



Journal of the Senate

Number 14

Tuesday, May 1, 1979

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

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtler	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by the Reverend Ken Smith, pastor of the First Baptist Church of South Miami:

Our most gracious father, we pause at the beginning of another legislative week...to acknowledge your blessing and grace to us as a people, to seek your guidance for our human inadequacy and your grace for our human shortcomings.

As we pray, we pray seeking your knowledge that we might deliberate with wisdom...seeking your grace that we may see beyond our own personal greed for recognition...seeking your wisdom that we make decisions beyond our personal limitations...seeking your love that our decisions might be sensitive to all the people of Florida's needs.

All of these things we ask in your precious name. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 1, 1979:

CS for SJR 93	SB 171	SB 893
SB 66	SB 490	SB 694
SB 54	SB 551	SB 246
SB 258	SB 413	SB 250
SB 323	SB 531	CS for SB's 68 and 25
SB 213	SB 573	SB 481
CS for SB 81	SB 888	CS for SB 367

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Education recommends the following pass:
SB 414

The Committee on Judiciary-Civil recommends the following pass: SB 505 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 309 with 1 amendment

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

The Committee on Transportation recommends the following pass: SB 856 with 2 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 749

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 910

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 7 with 4 amendments

The bill was referred to Ways and Means Subcommittee D under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 776

The Committee on Health and Rehabilitative Services recommends the following pass: SB 960

The bills contained in the foregoing reports were referred to Ways and Means Subcommittee E under the original reference.

The Committee on Education recommends the following pass: SB 681, SB 436 with 3 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 836

The Committee on Governmental Operations recommends the following pass:

CS for SB 102	SB 1008
SB 533	SB 1016 with 2 amendments
SB 919 with 3 amendments	

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following pass: SB 785 with 3 amendments

The Committee on Governmental Operations recommends the following pass:

SB 477	SB 651	SB 736	SB 787
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The Committee on Judiciary-Civil recommends the following pass:

SB 225	SB 846
SB 327	SB 862
SB 399	SB 875
SB 600 with 2 amendments	HB 71 with 2 amendments
SB 702	

The Committee on Transportation recommends the following pass:

SB 577 with 2 amendments	SB 753 with 2 amendments
SB 912 with amendments	

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 820

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 489

The Committee on Education recommends Committee Substitutes for the following: SB 187, SB 244

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 746

The bill with Committee Substitute attached was placed on the calendar.

The Special Master for Claims recommends the following not pass: SB 100

The bill was referred to the Committee on Natural Resources and Conservation under Rule 2.8.

The Special Master for Claims recommends the following not pass: SB 257

The bill was referred to the Committee on Ways and Means under Rule 2.8.

The Committee on Education recommends the following not pass: SB 245, SB 345

The bills were laid on the table.

The Committee on Agriculture recommends that the Senate confirm the appointment made by the Governor of Joe L. Davis, Sr., Wauchula, Member of the Florida Citrus Commission for term ending May 31, 1979.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

REPORTS OF SUBCOMMITTEES TO STANDING COMMITTEE

The Select Subcommittee on SB 245 recommends to the Committee on Education that SB 245 be reported unfavorably.

Ways and Means Subcommittee D recommends favorably a committee substitute for SB 592 to the Committee on Ways and Means.

The Select Subcommittee on SB 187 recommends to the Committee on Education a committee substitute for SB 187.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, the rules were waived and Ways and Means Subcommittee B was granted permission to extend time of adjournment of the meeting Wednesday, May 2, until 7:00 p.m.; to meet Thursday, May 3, from 5:00 p.m. until 9:00 p.m.; and Friday, May 4, at 8:00 a.m. in lieu of 9:00 a.m.

On motion by Senator Dunn, the rules were waived and the conferees on CS for SB 727 were granted an additional 2 days to complete the Conference Committee Report.

On motions by Senator Johnston, the rules were waived and Ways and Means Subcommittees D and E were granted permission to meet Wednesday, May 2, from 8:00 a.m. until 10:00 a.m.

On motion by Senator Barron, the rules were waived and the Committee on Commerce was granted permission to consider SB 235 this day.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 538 was withdrawn from Ways and Means Subcommittee E.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 1235 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1197 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Thomas, the rules were waived and by two-thirds vote HB 588 and SB 820 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 296, 353, 386, 660, 933 and 1095 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, by two-thirds vote HB 588 was withdrawn from the Committee on Ways and Means.

On motions by Senator McClain, by two-thirds vote SB 617 was withdrawn from the Committee of reference and indefinitely postponed.

