operate inspection stations; authorizing certain counties to petition the Department of Highway Safety and Motor Vehicles to license private inspection stations in the county; providing a procedure for approval of applications made under such circumstances; repealing s. 325.14(3), Florida Statutes, which prohibits an inspection certificate from being attached to a motor vehicle unless the owner or operator submits proof of current registration to an inspector; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

**Amendment 1**—On page 2, line 1, strike everything after the enacting clause and insert: Section 1. Section 325.16, F. S., is amended to read:

325.16 Defective vehicles; repair procedures.—When a motor vehicle required to be inspected under this part shall upon inspection fail to meet the safety requirements of this part, the safety equipment inspection station making such inspection shall issue an authorized receipt and statement for such vehicle indicating that it has been inspected and shall enumerate the defects found. The owner or operator shall have such defects corrected or repaired at any place he chooses. The authorized receipt and statement shall operate as a temporary valid inspection permit for 30 days after the defect is found, during which time the operator shall not be subject to the penalty provided in s. 316.610, for the purpose of allowing the owner or operator of such vehicle to repair the defect. The vehicle may be reinspected one time for such defects within 30 days, *without additional charge at:*

(1) *The safety equipment inspection station first making the inspection, in those counties where the inspection program is privately operated; or*

(2) *Any safety equipment inspection station within the county where the first inspection was made, in those counties where the inspection program is county operated at the safety equipment inspection station first making the inspection, without additional charge; however, upon payment of the inspection fee, the vehicle may be reinspected at another safety equipment inspection station.*

Section 2. Paragraphs (d), (e), and (f) of subsection (3) and subsection (6) of s. 325.19, F. S., are amended to read:

325.19 Requirements for approval before an approval certificate may be issued for a motor vehicle.—

(3) A tire shall be considered unsafe if it has:

(d) A tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; or

(e) A marking "not for highway use," or "for racing purposes only."; or

~~(f) Such other conditions as may be reasonably demonstrated to render it unsafe.~~

(6) *If a vehicle is rejected because its headlights are out of alignment, and if the headlights could be adjusted without the removal or replacement of parts, if requested by the owner, then all inspection stations may make such adjustment at the time of the inspection and at no expense to the owner or operator of the vehicle. Such rejection shall be recorded on the form furnished by the department with a notation that such adjustment was made at the inspection station. Exhaust system noise in excess of the maximum decibel level established by the department shall be cause for rejection.*

Such information shall be recorded on the form used by the Department of Highway Safety and Motor Vehicles.

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

**Amendment 2**—On page 1, line 1, strike entire title and insert: A bill to be entitled An act relating to motor vehicle safety equipment inspections; amending s. 325.16, Florida Statutes; providing for free reinspection of a motor vehicle at any county-operated inspection station in the county, under certain conditions; amending s. 325.19(3)(d)-(f) and (6), Florida Statutes; eliminating the inspection of tires for other conditions as may be reasonably demonstrated to render them unsafe, and inspection for exhaust system noise level; authorizing the adjustment of headlights at inspection stations under certain conditions; providing an effective date.

On motions by Senator Myers, 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 2 amendments—

By Senator Gordon—

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 or law enforcement agencies of reports of child abuse; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

**Amendment 1**—On page 2, line 4 after the period insert: Section 2. Subsection (12) of section 827.07, Florida Statutes, is amended to read:

827.07 Abuse of Children.

(12) **GUARDIAN AD LITEM.**—A guardian ad litem shall be appointed by the court to represent the child in any child abuse judicial proceeding provided that federal funds are made available under Public Law 93-247 or any other federal appropriation to compensate Public Defenders in whole or in part who are serving as guardians ad litem in child abuse cases. Such appointment shall be made from the office of the Public Defender. In the event of a conflict of interest on the part of the Public Defender when representing a child in a child abuse case, a guardian ad litem shall be appointed on a rotating basis from among those members of the Bar who have registered their availability to the Public Defender of each judicial circuit pursuant to s. 27.53 and from those members of the Bar who, after the effective date of this act, are allowed compensation by the court pursuant to s. 925.035 relating to appointment and compensation of attorneys in capital cases. Nothing in this subsection shall be construed to require compensation of any attorney appointed pursuant to this section. Any member participating in a judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

Renumber the subsequent sections.

**Amendment 2**—On page 1, line 7 in title, after the semicolon “,” insert; amending s. 827.07(12), Florida Statutes, providing for the appointment of a guardian ad litem with respect to child abuse under certain circumstances;

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

SJ3 1176 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator W. D. Childers, the rules were waived and time of adjournment was extended until 7:00 p.m.

On motion by Senator W. D. Childers, the Senate recessed at 5:45 p.m.

The Senate was called to order by the President at 5:53 p.m. A quorum present—34

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

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 2154 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Ware, the rules were waived and by two-thirds vote CS for HB 1886 was withdrawn from the Committee on Education.

The Senate resumed—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 2198 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce—

