



Journal of the Senate

Number 1-Special Session

Wednesday, June 7, 1978

At a Special Session of the Florida Legislature convened under Article III, Section 3(c)(1) of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

In pursuance of the Proclamation of Honorable Reubin O'D. Askew, Governor of the State of Florida, the Senate met in Special Session at 11:00 a.m. and was called to order by Senator Lew Brantley, President. A quorum present—38:

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

Excused: Senators Scarborough and Graham

Prayer by Senator Zinkil:

Dear Lord, in these days of doubt, confusion and uncertainty, come into our hearts with your light, your strength and your consolation.

Come with the light of truth and teach us the will of God in our daily living especially now when God's basic laws are challenged or ignored.

Come with your strength that purifies our heart and our desires and guards us against the danger of pride, and self conceit.

Bring your consolation so that with a heart attuned to your holy love we may live in peace and harmony in our families and give to our communities the spirit of cooperation, tolerance and understanding.

O God, you have instructed the faithful with the light of the Holy Spirit. Grant that through this same Holy Spirit we may be truly wise and enjoy his consolation always. Amen.

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Proclamation of the Governor convening the Legislature in special session was read:

PROCLAMATION

*State of Florida
Executive Department
Tallahassee*

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, it is vital to the interest of the State of Florida that the Legislature immediately consider and adopt legislation for the protection of the State's lands, and

WHEREAS, it is my belief that it is in the best interest of the citizens of this State that a Special Session be called to accomplish this important purpose;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, by virtue of the authority vested in me by Article III, Section 3c(1) of the Constitution of Florida (1968), do hereby convene the Legislature in Special Session at the Capital, Tallahassee, Florida, for three days beginning at 11:00 a.m., Wednesday, June 7, 1978 and ending at 11:56 p.m., Friday, June 9, 1978.

This call is for the sole and exclusive purpose of adopting legislation for the protection of the State's lands.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 2nd day of June 1978.

REUBIN O'D. ASKEW
GOVERNOR

ATTEST:
BRUCE A. SMATHERS
Secretary of State

INTRODUCTION

By Senator W. D. Childers—

SB 1-D—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(5) and (7)(a), (c), Florida Statutes, and adding paragraphs (l) and (m) to subsection (7) and adding subsection (12) to said section; relating to sales and use tax; providing that machinery and equipment for use in new manufacturing plants or operations shall be exempt from such tax; providing that machinery or equipment purchased for use in expanding plants or operations shall be exempt from any amount of such tax in excess of \$100,000; providing for refunds of tax 30 days after acceptance by the Department of Revenue; providing that certain industries shall not be eligible for exemption; providing definitions; providing that personal property sold or leased to state headquarters of veteran organizations shall be exempt from such tax; providing that sales of flyable aircraft by manufacturers to certain purchasers shall be taxable at the rate equal to the sales tax rate of the state in which such aircraft will be domiciled subsequent to its purchase; providing exemptions; providing a penalty; providing that the dealer collection allowance concerning such sales shall be 10 percent; providing that the sale or lease of aircraft to an air carrier regulated by the Public Service Commission shall be exempt from such tax; providing that boiler fuels including wood products used in the manufacturing process shall be exempt from such tax; adding s. 206.87(4)(g), Florida Statutes; providing an exemption for the sale or use of certain fuels; amending s. 166.231, Florida Statutes, relating to levy of public service tax by municipalities; exempting the value of the first 50 kilowatt hours of electricity per month for residential use from such tax beginning October 1, 1978; requiring the passing of the exemption to each individual tenant; providing for replacement of municipality tax loss to cities; creating s. 166.232, Florida Statutes, allowing the levy of public service tax by municipalities on certain services at a uniform rate rather than on a percentage basis; providing, under the uniform rate option, a procedure to be used by municipalities in shifting their tax rate structures; amending s. 212.03, Florida Statutes, relating to

transient rentals tax; causing leasing or renting of condominiums to be taxable; providing an exemption for those entering into a lease or residing continuously for 6 months in a facility; exempting full-time students and those whose monthly rent is less than the monthly equivalent of 35 percent of the income poverty guidelines; removing the facilities exemption; requiring a final report; providing an effective date.

On motions by Senator W. D. Childers, by the required constitutional two-thirds vote of the membership, SB 1-D was admitted for introduction, read the first time by title and by two-thirds vote placed on the special order calendar.