On motion by Senator MacKay, the rules were waived and by two-thirds vote SB 142 was withdrawn from the Committee on Education.

REQUESTS FOR EXTENSION OF TIME

April 27, 1979

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

CS for SB 448 by Health and Rehabilitative Services Committee and Senator Jenne	SB 842 by Senator Don Childers
SB 803 by Senator Jenne	SB 851 by Senator Johnston
SB 805 by Senator Skinner	SB 858 by Senator Thomas
SB 807 by Senator Ware	SB 868 by Senator Henderson
SB 811 by Senator Hill	SB 876 by Senator Don Childers
SB 821 by Senator Carlucci	SB 882 by Senator Winn
SB 822 by Senator Carlucci	SB 883 by Senator Winn
SB 824 by Senator Carlucci	SB 884 by Senator McClain
SB 835 by Senator Hill	SB 855 by Senator McKnight

April 30, 1979

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

CS for SB 149 by Senator Vogt	SB 903 by Senator Williamson
SB 814 by Senator Poole	SB 913 by Senator Stuart
SB 844 by Senator Don Childers	SB 920 by Senator Ware
SB 849 by Senator Hill	SB 940 by Senator Jenne
SB 852 by Senator McKnight	SB 949 by Senator Williamson
SB 859 by Senator Vogt	SB 950 by Senator Ware
SB 860 by Senator Vogt	SB 954 by Senator Tobiassen
SB 861 by Senator Vogt	SB 959 by Senator Holloway
SB 865 by Senator Gordon	SB 961 by Senator Vogt
SB 879 by Senator Neal	CS for HB 110 by House Community Affairs Committee
SB 894 by Senator Thomas	
SB 899 by Senator Winn	

May 1, 1979

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

SB 30 by Senator Dunn	SB 184 by Senator Scarborough
SB 38 by Senator Henderson	SB 205 by Senator Poole
SB 45 by Senator Dunn	SB 206 by Senator Poole
SB 63 by Senator Steinberg	SB 241 by Senator MacKay
SB 74 by Senator Steinberg	SB 318 by Senator Henderson
SB 86 by Senator Chamberlin	SB 322 by Senator Grizzle
SB 106 by Senator Gordon	SB 333 by Senator MacKay
SB 121 by Senator Gordon	SB 337 by Senator Poole
SB 143 by Senator Holloway	SB 403 by Senator MacKay
SB 147 by Senator Hair	SB 422 by Senator Maxwell
SJR 153 by Senator Hair	SB 442 by Senator Steinberg
SB 154 by Senator Hair	SB 447 by Senator Jenne
SB 156 by Senator MacKay	SB 453 by Senator Tobiassen
SB 172 by Senator Maxwell	SCR 472 by Senator Holloway
SB 182 by Senator Hair	SB 479 by Senator Frank
SJR 183 by Senator Hair	

SB 491 by Senator Steinberg
 SB 507 by Senator Carlucci
 SB 509 by Senators Hair and Dunn
 SB 544 by Senator Steinberg
 SB 553 by Senator MacKay
 SB 559 by Senator Scott
 SB 560 by Senator Scott
 SB 567 by Senator Stuart
 SB 574 by Senator Gorman
 SB 586 by Senator Vogt
 SB 590 by Senator Frank
 SB 597 by Senator Johnston
 SB 619 by Senator Steinberg

April 30, 1979

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

SB 767 by Senator Tobiassen
 SB 777 by Senator Steinberg
 SB 780 by Senator Steinberg

May 1, 1979

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

SB 48 by Senator MacKay
 SB 52 by Senator MacKay
 SB 84 by Senator MacKay
 SB 89 by Senator Johnston
 SB 160 by Senator Winn
 SB 237 by Senator Maxwell
 SB 242 by Senators Peterson and MacKay
 SB 285 by Senator Fechtel
 SB 306 by Senator Steinberg
 SB 335 by Senator Skinner
 SB 342 by Senator Peterson
 SB 346 by Senator Gordon
 SB 382 by Senator Peterson
 SB 384 by Senator Poole
 SB 396 by Senator Peterson
 SB 407 by Senator MacKay
 SB 418 by Senator Tobiassen
 SB 421 by Senator Peterson
 SB 469 by Senator Frank
 SB 470 by Senator Holloway
 SB 480 by Senator Frank
 SB 483 by Senator Johnston
 SB 487 by Senator Steinberg
 SB 520 by Senator Maxwell
 SB 522 by Senator D. Childers