**HB 2198**—A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(2)(d), Florida Statutes, excluding certain volunteers from the definition of "employee" under the Workmen's Compensation Law; adding a new subsection (2) to s. 440.10, Florida Statutes, providing duties of subcontractors with respect to securing payment of compensation; amending s. 440.12(1) and (2), Florida Statutes, relating to compensation payments; amending s. 440.13(1) and (3), Florida Statutes, relating to injured employees' remedial treatment, care, and attendance; modifying procedure with respect to furnishing same; including treatment or service at hospitals and other health care providers under certain fee provisions; creating an advisory committee to aid in adoption of schedules of charges; empowering the Division of Fraudulent Claims of the Department of Insurance to conduct certain investigations relative thereto; amending s. 440.15(3)(u), (7), (10)(c) and (11), Florida Statutes, relating to compensation for disability; modifying the period of compensation for certain permanent partial disability; prohibiting certain discharging of employees; imposing financial penalties on employers in certain cases; modifying provisions relating to refusal of employment; providing for authorization to release unemployment compensation information; adding a new subsection to s. 440.151, Florida Statutes; providing for benefits for disability from asbestosis, berylliosis, silicosis, and other dust diseases; providing conditions; amending s. 440.185(2) and (9), Florida Statutes, decreasing time period for reporting knowledge of injury or death; amending s. 440.20(5) and (7), Florida Statutes, providing additional penalties for late payment; amending s. 440.25-(3)(a) and (c), Florida Statutes, specifying limitations on and considerations of judges of industrial claims conducting hearings on awards for diminution of wage-earning capacity; requiring reports; amending s. 440.29(3), Florida Statutes, modifying provisions relating to practice and procedure before the Industrial Relations Commission and judges of industrial claims; amending s. 440.37, Florida Statutes, specifying fraudulent activities and penalties therefor; adding a new subsection to s. 440.38, Florida Statutes, relating to security for compensation, providing for certain medical benefits policies; creating s. 440.442, Florida Statutes, providing that commissioners and judges of industrial claims shall follow the Code of Judicial Conduct; amending s. 440.45(1), Florida Statutes, and adding a subsection; providing initial procedure for appointment of judges of industrial claims; creating the position of Senior Judge of Industrial Claims; providing powers and duties; providing for office and expenses; amending s. 440.49(4)(g), Florida Statutes, and adding new subsections (2) and (3) thereto, relating to certain uses of the Special Disability Trust Fund; providing an exemption; amending s. 440.57, Florida Statutes, modifying provisions relating to pooling, by employers, of liabilities; creating s. 440.59, Florida Statutes, providing for a quarterly risk management report; creating s. 624.433, Florida Statutes; requiring workmen's compensation insurers to submit certain reports; specifying contents; providing for rate review; amending s. 627.091(1), Florida Statutes, and adding a subsection, providing for deductible provisions in manuals of classifications, rules, and rates; creating s. 627.092, Florida Statutes, providing for a Workmen's Compensation Administrator; amending s. 627.101(1), Florida Statutes, relating to rate filings; creating s. 627.215, Florida Statutes, prohibiting excessive profits for workmen's compensation and employers' liability insurance; providing an effective date.

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

On motions by Senator Barron, by two-thirds vote HB 2198 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

## SPECIAL ORDER, continued

On motion by Senator Barron, by two-thirds vote HB 2198 was read the second time by title.

Senator McClain moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 30, strike all after the Enacting Clause and insert:

Section 1. Paragraph (b) of subsection (1) and subsection (9) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) "Employment."

(b) The term "employment" shall include:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which ~~three~~ **one** or more employees are employed by the same employer.

(9) "Disability" means *any bodily disability rating based on an injury which is medically or scientifically demonstrable and which results in an incapacity because of the injury to earn in the same or any other employment the wages which the employee was receiving at the time of the injury or wage-earning loss as prescribed by s. 440.15(3)(b).*

Section 2. Subsection (1) of section 440.11, Florida Statutes, is amended to read:

440.11 Exclusiveness of liability.—

(1) The liability of an employer prescribed in s. 440.10 shall be exclusive and in place of all other liability of such employer to any third party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this chapter, an injured employee, or the legal representative thereof in case death results from the injury, may elect to claim compensation under this chapter or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by negligence of a fellow servant, that the employee assumed the risk of the employment, or that the injury was due to the contributory negligence or comparative negligence of the employee. *The same immunities from liability enjoyed by an employer shall extend as well to each employee of the employer when such employee is acting in furtherance of the employer's business and the injured employee is entitled to receive benefits under this chapter. Such fellow-employee immunities shall not be applicable to an employee who acts, with respect to a fellow employee, with willful and wanton disregard or unprovoked physical aggression or with gross negligence when such acts result in injury or death, or such acts proximately cause such injury or death, nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment.*

Section 3. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he shall receive his full weekly wages. If his wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to sixty-six and two-thirds percent of the average weekly wage, determined as hereinafter provided for the year in which the injury occurred and

(b) Adjusted to the nearest *dollar* multiple of \$7.

For the purpose of this subsection the "average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the department for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the department on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The average weekly wage determined by the department shall be reported annually to the legislature.

Section 4. Paragraph (a) of subsection (3) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3)(a) All fees and other charges for such treatment or service, *including treatment or service at any hospital in non-emergency cases or other health care provider*, shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulations by the division, which shall adopt schedules of charges for such treatment or services.

Section 5. Subsections (3) and (11) and paragraph (c) of subsection (10) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT PARTIAL DISABILITY.—In case of disability partial in character but permanent in quality, the compensation shall, in addition to that provided by subsection (2), be 60 percent of the average weekly wages, and shall be paid to the employee as follows: ~~provided in paragraphs (a) and (b) of this subsection.~~

(a) When a bodily disability rating is in excess of:

1. Sixty-nine percent of the body as a whole but less than 100 percent, the compensation shall be 100 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 450 weeks;

2. Fifty-nine percent of the body as a whole but less than 70 percent, the compensation shall be 80 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 400 weeks;

3. Forty-nine percent of the body as a whole but less than 60 percent, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 400 weeks;

4. Thirty-nine percent of the body as a whole but less than 50 percent, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 350 weeks;

5. Twenty-nine percent of the body as a whole but less than 40 percent, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 300 weeks;

6. Nineteen percent of the body as a whole but less than 30 percent, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 200 weeks;

7. Zero percent of the body as a whole but less than 20 percent, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 100 weeks.

(a) Arm lost, 200 weeks' compensation.

(b) Leg lost, 200 weeks' compensation.

(c) Hand lost, 175 weeks' compensation.

(d) Foot lost, 175 weeks' compensation.

(e) Eye lost, 175 weeks' compensation.

(f) Thumb lost, 60 weeks' compensation.

(g) First finger lost, 35 weeks' compensation.

- (h) Great toe lost, 30 weeks' compensation.
- (i) Second finger lost, 30 weeks' compensation.
- (j) Third finger lost, 20 weeks' compensation.
- (k) Toe other than great toe lost, 10 weeks' compensation.
- (l) Fourth finger lost, 15 weeks' compensation.

(m) Loss of hearing: Compensation for loss of hearing of one ear, 40 weeks. Compensation for loss of hearing of both ears, 150 weeks.