By Senator Vogt—

SB 2-D—A bill to be entitled An act relating to land use management; adding s. 23.0112(5), Florida Statutes; defining the state comprehensive plan as the goals, objectives, and policies contained in the plan; amending s. 23.0114, Florida Statutes; providing for the preparation and revision of the plan; amending s. 23.013, Florida Statutes; providing that specific goals, objectives, and policies contained in the plan may only be implemented or enforced through specific acts of the Legislature; providing that nothing in the plan or revisions thereto will have the force and effect of law except as specifically authorized by law; providing Legislative intent; repealing s. 2, chapter 77-306, Laws of Florida, relating to the effective date of the plan; repealing s. 23.018, Florida Statutes, relating to the authority of the Department of Administration to establish a schedule for adoption of certain plans; creating the Florida Coastal Management Act of 1978; directing the Department of Environmental Regulation to submit an application for federal funds pursuant to Section 306 of the Federal Coastal Zone Management Act of 1972; restricting the program application to existing state law; designating the Department of Environmental Regulation as the lead agency and providing for certain powers and duties; providing for federal consistency review; providing for local government eligibility for technical and financial assistance; providing an express rejection of certain previously submitted plans; providing severability; providing an effective date.

On motions by Senator Vogt, by the required constitutional two-thirds vote of the membership, SB 2-D was admitted for introduction, read the first time by title and by two-thirds vote placed on the special order calendar.

By Senators Barron, McClain, MacKay and Zinkil—

SB 3-D—A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(b), (2)(d) and (9), Florida Statutes, changing the definition of employment, excluding certain volunteers from the definition of "employee", and changing the definition of disability, 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. 440.11(1), Florida Statutes; extending the exclusiveness of liability to fellow employees with certain exceptions; 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 Labor of the Department of Commerce to conduct certain investigations relative thereto; amending s. 440.15(3)(u), (10)(c) and (11), Florida Statutes, relating to compensation for disability; restricting consideration of diminution of wage-earning capacity with respect to claims; providing for authorization to release unemployment compensation information; amending s. 440.185(2), (4) and (9), Florida Statutes, decreasing time period for reporting knowledge of injury or death; requiring the division to notify an injured employee of his rights; amending s. 440.20(5), (7) and (10), Florida Statutes, providing additional penalties for late payment; 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; amending s. 440.25(3), Florida Statutes, specifying limitations on and considerations of judges of industrial claims conducting hearings on awards for diminution of wage-earning capacity; limiting the extent of an award for disability; 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. 440.34(1) and (3), 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; limiting attorney's fees subsequent to a written offer of settlement; 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; providing initial procedure for appointment of judges of industrial claims; amending s. 440.49(4)(g), Florida Statutes, and adding new subsection (2) thereto, relating to rehabilitation of injured employees and certain uses of the Special Disability Trust Fund; 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; amending s. 443.12(7), Florida Statutes; providing circumstances for the release of unemployment compensation records; 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; providing for a joint legislative study committee; requiring reports; providing an appropriation; providing an effective date.

On motions by Senator MacKay, by the required constitutional two-thirds vote of the membership, SB 3-D was admitted for introduction, read the first time by title and by two-thirds vote placed on the special order calendar.

By Senator Hair—

SB 4-D—A bill to be entitled An act relating to marketable record titles to real property; adding s. 712.03(7), Florida Statutes; providing an exception to marketability for sovereignty lands; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Hair, by two-thirds vote, placed on the special order calendar.

By Senator Hair—

SB 5-D—A bill to be entitled An act relating to limitations of civil actions; adding s. 95.031(3), Florida Statutes; providing for the computation of time for the period of limitations for causes of action involving sovereignty lands; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Hair, by two-thirds vote, placed on the special order calendar.

By Senator Hair—

SB 6-D—A bill to be entitled An act relating to state lands; creating the State Lands Study Committee; prescribing the membership and duties of such committee; providing an appropriation; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Hair, by two-thirds vote, placed on the special order calendar.