May 1, 1979

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

SB 526 by Senator MacKay
 SB 564 by Senator Holloway
 SB 576 by Senator Stuart
 SB 808 by Senator Williamson
 SB 812 by Senator Hill
 SB 815 by Senator Scott
 SB 825 by Senator Steinberg
 SB 832 by Senator Frank
 SB 838 by Senator Gordon
 SB 841 by Senator Frank
 SB 885 by Senator Skinner

April 27, 1979

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

SB 18 by Senator Scott
 SB 20 by Senator Scarborough
 SB 65 by Senator Steinberg
 SB 144 by Senator Holloway
 SB 119 by Senator Skinner
 SB 166 by Senator Don Childers and others
 SB 243 by Senator Maxwell
 SB 274 by Senator Don Childers
 SB 277 by Governmental Operations Committee and others
 SB 294 by Governmental Operations Committee and others
 SB 302 by Governmental Operations Committee and others
 SB 312 by Governmental Operations Committee and others
 SB 370 by Governmental Operations Committee and others
 SB 387 by Governmental Operations Committee and others
 SB 388 by Governmental Operations Committee and others
 SB 391 by Governmental Operations Committee and others
 SB 415 by Senator Tobiassen
 SB 417 by Senator Tobiassen
 SB 477 by Senator Frank
 SB 478 by Senator Frank
 SB 485 by Senator Dunn
 SB 486 by Senator Steinberg
 SB 499 by Senator Dunn
 SB 502 by Senator Dunn
 SB 533 by Senator Fechtel
 SB 535 by Senator Johnston
 SB 810 by Senator Hair
 SB 839 by Senator Maxwell
 SB 864 by Senator Dunn
 SB 874 by Governmental Operations Committee
 SB 892 by Senator Gorman
 HB 1046 by Committee on Community Affairs
 HB 1530 by Committee on Regulatory Reform

April 27, 1979

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 818 by Senator William-son
 SB 813 by Senator Holloway
 SB 827 by Senator Johnston
 SB 836 by Senator Myers
 SB 853 by Senator McKnight
 SB 854 by Senator McKnight
 SB 863 by Senator Myers
 SB 541 by Senators McKnight and Dunn

April 30, 1979

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 628 by Senator Grizzle
 SB 676 by Senator Vogt
 SB 677 by Senator Vogt
 SB 712 by Senator Vogt
 SB 723 by Senator MacKay
 CS for SB 593 by Economic, Community and Consumer Affairs and Senator Henderson
 SB 907 by Senator Grizzle
 SB 911 by Senator William-son
 SB 930 by Senator Jenne
 SB 939 by Senator McKnight
 SB 952 by Senator Gordon
 SB 960 by Senator Johnston
 SB 969 by Senators Chamberlin and Frank
 SB 970 by Senator Poole

April 27, 1979

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

SB 14 by Senator Dunn
 SB 22 by Senator Dunn
 SB 23 by Senators Dunn and Jenne
 SB 44 by Senator Dunn
 SB 50 by Senator Steinberg
 SB 58 by Senator Gordon
 SB 69 by Senator Dunn
 SB 72 by Senators Hair and MacKay
 SB 122 by Senator Gordon
 SB 124 by Senator MacKay
 SB 146 by Senator Johnston
 SB 151 by Senator Chamberlin
 SB 196 by Senator Maxwell
 SB 232 by Senator Steinberg
 SB 260 by Senator Steinberg
 SB 268 by Judiciary-Civil Committee
 SB 269 by Judiciary-Civil Committee
 SB 283 by Senator Anderson
 SJR 287 by Senators Frank and McKnight
 SB 292 by Senator Spicola
 SB 348 by Senator Fechtel
 SB 359 by Senator Steinberg
 SB 411 by Senator Johnston
 SB 450 by Senator Dunn and others
 SB 467 by Senator Frank
 SB 471 by Senator Holloway
 SB 518 by Senator Williamson
 SB 556 by Senator Grizzle
 SB 579 by Senator McKnight
 SB 602 by Senator Myers
 SB 608 by Senator Myers
 SB 826 by Senator McClain
 SB 831 by Senator Maxwell
 SB 848 by Judiciary-Civil Committee
 SB 877 by Senator Hill
 SB 878 by Senator Neal
 SB 904 by Senator Williamson
 SB 908 by Senator Grizzle
 SB 914 by Senator Maxwell
 SB 924 by Senator Scott
 SB 944 by Senator Holloway
 SB 946 by Senator Poole
 SB 957 by Senator McClain
 SB 968 by Senator Hair
 SB 973 by Senator Barron
 CS for HB 57 by Judiciary Committee and Representative Moffitt