(n) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for the loss of the entire digit.

(o) Amputated arm or leg: Compensation for an arm or leg, if amputated at or above the elbow or the knee, shall be the same as for the loss of the arm or leg, but, if amputated between the elbow and the wrist, or the knee and the ankle, shall be the same as for loss of hand or foot.

(p) Percent of vision: Compensation for loss of 80 percent or more of the vision of an eye shall be the same as for the loss of the eye.

(q) Two or more digits: Compensation for loss of two or more digits or one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.

(r) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(s) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

(b)(t) Disfigurement: The judge of industrial claims shall award proper and equitable compensation for serious facial or head disfigurement, not to exceed \$2,000; provided, that in such award the judge of industrial claims shall consider only the effect such disfigurement shall have on the future earning capacity of the injured employee.

(c)(u) Other cases: In all other any cases in this class of disability in which the injured employee claims a wage-earning loss, the compensation shall be 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 350 weeks with the employer or carrier receiving credit for any payments of compensation made under paragraph (a); provided, however, that for the purpose of this paragraph "disability" means either physical impairment or diminution of wage-earning loss capacity, whichever is greater. However, no claims for a wage-earning loss shall be made until after the date of the last permanent partial disability payment based on the bodily disability rating. In determining a wage-earning loss, the industrial claims judge shall consider the injured worker's physical condition and inability to obtain a type of work which he can do insofar as affected by the injury, wages actually being earned after the injury, and evidence of realistic work search. If the industrial claims judge makes an award based on a wage-earning loss, he shall make specific written findings of fact in the record based on each of the above criteria, setting forth the justification of any award based on a wage-earning loss.

(d) When a disabled worker reaches maximum medical improvement and receives a bodily disability rating from the authorized treating physician, the carrier, notwithstanding the provisions of s. 440.19(1)(a), within 21 days after the date of the last permanent partial disability payment based on the bodily disability rating as provided in paragraph (a) or after the date a claim is made for a wage-earning loss, whichever is later in time, shall accept a wage earning loss if such wage-earning loss is greater than the disability rating.

(e) The division shall adopt rules for determining the existence and degree of permanent bodily disability ratings. Such rules shall be in accordance with guidelines for such determination established by the American Medical Association as re-

vised from time to time, where such guidelines are applicable. Any evaluation or finding as to the existence or degree of such bodily disability rating made for the purposes of this chapter shall be made in accordance with such rules.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) No disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(e), shall be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee and his or her dependents under 42 U.S.C. s. 423 and s. 402 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the division, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to him, and authorize the Division of Employment Security to release unemployment compensation information relating to him, in accordance with rules to be promulgated by the division prescribing the procedure and manner for requesting the authorization and for compliance by the employee. Neither the division nor the employer or carrier shall make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(e) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by said rules. The authority for release of disability and benefits information granted by an employee under this paragraph shall be effective for a period not to exceed 12 months, such authority to be renewable as the division may prescribe by rule.

(11) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED UNEMPLOYMENT COMPENSATION.—Weekly compensation benefits payable under this chapter for temporary total disability or permanent total disability resulting from injuries to an employee who is receiving or has received unemployment compensation under chapter 443, or under the unemployment compensation law of any other state, for any week with respect to which weekly compensation benefits are payable under this chapter for temporary total disability or permanent total disability, shall be reduced by the amount of unemployment compensation received.

Section 6. Subsections (2), (4), and (9) of section 440.185, Florida Statutes, are amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 10 days of actual knowledge of injury or death, the employer shall report same to the carrier by letter or on a form prescribed by the division, providing the following information:

- (a) The name, address, and business of the employer;
- (b) The name, social security number, street, mailing address, and occupation of the employee;
- (c) The cause and nature of the injury or death;
- (d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and
- (e) Such other information as the division may require.

(4) The carrier or a self-insured employer shall, within 10 days of receipt of the form reporting the injury, or of knowledge of the injury if the employer is self-insured, mail the form or a letter containing the information required by subsection (2) to the division at its address in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries it determines should be reported in a different manner. Within 24 hours after receipt of the report of injury from the carrier or self-insured employer, the division shall notify the injured employee by appropriate written notice advising him of his rights, remedies and responsibilities under the act. The Workman's Compensation Advisory Council shall annually review the means of said notification and shall recommend to the division appropriate changes.

(9) Any employer or carrier who fails or refuses to send any form, report, or notice required by this section shall be

subject to a civil penalty not to exceed \$100 for each such failure or refusal. However, Any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 10 days required in subsection (2) shall be liable for a the civil penalty, not to exceed \$200 which shall be paid directly to the employee by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

Section 7. Subsections (5) and (10) of section 440.20, Florida Statutes, are amended and subsection (14) is added to said section to read:

440.20 Payment of compensation.—

(5) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subsection (2), there shall be added to such unpaid installment an amount equal to 20 10 percent thereof, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4), or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 14 days after it became due and the claimant concludes the prosecution of the claim before a judge without having specifically claimed additional compensation in the nature of a penalty under this section, he will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived his right to claim such penalty. However, during the course of a hearing, the judge on his own motion may raise the question of whether such penalty should be awarded or excused. If no claim for such penalty is presented and the judge does not raise the question on his own motion during the hearing, no penalty will be awarded, and it will be deemed that the judge has excused such delay in payment of compensation pursuant to this section. The division may assess without a hearing the above-mentioned 20 10 percent additional payment against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. However, if any party requests a hearing within 20 days of the assessment, such hearing shall be conducted before a judge of industrial claims in accordance with s. 440.25. The insurance policy cannot provide that this sum will be paid by the carrier if the division or the judge of industrial claims determines that the 20 10 percent additional payment should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.