By Senator Vogt—

SB 7-D—A bill to be entitled An act relating to the Florida Public Service Commission; creating s. 350.001, Florida Statutes; providing legislative intent; amending s. 350.01, Florida Statutes; providing for appointment of Public Service Commissioners; increasing the number of commissioners to five; providing for the filling of vacancies; providing for the retention of commissioners serving current terms until completion

of their terms; providing 4-year terms for commissioners and providing for 6-year terms if authorized by a constitutional amendment; providing for filing of a declaration of intention to seek an additional term of office; providing for selection of a commission chairman and his terms and duties; providing procedures to expedite and assign commission proceedings; creating s. 350.031, Florida Statutes; establishing the Florida Public Service Commission Nominating Council; providing for member appointments and filling of vacancies; providing for restriction of membership of persons having certain interests; providing for council duties and responsibilities; requiring meetings of the council to be open and subject to the Sunshine Law; providing for reimbursement of expenses to council members; imposing restrictions on commissioners and employees of the commission after termination of service or employment; providing an effective date.

Senator Vogt moved that SB 7-D be admitted for introduction. The motion was adopted by the required constitutional two-thirds vote of the membership. The vote was:

Yeas—27

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gordon	Myers	Tobiassen
Castor	Gorman	Peterson	Trask
Chamberlin	Hair	Plante	Vogt
Childers, W. D.	Holloway	Sayler	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Spicola	

Nays—10

Childers, Don	Johnston	Scott	Wilson
Gallen	Poston	Ware	
Henderson	Renick	Williamson	

SB 7-D was read the first time by title and on motion by Senator Vogt, by two-thirds vote placed on the special order calendar.

Senator Pat Thomas moved that the following bill be admitted for introduction:

By Senator Pat Thomas—

A bill to be entitled An act relating to salaries of county officers; increasing the base salaries and group rates for elected county officers by 5 percent; providing an effective date.

The bill failed to receive the required constitutional two-thirds vote of the membership for introduction. The vote was:

Yeas—18

Mr. President	Hair	MacKay	Thomas, Pat
Childers, Don	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Dunn	Johnston	Skinner	
Firestone	Lewis	Thomas, Jon	

Nays—13

Barron	Gordon	Peterson	Vogt
Castor	Gorman	Plante	
Chamberlin	McClain	Sayler	
Glisson	Myers	Spicola	

Votes after roll call:

Yea—Ware
Nay to Yea—Peterson

Senator Firestone moved that the following bill be admitted for introduction:

By Senator Firestone—

A bill to be entitled An act relating to supervisors of elections; increasing the base salaries and group rates for supervisors of elections by 10 percent; providing an effective date.

The bill failed to receive the required constitutional two-thirds vote of the membership for introduction. The vote was:

Yeas—17

Childers, Don	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Scott	
Firestone	Lewis	Thomas, Pat	
Hair	MacKay	Tobiassen	

Nays—13

Barron	Gordon	Plante	Spicola
Castor	Gorman	Sayler	Vogt
Chamberlin	McClain	Skinner	
Glisson	Myers		

Votes after roll call:

Yea—Peterson
Nay to Yea—Skinner

Senator Poston moved that the following joint resolution be admitted for introduction:

By Senators Poston and Tobiassen—

A joint resolution proposing amendments to Sections 1, 4, and 9, Article VII and a new section 18, Article XII, of the State Constitution, to limit taxes.

The joint resolution failed to receive the required constitutional two-thirds vote of the membership for introduction. The vote was:

Yeas—18

Mr. President	Gorman	Skinner	Williamson
Barron	McClain	Thomas, Pat	Wilson
Childers, Don	Poston	Tobiassen	Zinkil
Childers, W. D.	Renick	Trask	
Glisson	Scott	Ware	

Nays—17

Castor	Hair	Myers	Vogt
Chamberlin	Henderson	Peterson	Winn
Dunn	Johnston	Plante	
Firestone	Lewis	Sayler	
Gordon	MacKay	Spicola	

Votes after roll call:

Yea—Gallen, Jon Thomas
Nay—Holloway
Nay to Yea—Firestone

SPECIAL ORDER

SB 1-D—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(5) and (7)(a), (c), Florida Statutes, and adding paragraphs (1) and (m) to subsection (7) and adding subsection (12) to said section; relating to sales and use tax; providing that machinery and equipment for use in new manufacturing plants or operations shall be exempt from such tax; providing that machinery or equipment purchased for use in expanding plants or operations shall be exempt from any amount of such tax in excess of \$100,000; providing for refunds of tax 30 days after acceptance by the Department of Revenue; providing that certain industries shall not be eligible for exemption; providing definitions; providing that personal property sold or leased to state headquarters of veteran organizations shall be exempt from such tax; providing that sales of flyable aircraft by manufacturers to certain purchasers shall be taxable at the rate equal to the sales tax rate of the state in which such aircraft will be domiciled subsequent to its purchase; providing exemptions; providing a penalty; providing that the dealer collection allowance concerning such sales shall be 10 percent; providing that the sale or lease of aircraft to an air carrier regulated by the Public Service Commission shall be exempt from such tax; providing that boiler fuels including wood products used in the manufacturing process shall be exempt from such tax; adding s. 206.87(4)(g), Florida Statutes; providing an exemption for the sale or use of certain fuels; amending s. 166.231,

Florida Statutes, relating to levy of public service tax by municipalities; exempting the value of the first 50 kilowatt hours of electricity per month for residential use from such tax beginning October 1, 1978; requiring the passing of the exemption to each individual tenant; providing for replacement of municipality tax loss to cities; creating s. 166.232, Florida Statutes, allowing the levy of public service tax by municipalities on certain services at a uniform rate rather than on a percentage basis; providing, under the uniform rate option, a procedure to be used by municipalities in shifting their tax rate structures; amending s. 212.03, Florida Statutes, relating to transient rentals tax; causing leasing or renting of condominiums to be taxable; providing an exemption for those entering into a lease or residing continuously for 6 months in a facility; exempting full-time students and those whose monthly rent is less than the monthly equivalent of 35 percent of the income poverty guidelines; removing the facilities exemption; requiring a final report; providing an effective date.

On motion by Senator Gordon, by two-thirds vote SB 1-D was read the second time by title.

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

Amendment 1—On page 4, line 10, strike "expanded businesses" and insert: expanding manufacturing facilities or plant units

Amendment 2—On page 4, line 17, strike "15" and insert: 10

Amendment 3—On page 7, lines 4 and 5, after the word "bark" strike "or other fuels"

Amendment 4—On page 8, lines 25 through 31, and on page 9, lines 1 through 3, strike all of section 3 and renumber subsequent sections

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

Amendment 5—Strike on page 12, lines 18 through 31; on page 13, lines 1 through 31; on page 14, lines 1 through 31; on page 15, lines 1 through 31; and on page 16 lines 1 through 2

(and renumber subsequent sections)

Amendment 6—On page 16, line 29, after the first semicolon strike: and section 6 shall take effect September 1, 1978

Senators W. D. Childers, Gordon and Firestone offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 7—Insert: new Section 6

Subsection (1) of section 220.62, Florida Statutes, is amended to read:

220.62 Definitions.—For purposes of this part:

(1) The term "bank" shall mean a bank holding company registered under the Bank Holding Company Act of 1956 of the United States, 12 U.S. Code, ss. 1841-1849, as amended, or a bank or trust company incorporated and doing business under the laws of the United States (including laws relating to the District of Columbia), of any state, or of any territory, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency and which is subject by law to supervision and examination by state, territorial, or federal authority having supervision over banking institutions. *The term "bank" shall also include any banking association, corporation, or any other similar organization organized and operated under the laws of any foreign country, which banking association, corporation, or other organization is also operating in this state pursuant to s. 659.67.*

Senator Glisson moved the following amendment which failed:

Amendment 8—On page 9, line 30, strike "50" and insert: 100

Senators Trask and Skinner offered the following amendment which was moved by Senator Trask and adopted:

Amendment 9—On page 3, line 18, after the word "insecticides" insert: , herbicides

Senators W. D. Childers and Gordon offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 10—On page 2 in title, lines 3 through 5, strike after semicolon "adding s. 206.87 (4)(g), Florida Statutes; providing an exemption for the sale or use of certain fuels;"

Senators W. D. Childers, Gordon and Firestone offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 11—On page 2 in title, line 29, between the semicolon and "requiring" insert: amending s. 220.62 (1), Florida Statutes; redefining the term "bank" for the purposes of part VII of the code to include certain international banking associations, corporations, or other similar organizations.