(10) Upon the application of any party in interest and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that it is for the best interests of the person entitled to compensation, said judge of industrial claims may enter a compensation order requiring that the liability of the employer for compensation shall be discharged by the payment of a lump sum equal to the present value of all future payments of compensation, computed at 4 percent true discount compounded annually, or requiring that the employer make advance payment of a part of the compensation for which said employer is liable by the payment of a lump sum equal to the present value of such part of the compensation computed at 4 percent true discount compounded annually. Upon joint petition of all interested parties and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that it is for the best interests of the person entitled to compensation, such judge of industrial claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for both compensation and remedial treatment, care, and attendance by the payment of a lump sum equal to the present value of all future payments for both compensation and remedial treatment, care, and attendance; and a compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. *Provided, however, that nothing in this subsection shall be construed to mean that a judge of industrial claims is required to approve any award for lump sum payment when it is determined by the judge of industrial claims that the payment being made is in excess of the amount of compensation the claimant would be entitled to under the law. The judge shall make or cause to be made such investigations as he or she considers*

necessary, in each case in which the parties have stipulated that a proposed final settlement of all liability of the employer shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation, and in his discretion may have an investigation made by the Rehabilitation Section of the Bureau of Workmen's Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. A judge, in his discretion, may hear testimony relating to a proposed stipulation for settlement under this subsection without having in hand the bureau file; however, he shall in no event enter an order thereon without first having reviewed the bureau file. *When the claimant is represented by counsel or when the claimant and carrier or employer is represented by counsel, final approval of the lump sum settlement agreement as provided for in the joint stipulation, shall be deemed to be approved without a hearing unless the judge determines, at his discretion, that additional testimony is needed before the case can be settled and so notifies the parties within 15 days after filing of said joint stipulation.* The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health, Education, and Welfare. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump sum payment to a surviving spouse, the judge of industrial claims in the judge's discretion may require security which will insure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with ss. 440.25 and 440.27 and the workmen's compensation rules of procedure prescribed by the commission and adopted by the Supreme Court. *Whenever a claim is to be settled under this section, the carrier shall notify the employer and the employer may, at the employer's expense, employ an attorney to represent the interest of the employer before any claim may be approved and paid under this section.*

(14) LUMP-SUM PAYMENTS; LIMITATIONS.—

(a) *Lump-sum payments in exchange for a release of the carrier's liability for compensation other than for medical expenses shall be allowed only under special circumstances when the claimant can demonstrate it is to be in his or her best interests.*

(b) *In no case shall a lump-sum payment in exchange for the release of a carrier's liability for future medical expenses be allowed.*

Section 8. Paragraph (b) of subsection (3) of section 440-25, Florida Statutes, is amended and paragraph (d) is added to said subsection to read:

440.25 Procedure in respect to claims.—

(3)

(b) The hearing shall be held in the county where the injury occurred, if the same occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of industrial claims in the county where the injury occurred. If the injury occurred without the state, and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will at the time of forwarding the file for hearing, in the discretion of the division, be the most convenient for a hearing. Subsequent to the forwarding of the file to such county, the parties and the judge may agree to transfer such file to a county that is deemed most convenient for a hearing. The hearing shall be conducted by a judge of industrial claims, who shall within 30 days, unless otherwise agreed to by the parties, after such hearing determine the dispute in a summary manner. At such hearing the claimant and employer may each present evidence in respect of such

claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing the judge of industrial claims may designate a disinterested doctor to submit a report or to testify in the proceeding, after such doctor has reviewed the medical reports and evidence, examined the claimant, or otherwise made such investigation as appropriate. The report or testimony of any doctor so designated by the judge of industrial claims shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of industrial claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13(3)(a). *No judge of industrial claims shall either make a finding of, or award compensation for, a disability for physical impairment that is greater in character or in quality than the greatest disability testified to by an examining or treating physician.*

(d) *Each judge of industrial claims and each commissioner of the Industrial Relations Commission is hereby required to submit a special report to the Bureau of Workmen's Compensation in each contested workmen's compensation case in which the case is not determined within 30 days of hearing or within 180 days of filing of an application for review. Said form shall be provided by the bureau and shall contain the name of the judge of industrial claims, the commissioners and the attorneys involved and a brief explanation of the judge of industrial claims or the industrial relations commissioner as to the reason for such a delay in issuing its final order. The Bureau of Workmen's Compensation shall compile these special reports into an annual public report to the Governor, the Secretary of Commerce, the Legislature, the Florida Bar, and the judicial nominating commission.*

Section 9. Subsections (1), (3), and (5) of section 440.34, Florida Statutes, are amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(1) If the employer or carrier shall file notice of controversy as provided in s. 440.20, shall decline to pay a claim on or before the 21st day after they have notice of same, or shall otherwise resist unsuccessfully the payment of compensation, and the claimant shall have employed an attorney at law in the successful prosecution of the claim, there shall, in addition to the award for compensation, be awarded a reasonable attorney's fee of 25 percent of the first \$5,000 of the amount of the benefits secured, 20 percent of the next \$5,000 of the amount of the benefits secured, and 15 percent of the remaining amount of the benefits secured, to be determined ~~approved~~ by the judge of industrial claims, which fee may be paid direct to the attorney for the claimant in a lump sum. *Of such attorney's fees, 50 percent shall be paid by the employer or carrier and 50 percent shall be paid by the claimant; however, the employer or carrier shall pay all of the attorney's fee if the claimant proves to the judge that the employer or carrier handled his claim in a negligent, arbitrary, or capricious manner, and acted without probable cause.* However, the judge of industrial claims shall consider the following factors in each case and may increase or decrease the attorney's fee if in his judgment the circumstances of the particular case warrant such action:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.

(b) The likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude employment of the lawyer by others or cause antagonisms with other clients.

(c) The fee customarily charged in the locality for similar legal services.

(d) The amount involved in the controversy and the benefits resulting to the claimant.

(e) The time limitation imposed by the claimant or the circumstances.

(f) The nature and length of the professional relationship with the claimant.

(g) The experience, reputation, and ability of the lawyer or lawyers performing the services.

(h) The contingency or certainty of a fee.

(3) If any proceedings are had for review of any claim, award, or compensation order before any court, the court may allow or increase the attorney's fees, in its discretion, which fees shall be in addition to the compensation paid the claimant and shall be paid as the court may direct. *However, if the employer or carrier serves on the claimant a written offer of settlement and such offer is not accepted in writing within 10 days of such service, and the award for compensation is less than or equal to the written offer of settlement, the employer or carrier shall not be required to pay that portion of the fee attributable to work performed after the claimant's failure to accept the offer.*

(5) Any person:

(a) Who receives any fees or other consideration or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the judge of industrial claims, the commission, or such court; or

(b) Who makes it a business to solicit employment for a lawyer or for himself or herself in respect of any claim or award for compensation,

shall be guilty of a felony of the third degree ~~misdemeanor of the second degree~~, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 440.37, Florida Statutes, is amended to read:

440.37 Misrepresentation; fraudulent activities; penalties ~~penalty~~.—

(1)(a) Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining or denying any benefit or payment under this chapter; ~~or shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) Who presents or causes to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to any provision of chapter 440, knowing that such statement contains any false or misleading information concerning any fact or thing material to such claim; or

(c) Who prepares or makes any written or oral statement that is intended to be presented to any employer, insurance company, or self insured program in connection with, or in support of, any claim for payment or other benefit pursuant to any provision of chapter 440, knowing that such statement contains any false or misleading information concerning any fact or thing material to such claim;

shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) All claims forms as provided for in this chapter shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self insured program, files a statement of claim containing any false or misleading information is guilty of third degree felony."

(b)1. Any physician licensed under chapter 458, osteopath licensed under chapter 459, chiropractor licensed under chapter 460, or any other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this chapter, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopath, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopath, chiropractor, or other practitioner is adjudicated guilty of a violation of this subparagraph, the State Board of Medical Examiners as set forth in chapter 458, the State Board of Osteopath Medical Examiners as set forth in chapter 459, or the Florida State Board of Chiropractic Examiners as set forth in chapter 460, or other appropriate licensing authority, whichever is appropriate, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, chiropractor, or other practitioner.

2. Any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently violate any of the provisions of this chapter, or any person who, due to such assistance, conspiracy, or urging on such attorney's part, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. No person or governmental unit licensed under chapter 395 to maintain or operate a hospital, and no administrator or employee of any such hospital, shall knowingly and willfully allow the use of the facilities of such hospital by an insured party in a scheme or conspiracy to fraudulently violate any of the provisions of this chapter. Any hospital administrator or employee who violates this subparagraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any adjudication of guilt for a violation of this subparagraph, or the use of business practices demonstrating a pattern indicating that the spirit of the law set forth in this act is not being followed, shall be grounds for suspension or revocation of the license to operate the hospital or the imposition of an administrative penalty of up to \$5,000 by the licensing agency as set forth in chapter 395.

(c) Any person damaged as a result of a violation of any provision of this subsection where there has been a criminal adjudication of guilt shall have a cause of action to recover compensatory damages, plus all reasonable investigation and litigation expenses including attorneys' fees at the trial and appellate courts.

(d) For the purposes of this subsection, the term "statement" includes, but is not limited to, any notice, statement, proof of injury, bill for services, diagnosis, prescription, hospital or doctor records, x-ray, test result, or other evidence of loss, injury, or expense.

(e) The provisions of this subsection shall also apply as to any employer insurer, adjusting firm, or agent or representative thereof who intentionally injures, defrauds, or deceives any claimant with regard to any claim. Such claimants shall have the right to recover the damages provided in this subsection.

(f) It is unlawful for any attorney or other person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership, or association to unlawfully solicit any business in and about city or county hospitals, courts, or any public institution or public place, in and about private hospitals or sanitariums, or in and about any private institution or upon private property of any character whatsoever for the purpose of making workmen's compensation claims. Any person who violates the provisions of this paragraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the findings of probable cause and a copy of the report being filed in the matter.

Section 11. Section 440.442, Florida Statutes, is created to read:

440.442 Code of conduct.—Industrial relations commissioners and judges of industrial claims shall observe and abide by the code of judicial conduct adopted by the Supreme Court as of the effective date of this act as well as all amendments thereto that are hereafter adopted by the court. Any material violation of a canon of the code of judicial conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such commissioner or judge pursuant to the provisions of s. 7, Art. IV of the State Constitution, and all general laws implementing that provision.

Section 12. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Judges of industrial claims.—

(1) The Governor shall appoint as many full-time judges of industrial claims as may be necessary to effectually perform the duties prescribed for them under this chapter. The Governor shall initially appoint a judge from a list of at least 3 persons nominated by the appellate district judicial nominating

commission for the appellate district in which the judge will principally conduct hearings. No person shall be nominated or appointed as a full-time judge of industrial claims who has not had 3 years' experience in the practice of law in this state; and no judge of industrial claims during a term of office shall engage in the private practice of law. The Governor may appoint any former judge of industrial claims to serve as a judge of industrial claims pro hac vice to complete the proceedings on any claim with respect to which the judge had heard testimony in which remained pending at the time of the expiration of the judge's term of office. However, no former judge of industrial claims shall be appointed to serve as a judge of industrial claims pro hac vice for a period to exceed 60 successive days.

Section 13. Subsections (1) and (2) of section 440.49, Florida Statutes, are amended to read:

440.49 Rehabilitation of injured employees; Special Disability Trust Fund.—

(1) In cases in which it appears that disability probably will be permanent, the division shall assist injured employees to obtain appropriate training, education and employment and may cooperate with federal and state agencies for vocational education and with any public or private agency cooperating with such federal or state agencies in the vocational rehabilitation of injured employees. The division may, and it is authorized to, expend moneys from the special fund established by s. 440.50, for the purpose of assisting such injured employees to obtain appropriate training, education and employment in connection with their vocational rehabilitation. Such expenditures shall only be made in accordance with rules promulgated by the division establishing standards for eligibility and types, duration, and cost of training and educational programs to be made available. All hearings arising under this subsection shall be conducted by judges of industrial claims pursuant to s. 440.25. However, no judge of industrial claims shall assume jurisdiction to approve or disapprove rehabilitation under this provision until the division has been given reasonable time to evaluate the injured worker and advise all parties as to the rehabilitation program it may propose if said rehabilitation program is to be funded out of the fund established by s. 440.50. The division shall be a party to all hearings involving any claims made against the fund established by s. 440.50. Hearings conducted under this subsection which are not determined within 30 days of hearing or within 180 days of filing of an application for review shall file a special report to the Bureau of Workmen's Compensation as required under s. 440.25.