Senators W. D. Childers and Gordon offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 12—On page 2 in title, line 20, after the semicolon strike all of lines 20 through 29 through the semicolon

On motion by Senator Gordon, by two-thirds vote SB 1-D 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	Glisson	Peterson	Thomas, Pat
Barron	Gordon	Plante	Tobiassen
Castor	Gorman	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Johnston	Skinner	Wilson
Firestone	Lewis	Spicola	Winn
Gallen	MacKay	Thomas, Jon	Zinkil

Nays—1

Myers

On motion by Senator Gordon, the Senate reconsidered the vote by which SB 1-D as amended passed this day.

On motion by Senator Gordon, the Senate reconsidered the vote by which SB 1-D was read the third time by title.

On motions by Senator Gordon, the Senate reconsidered the vote by which Amendments 4 and 10 were adopted. By permission Amendments 4 and 10 were withdrawn.

On motion by Senator Gordon, by two-thirds vote SB 1-D was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 2-D—A bill to be entitled An act relating to land use management; adding s. 23.0112(5), Florida Statutes; defining the state comprehensive plan as the goals, objectives, and policies contained in the plan; amending s. 23.0114, Florida Statutes; providing for the preparation and revision of the plan; amending s. 23.013, Florida Statutes; providing that specific goals, objectives, and policies contained in the plan may only be implemented or enforced through specific acts of the Legislature; providing that nothing in the plan or revisions thereto will have the force and effect of law except as specifically authorized by law; providing Legislative intent; repealing s. 2, chapter 77-306, Laws of Florida, relating to the effective date of the plan; repealing s. 23.018, Florida Statutes, relating to the authority of the Department of Administration to establish a schedule for adoption of certain plans; creating the Florida Coastal Management Act of 1978; directing the Department of Environmental Regulation to submit an application for federal funds pursuant to Section 306 of the Federal Coastal Zone Management Act of 1972; restricting the program application to existing state law; designating the Department of Environmental Regulation as the lead agency and providing for certain powers and duties; providing for federal consistency review; providing for local government eligibility for technical and financial assistance; providing an express rejection of certain previously submitted plans; providing severability; providing an effective date.

compensation for disability; restricting consideration of diminution of wage-earning capacity with respect to claims; providing for authorization to release unemployment compensation information; amending s. 440.185(2), (4) and (9), Florida Statutes, decreasing time period for reporting knowledge of injury or death; requiring the division to notify an injured employee of his rights; amending s. 440.20(5), (7) and (10), Florida Statutes, providing additional penalties for late payment; 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; amending s. 440.25(3), Florida Statutes, specifying limitations on and considerations of judges of industrial claims conducting hearings on awards for diminution of wage-earning capacity; limiting the extent of an award for disability; 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. 440.34(1) and (3), 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; limiting attorney's fees subsequent to a written offer of settlement; 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; providing initial procedure for appointment of judges of industrial claims; amending s. 440.49(4)(g), Florida Statutes, and adding new subsection (2) thereto, relating to rehabilitation of injured employees and certain uses of the Special Disability Trust Fund; 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; amending s. 443.12(7), Florida Statutes; providing circumstances for the release of unemployment compensation records; 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; providing for a joint legislative study committee; requiring reports; providing an appropriation; providing an effective date.

On motion by Senator Vogt, by two-thirds vote SB 2-D was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 6, line 20, strike "section 4" and insert: "section 8"

Amendment 2—On page 9, line 7, strike "section 5" and insert: "section 9"

On motion by Senator Vogt, by two-thirds vote SB 2-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

SB 3-D—A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(b), (2)(d) and (9), Florida Statutes, changing the definition of employment, excluding certain volunteers from the definition of "employee", and changing the definition of disability, 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. 440.11(1), Florida Statutes; extending the exclusiveness of liability to fellow employees with certain exceptions; 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 Labor of the Department of Commerce to conduct certain investigations relative thereto; amending s. 440.15(3)(u), (10)(c) and (11), Florida Statutes, relating to com-

On motions by Senator Barron, by two-thirds vote SB 3-D 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—30

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

Nays—2

Renick Wilson

Votes after roll call:

Yea—Scott, Gordon, Sayler

Explanation of Vote

I voted against SB 3-D because I am concerned that portions of this bill are unconstitutional, specifically the threshold in F.S. 440.15 (3)(4). I feel this section violates Art. I, Section 2, Section 9 and Section 21 of the Florida Constitution. Further I question the constitutionality of this section under the First, Fifth, Seventh, Ninth and Fourteenth Amendments of the U.S. Constitution.

Lori Wilson, District 16

On motion by Senator Hair, by unanimous consent—

SB 6-D—A bill to be entitled An act relating to state lands; creating the State Lands Study Committee; prescribing the membership and duties of such committee; providing an appropriation; providing an effective date.

—was taken up out of order. On motions by Senator Hair, by two-thirds vote SB 6-D 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	Gorman	Plante	Trask
Barron	Hair	Poston	Vogt
Castor	Henderson	Renick	Ware
Chamberlin	Holloway	Sayler	Williamson
Childers, Don	Johnston	Scott	Wilson
Childers, W. D.	Lewis	Skinner	Winn
Dunn	MacKay	Spicola	Zinkil
Firestone	McClain	Thomas, Jon	
Gallen	Myers	Thomas, Pat	
Glisson	Peterson	Tobiassen	

Nays—None

Vote after roll call:

Yea—Gordon

On motion by Senator Hair, by unanimous consent—

SE 5-D—A bill to be entitled An act relating to limitations of civil actions; adding s. 95.031(3), Florida Statutes; providing for the computation of time for the period of limitations for causes of action involving sovereignty lands; providing an effective date.

—was taken up out of order. On motion by Senator Hair, by two-thirds vote SB 5-D was read the second time by title.

Senators Dunn and Vogt offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 1, strike lines 17-24 and insert: (3) All causes of action for conversion of, trespass upon, or other unauthorized use of state-owned lands, including sovereignty lands, shall accrue when the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, by the Trustees of the Internal Improvement Trust Fund, or by the state agency in whom title to such lands is vested, if not the Trustees, notwithstanding any other provision of these statutes.

Senator Scott moved the following substitute amendment which failed:

Amendment 2—On page 1, strike all of lines 11-24 inclusive and insert: Section 1. The statute of limitations with respect to causes of action for conversion of, trespass upon, or other unauthorized use of state lands and sovereignty lands beneath navigable waters is hereby extended an additional year beyond the four year period provided in s. 95.11(3), Florida Statutes.

On motion by Senator Ware the Senate reconsidered the vote by which Amendment 2 failed.

Senator Scott moved the following amendment to Amendment 2 which failed:

Amendment 2A—On page 1, line 4, strike "an additional year" and insert: two additional years

Amendment 2 failed.

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 3—On page 1, strike lines 17-26 and insert: (3) *No cause of action on behalf of the state for conversion of property severed from, for trespass upon, or for other unauthorized use or invasion of state-owned lands, including sovereignty lands, shall be barred by any provision of this chapter.*

Section 2. This act shall take effect upon becoming a law, and shall expire July 1, 1980.

On motion by Senator Hair, by two-thirds vote SB 5-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Scott

Vote after roll call:

Yea—Gallen

SB 4-D—A bill to be entitled An act relating to marketable record titles to real property; adding s. 712.03(7), Florida Statutes; providing an exception to marketability for sovereignty lands; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 4-D was read the second time by title.

Senator Vogt moved the following amendment which failed:

Amendment 1—On page 1, between lines 16-17, insert: Section 2. Section 712.10, Florida Statutes, is amended to read:

712.10 Law to be liberally construed.—This law shall be liberally construed to effect the legislative purpose of simplifying and facilitating land title transactions by allowing persons to rely on a record title as described in s. 712.02 subject only to such limitations as appear in s. 712.03. *The Legislature recognizes that sovereignty lands beneath the navigable waters of the state have throughout history been held in trust for the benefit of the citizens. It is therefore deemed contrary to this public trust relationship to allow this chapter to operate against the state's claims to sovereignty lands, nor is it the intent of the Legislature to divest the state of title to sovereignty lands by this chapter.*

[Renumber subsequent section.]

Senators Gallen, Plante and Scott offered the following amendment which was moved by Senator Gallen and failed:

Amendment 2—On page 1, between lines 16 and 17, insert: Section 2. The provisions of s. 712.03(7), Florida Statutes, shall not operate retrospectively to any lands which are not presently beneath navigable waters and which have been specifically conveyed by the State of Florida.