(2) Whenever the division determines that there is a reasonable probability that with appropriate training or education a person entitled to compensation for total or partial disability which is or is likely to be permanent may be rehabilitated to the extent that such person will require less care and attendance or to the extent that such person can become gainfully employed or increase earning capacity and that it is for the best interests of such person to undertake such training or education, if the injured employee without reasonable cause refuses to undertake the training or educational program determined by the division to be suitable, the judge of industrial claims shall ~~may in the judge's discretion~~ suspend, reduce, or limit the compensation otherwise payable to such person under this chapter, by not less than 50 percent, any provisions of this chapter to the contrary notwithstanding.

Section 14. Subsection (7) of section 443.12, Florida Statutes, is amended to read:

443.12 Division and board; powers, duties, etc.; rules and regulations; personnel; advisory councils; records and reports; cooperation, etc.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the [division] may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information thus obtained, or obtained from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workmen's compensation claim pending, be held confidential and shall not be published or be open to public inspection (other than to public employees in the per-

formance of their public duties), in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeals referee or the [board] shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the [board] or any employee of the division who violates any provision of this subsection shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Provided, however, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the [division] may by regulations prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 15. Section 624.433, Florida Statutes, is created to read:

624.433 Reports of information by workmen's compensation insurers required.—

(1) Any insurer authorized to write a policy of workers' compensation insurance shall transmit the following information to the department each year in the annual report of such insurer, such information shall be broken down by its nationwide and Florida insurance writings:

- (a) Direct premiums written;
- (b) Direct premiums earned;
- (c) Dividends paid or credited to policyholders;
- (d) Losses paid;
- (e) Allocated loss adjustment expense;
- (f) The ratio of allocated loss adjustment expense to losses paid;
- (g) Unallocated loss adjustment expense;
- (h) The ratio of unallocated loss adjustment expense to losses paid;
- (i) The total of losses paid and unallocated and allocated loss adjustment expenses;
- (j) The ratio of losses paid and unallocated and allocated loss adjustment expenses to premiums earned;
- (k) The number of claims outstanding as of December 31 of each year;
- (l) The total amount of losses unpaid as of December 31 of each year;
- (m) The total amount of allocated and unallocated loss adjustment expenses unpaid as of December 31 of each year; and
- (n) The total of losses paid and allocated loss adjustment expenses and unallocated loss adjustment expenses, plus the total of losses unpaid as of December 31 of each year and loss adjustment expenses unpaid as of December 31 each year.

(2) The department shall provide a summary of information provided pursuant to subsection (1) in its annual report.

(3) The first report of this information shall include the information for the year ending December 31, 1979. Such report shall be filed no later than March 31, 1980. Beginning with the report for the period ending December 31, 1981, all future reports shall have all information required by subsection (1) broken down by year for the current and 2 previous years.

Section 16. Within 30 days after January 1, 1981, the Department of Insurance shall commence a review of the rates of all workmen's compensation insurers in effect at the time. If, after the review, the department finds on a preliminary basis that the rate may be excessive, inadequate or unfairly discriminatory, the department shall so notify the insurer. Upon being so notified, the insurer shall within 60 days file with the department all information which the insurer believes proves the reasonableness, adequacy, and fairness of the rate. In such instances, the insurer shall carry the burden of proof. In the event the department finds that a rate is excessive, inadequate or unfairly discriminatory, the department may order that a new rate schedule be thereafter filed by the insurer and further

specifying the manner in which noncompliance shall be corrected.

Section 17. Present subsection (4) of section 627.091, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

627.091 Rate filings; workmen's compensation and employer's liability insurance.—

(4) *The basis of premium included for rate-making purposes shall be a maximum of \$200 per person per week.*

Section 18. Subsection (1) of section 627.151, Florida Statutes, is amended to read:

627.151 Basis of approval or disapproval of workmen's compensation or employer's liability insurances filing; scope of disapproval power.—

(1) In determining at any time whether to approve or disapprove a filing as to workmen's compensation or employer's liability insurances, or to permit the filing otherwise to become effective, the department shall give consideration only to the applicable standards and factors referred to in ss. 627.062, ~~and~~ 627.072, and 627.091(4).

Section 19. 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 20. A new section is created to read:

Any insurer or insurance holding company or a subsidiary of either which offers to secure employment or help, or gives information as to where employment or help may be secured and performs such acts exclusively in conjunction with its efforts to rehabilitate injured or disabled individuals shall be exempt from the provisions of chapter 449, Florida Statutes, relating to private employment agencies.

Section 21. The foregoing sections represent the first phase of needed reform of the workmen's compensation law. Further reform, which will involve the replacement or revision of that part of the law which provides compensation and other assistance for workers with a compensable, permanent partial disability, should be undertaken at such time as the proposals for such revision have been refined and data as to cost and other effects have been fully developed. Accordingly, the presiding officer of each house of the legislature shall, at the organizational session in November 1978, designate a standing committee of substance, or appoint a select committee, to receive reports, recommendations and supporting cost data from state officers and others with experience in the workmen's compensation system who have prepared reliable data as to the effects of the proposals on injured workers, employers and other members of the public. The committees so designated or appointed shall prepare recommendations and present them to their respective houses on the day the 1979 session convenes. In recognition of the seriousness of the existing problems in the system and the urgent need for major reform, the second phase of the revision effort shall be assigned a high priority and considered by the legislature in the early days of the 1979 regular session.

Section 440.15 is repealed, as of July 1, 1979.

Section 22. This act shall take effect July 1, 1978, and shall apply to all claims arising after July 1, 1978.

Amendment 2—On pages 1, 2, and 3, in title, strike all of pages 1 and 2 and lines 1 through 26 on page 3 and insert: A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(b), (9), Florida Statutes; changing the definitions of "employment" to one with three or more employees and "disability" to require bodily disability rating and wage-earning loss; amending s. 440.11(1), Florida Statutes; extending the exclusiveness of liability to fellow employees with certain exceptions; amending s. 440.12(2), Florida Statutes; providing that the average weekly wage shall be adjusted to the nearest dollar; amending s. 440.13(3)(a), Florida Statutes; providing that fees or charges for hospital treatment may be limited by rule; amending s. 440.15(3), (10)(c), (11), Florida Statutes; changing provisions for permanent partial disability compensation; providing for release of certain unemployment compensation information; providing for reduction of workmen's compensation benefits for permanent total disability if the claimant is also receiving unemployment compensation

benefits; amending s. 440.185(2), (4), (9), Florida Statutes; reducing the number of days in which the employer shall report an injury to his insurer; requiring the division to notify an injured employee of his rights; increasing the penalty to the employer for failure to notify his carrier within the specified time; amending s. 440.20(5), (10), Florida Statutes, and adding subsection (14) to said section; increasing the penalty to the carrier for failure to pay compensation in a timely manner; authorizing the judge of industrial claims to examine lump sum payments in excess of benefits allowable under the law; authorizing lump sum settlements without a hearing under certain circumstances; requiring the carrier to notify the employer of any pending settlement; prohibiting lump sum payments for future medical expenses; amending s. 440.25(3)-(b), Florida Statutes, and adding paragraph (d) to said subsection; limiting the extent of an award for disability; requiring certain reports from judges of industrial claims and industrial relations commissioners; amending s. 440.34(1), (3), (5), Florida Statutes; providing for determination of attorney's fees by judges of industrial claims; specifying that a portion of the attorney's fees are payable by employer or carrier under certain circumstances; increasing penalty for receiving consideration or a gratuity for certain services with respect to claims and for soliciting business; limiting attorney's fees subsequent to a written offer of settlement; amending s. 440.37, Florida Statutes; providing a penalty for making, presenting, causing to be presented, or preparing false, incomplete, or misleading statements with respect to claims; providing a penalty for fraud; providing that such fraud is grounds for imposition of administrative penalties by various licensing boards; establishing a cause of action for damages resulting from such violations; creating s. 440.442, Florida Statutes; establishing a code of conduct for, and procedures for the discipline of judges of industrial claims and industrial relations commissioners; amending s. 440.45(1), Florida Statutes; providing for appointment from nominations for judges of industrial claims; amending s. 440.49(1), (2), Florida Statutes; requiring special reports by judges of industrial claims; providing for a 50 percent reduction in compensation when a claimant refuses to accept training or education; amending s. 443.12(7), Florida Statutes; providing circumstances for the release of unemployment compensation records; creating s. 624.433, Florida Statutes; requiring all workmen's compensation insurers to make annual reports to the Department of Insurance; requiring the Department of Insurance to review workmen's compensation insurance rates and determine if they are excessive, inadequate or unfairly discriminatory; authorizing a new rate schedule under certain circumstances; renumbering s. 627.091(4), Florida Statutes, and adding a new subsection (4) to said section; providing a maximum basis of premium included for rate-making purposes; amending s. 627.151(1), Florida Statutes; providing that such maximum basis of premium for rate-making purposes shall be given consideration by the Department of Insurance in determining whether to approve or otherwise permit to become effective a filing as to workmen's compensation or employer's liability insurance; providing severability; exempting certain insurers from chapter 449, Florida Statutes; providing an effective date.

On motion by Senator Barron, by two-thirds vote HB 2198 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Williamson

On motion by Senator Poston, by two-thirds vote SB 1356 was withdrawn from the Committee on Education.

On motion by Senator Gordon, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet June 2 at 8:00 a.m. to consider SB 230.

On motion by Senator W. D. Childers, the Senate recessed at 6:00 p.m.

The Senate was called to order by the President at 6:28 p.m. A quorum present—40:

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

On motion by Senator W. D. Childers, by two-thirds vote HB 1831 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wilson, the Senate reconsidered the vote by which—

SB 845—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.24, Florida Statutes, exempting political subdivisions of the state from the tax on notes, mortgages, and bonds under certain circumstances; providing an effective date.

—as amended passed this day.

On motion by Senator Wilson the Senate reconsidered the vote by which the Senate concurred in House Amendment 1.

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

**Amendment 1A**—On page 1, lines 2-9, strike all of lines 2 through 9 inclusive and insert: Section 2. Present subsections (2) and (3) of section 201.23, Florida Statutes, are renumbered as subsections (3) and (4) respectively, and a new subsection (2) is added to said section to read:

201.23 Foreign notes and other written obligations exempt.—

(2) *There shall also be exempt from the tax levied by section 201.08, mortgages, trust deeds, security agreements or other evidences of indebtedness entered into outside the state and filed or recorded in the state by public utilities as defined in section 364.02(4) and section 366.02, Florida Statutes, including natural gas pipeline transmission companies, rural electric cooperatives, and municipal utilities.*

(Renumber subsequent sections.)

On motion by Senator Wilson the Senate reconsidered the vote by which the Senate concurred in House Amendment 2.

Senator Wilson moved the following amendment to House Amendment 2 which was adopted:

**Amendment 2A**—On page 1, line 6 after the semicolon “;” insert: renumbering s. 201.23(2), (3), Florida Statutes, and adding a new subsection (2) to said section; exempting certain evidences of indebtedness of public utilities from the tax imposed by s. 201.08, Florida Statutes;

On motions by Senator Wilson, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 845 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—36

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

## Nays—None

On motion by Senator Firestone, by unanimous consent—

HB 400—A bill to be entitled An act relating to medical negligence; creating s. 768.135, Florida Statutes, exempting certain licensed health-care providers from civil liability for services provided at free medical clinics; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 400 was read the third time by title, passed and certified to the house. The vote on passage was:

## Yeas—32

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

## Nays—None

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 recalled from the Governor by HCR 2211, reconsidered passage, further amended and passed as further amended—

By Representative Hodges—

HB 342—A bill to be entitled An act relating to the land fill permits; amending s. 253.124(4), Florida Statutes, increasing to 5 years the period of time for which construction permits for filling land may be issued; providing that the Department of Environmental Regulation may grant permits for less than 5 years depending upon the size and scope of construction; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

HB 342 was read the first time by title.