The vote was:

Yeas—18

Childers, Don	Johnston	Renick	Williamson
Gallen	Myers	Sayler	Wilson
Gorman	Peterson	Scott	Winn
Henderson	Plante	Trask	
Holloway	Poston	Ware	

Nays—18

Mr. President	Dunn	Lewis	Thomas, Pat
Barron	Firestone	MacKay	Vogt
Castor	Glisson	McClain	Zinkil
Chamberlin	Gordon	Skinner	
Childers, W. D.	Hair	Spicola	

Vote after roll call:

Nay—Tobiassen

Senator Holloway moved the following amendment which failed:

Amendment 3—On page 1, between lines 16 and 17, insert: the effective date and applicability of (7) shall be July 1, 1978.

On motion by Senator Hair, by two-thirds vote SB 4-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Glisson	McClain	Vogt
Barron	Gordon	Peterson	Ware
Chamberlin	Hair	Sayler	Winn
Childers, Don	Henderson	Skinner	Zinkil
Childers, W. D.	Johnston	Spicola	
Dunn	Lewis	Thomas, Pat	
Firestone	MacKay	Tobiassen	

Nays—13

Castor	Myers	Scott	Wilson
Gallen	Plante	Thomas, Jon	
Gorman	Poston	Trask	
Holloway	Renick	Williamson	

Vote after roll call:

Nay to Yea—Castor

Explanation of Vote

I voted no because I am concerned that this language could place a cloud on property titles of homeowners that own homes built on dredged and filled property.

Lori Wilson, District 16

SB 7-D—A bill to be entitled An act relating to the Florida Public Service Commission; creating s. 350.001, Florida Statutes; providing legislative intent; amending s. 350.01, Florida Statutes; providing for appointment of Public Service Commissioners; increasing the number of commissioners to five; providing for the filling of vacancies; providing for the retention of commissioners serving current terms until completion of their terms; providing 4-year terms for commissioners and providing for 6-year terms if authorized by a constitutional amendment; providing for filing of a declaration of intention to seek an additional term of office; providing for selection of a commission chairman and his terms and duties; providing procedures to expedite and assign commission proceedings; creating s. 350.031, Florida Statutes; establishing the Florida Public Service Commission Nominating Council; providing for member appointments and filling of vacancies; providing for restriction of membership of persons having certain interests; providing for council duties and responsibilities; requiring meetings of the council to be open and subject to the Sunshine Law; providing for reimbursement of expenses to council members; imposing restrictions on commissioners and employees of the commission after termination of service or employment; providing an effective date.

On motion by Senator Vogt, by two-thirds vote SB 7-D was read the second time by title.

Senator Sayler moved the following amendment which failed:

Amendment 1—On page 7, line 15, strike October; line 21, strike December; line 23, strike December and insert: on line 15, November; on line 21, January; on line 23, January

The vote was:

Yeas—9

Gordon	Poston	Thomas, Jon	Williamson
Henderson	Sayler	Ware	
McClain	Scott		

Nays—22

Barron	Firestone	Lewis	Trask
Castor	Glisson	Peterson	Vogt
Chamberlin	Gorman	Skinner	Winn
Childers, Don	Hair	Spicola	Zinkil
Childers, W. D.	Holloway	Thomas, Pat	
Dunn	Johnston	Tobiassen	

On motion by Senator Vogt, by two-thirds vote SB 7-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20

Mr. President	Dunn	McClain	Thomas, Pat
Barron	Glisson	Myers	Tobiassen
Castor	Hair	Sayler	Vogt
Chamberlin	Holloway	Skinner	Winn
Childers, W. D.	MacKay	Spicola	Zinkil

Nays—17

Childers, Don	Johnston	Renick	Williamson
Firestone	Lewis	Scott	Wilson
Gordon	Peterson	Thomas, Jon	
Gorman	Plante	Trask	
Henderson	Poston	Ware	

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Scarborough on SB 7-D. If he were present he would vote "Yea" and I would vote "Nay."

Tom Gallen, District 24

Explanation of Vote

I strongly support elections by the people of all public officials. However, the Public Service Commission, as currently constituted, has been unable to cope with modern problems of utility rates to the detriment of public interest.

I want the people to have the opportunity to indicate their preference in this matter when they vote on the Constitution Revision Ballot in November.

Sherman S. Winn, District 34
William G. Zinkil, Sr., District 32

On motion by Senator W. D. Childers, the Senate adjourned at 1:43 p.m. to convene at 11:00 a.m., Thursday, June 8, 1978.