On motions by Senator Skinner, by two-thirds vote HB 342 as amended 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—36

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

## Nays—None

*The Honorable Lew Brantley, President*

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

By Senators W. D. Childers and Tobiassen—

SB 1107—A bill to be entitled An act relating to the Florida Highway Patrol; authorizing and directing the Department of Highway Safety and Motor Vehicles to name the Highway Patrol Station in Alachua County to be built in Escambia County, the J. Eldridge Beach Highway Patrol Station; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 16, insert: a new Section 2, renumbering the present Section 2 accordingly:

Section 2. The Department of Highway Safety and Motor Vehicles is authorized and directed to name the new Florida Highway Patrol Station to be built in Escambia County, the Hamp Spears Highway Patrol Station.

Amendment 2—On page 1 in title, strike all of lines 5-8 and insert: Highway Patrol Station to be built in Alachua County, the J. Eldridge Beach Highway Patrol Station, and the Highway Patrol Station to be built in Escambia County, the Hamp Spears Highway Patrol Station; providing an effective date.

On motions by Senator W. D. Childers, the Senate concurred in the House Amendments.

SB 1107 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—30

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

## Nays—None

Vote after roll call:

Yea—Chamberlin

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 amendments—

By Senator Hair—

SB 1029—A bill to be entitled An act relating to courts; amending ss. 26.031(1)(d), (g), (m), 34.022(50), Florida Statutes; providing an additional circuit judge in the Fourth, Seventh, and Thirteenth Judicial Circuits; providing an additional county court judge in Palm Beach County; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 2, strike all of Section 3, and renumber subsequent section.

Amendment 2—On page 1, lines 7 and 8 in title, strike "providing an appropriation;"

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

SB 1029 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	McClain	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Castor	Graham	Poston	Tobiassen
Childers, Don	Hair	Renick	Trask
Childers, W. D.	Holloway	Saylor	Vogt
Dunn	Johnston	Scott	Williamson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	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 passed with amendments—

By Senator Hair—

SB 871—A bill to be entitled An act relating to banks and trust companies; amending s. 659.061(6), Florida Statutes; providing that if a trust company establishes a trust service office at the location of a bank that has trust powers, the bank shall retain its trust powers unless otherwise provided in the application to establish such office; providing that a trust company which is establishing a trust service office in a bank that has trust powers may elect in its application, with the consent of the bank, to become successor fiduciary; providing that a trust company which has established a trust service office at a bank that has retained its trust powers may elect, with the consent of the bank, to become successor fiduciary at any time by filing an election with the Department of Banking and Finance; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 31, strike “shall may” and insert: may

**Amendment 2**—On page 2, lines 11 and 12, strike “without the necessity of further authorization”

**Amendment 3**—On page 3, line 11, strike “Section 2. This act shall take effect October 1, 1978.” and insert: (e) *This subsection shall not be construed as permitting a trust company to transfer the administration of any estate or any trust to a county outside the county wherein the bank is located.*

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

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

SB 871 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—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 amendment—

By Senator Pat Thomas—

SB 813—A bill to be entitled An act relating to probation and parole; amending s. 945.30(2), Florida Statutes; increasing the maximum amount paid by the Department of Offender Rehabilitation to certain entities for the cost of supervision or rehabilitation of certain probationers; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 9 through 12, strike all of section 2., and renumber remaining sections.

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

SB 813 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

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 refused to concur in Senate Amendments 1 and 2 to HB 2198 and requests the Senate to recede and in the event the Senate refuses to recede, requests a Conference Committee. The Speaker has appointed Representatives Forbes, Gallagher, Pajcic, Moffitt and Brown as conferees on the part of the House.

*Allen Morris, Clerk*

On motions by Senator Barron, the Senate refused to recede from Senate Amendments to HB 2198 and acceded to the request for a conference committee. The President appointed Senator Barron, chairman; Senators MacKay, McClain, Gorman and Trask. 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—

SB 250	CS for SB 812	CS for SB 1313
SB 804		

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

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

SB 284	SB 1350	SB 651
SB 789	SB 1363	SB 1092

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments and passed CS for SB 678, as amended.

*Allen Morris, Clerk*

*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 1240, as amended.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1A and 1B to House Amendment 1 and passed SB 416, as amended.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 2 and passed CS for SB 185, as amended.

*Allen Morris, Clerk*

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

*The Honorable Lew Brantley, President*

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

CS for HB	HB 1991	HB 583
572	HB 1887	HB 829
CS for HB	HB 1219	HB 359
1237	HB 506	HB 1773
CS for HB	HB 1209	
150		

*Allen Morris, Clerk*

On motion by Senator Trask, by unanimous consent—

HB 2154—A bill to be entitled An act relating to the Guidance Center of Hernando County; repealing subsection (5) of section 1 of chapter 76-254, Laws of Florida, relating to the restriction on a 10-acre grant to the Guidance Center of Hernando County which provides that in the event of any voluntary or involuntary encumbrance resulting from the use of the land the property would revert back to the state; providing an effective date.

—was taken up out of order and read the second time by title.

On motion by Senator Trask, by two-thirds vote HB 2154 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**ENROLLING REPORTS**

CS for SB 678 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 31, 1978.

*Joe Brown, Secretary*

SB 152	SB 14	SB 1138	SB 735
SB 285	SB 67	SB 1194	SB 785
SB 311	SB 398	SB 1337	SB 967
SB 426	SB 624	SB 1137	SB 968
SB 433	SB 754	SB 454	SB 1276
SB 417	SB 881	SB 668	SB 1305
SB 500	SB 1119	SB 694	
SB 954	SB 1120	SB 729	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 1, 1978.

*Joe Brown, Secretary*

**CO-INTRODUCER**

Senator Trask—SB 335

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 31 was corrected and approved.

On motion by Senator W. D. Childers, the Senate adjourned at 6:57 p.m. to convene at 8:30 a.m., June 2, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.