April 27, 1979

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

SB 738 by Senator Dunn
 SB 463 by Senator Vogt
 SB 781 by Senator Steinberg
 SB 783 by Senator Skinner

April 30, 1979

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

SB 90 by Senator Johnston
 SB 111 by Judiciary-Criminal Committee
 SB 115 by Senator Gorman
 SB 134 by Judiciary-Criminal Committee
 SB 203 by Senator Poole
 SB 263 by Senator Carlucci
 SB 264 by Senator McKnight
 SB 316 by Senator Spicola
 SB 383 by Senators Poole and Johnston
 SB 455 by Senator Dunn
 SB 457 by Senator Carlucci
 SB 493 by Senator Carlucci
 SB 494 by Senator Carlucci
 SB 500 by Senator Dunn
 SB 510 by Senator Spicola
 SB 523 by Senator Spicola

April 27, 1979

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 793 by Senator Vogt and others

April 30, 1979

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 26 by Senator Henderson and others	SB 290 by Senator Vogt
SB 27 by Senator Henderson and others	SB 334 by Senator Skinner
SB 28 by Senator Henderson and others	SB 389 by Senator Tobiassen
SB 32 by Senator Dunn	SB 501 by Senator Vogt
SB 35 by Senator Henderson	SB 530 by Senator Frank
SB 140 by Senator Henderson	SB 552 by Senator Stuart and others
SB 174 by Senators Trask and Peterson	SB 897 by Senator Vogt

April 27, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 39 by Senator Dunn	SB 344 by Senator Barron
SB 51 by Senator Steinberg	SJR 363 by Senator McKnight and others
SJR 70 by Senator McClain	SB 420 by Senator Maxwell
SB 199 by Senator Carlucci	SB 575 by Senator Hair
SCR 226 by Senator Gordon	SCR 843 by Senator Peterson
SCR 239 by Senator Henderson and others	SB 890 by Senator Barron and others
SJR 255 by Senator Ware and others	SM 891 by Senator Barron and others
SJR 265 by Senator Gordon	SB 311 by Senator Carlucci
SJR 281 by Senator Grizzle	SB 408 by Senator Neal and others
SB 251 by Committee on Executive Business and others	SB 506 by Senator Neal

May 1, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 931 by Senator McKnight	HB 654 by Committee on Rules and Calendar
SM 900 by Senator Ware and others	HB 67 by Committee on Appropriations and Representative Gustafson
SM 945 by Senator Fachtel	
HB 649 by Committee on Rules and Calendar	

April 27, 1979

The Special Master for Claims requests an extension of 15 days for consideration of the following:

SB 6 by Senator Scott	SB 297 by Senator Steinberg
SB 75 by Senator Holloway	SB 319 by Senator Anderson
SB 180 by Senator Peterson	SB 324 by Senator Hill
SB 247 by Senator Hill	SB 433 by Senator Jenne

April 27, 1979

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

SB 672 by Senator Gordon	SB 867 by Senator Hair
SB 687 by Senator Poole and others	SB 873 by Senator Williamson and others
SB 828 by Senator Hill	SB 942 by Senator Peterson
SB 850 by Senator Holloway	

April 30, 1979

Ways and Means Subcommittee C requests an extension of 15 days for consideration of the following:

SB 12 by Senator Dunn

INTRODUCTION

On motions by Senator Dunn, the rules were waived and the following bill was introduced notwithstanding the fact that the final day had passed for introduction of general bills:

By Senator Dunn—

SB 1283—A bill to be entitled An act relating to mechanics' liens; amending s. 713.01(19), Florida Statutes; including subcontractors within the definition of "lienors giving notice"; amending s. 713.04, Florida Statutes; providing that a notice of commencement need not be filed with respect to liens relating to subdivision improvements; providing that such a lienor need not serve a notice to owner; amending s. 713.05, Florida Statutes; providing for liens of persons in privity; amending s. 713.06(2) (a), (3) (c), Florida Statutes; requiring certain materialmen to serve a copy of the notice to owner on the contractor; providing additional defenses to enforcement of a lien; providing additional duties of a contractor upon termination of a contract before completion; amending s. 713.08(3), Florida Statutes; revising the claim of lien form; amending s. 713.09, Florida Statutes; changing the conditions under which a single claim of lien may be recorded on multiple improvements; amending s. 713.13(3), (5), Florida Statutes; providing for the effect of notice of commencement of improvements on the recording of liens; amending s. 713.23, Florida Statutes; providing and revising certain forms; amending s. 713.31 (2) (c), Florida Statutes; authorizing certain subcontractors to bring an action for damages with respect to a fraudulent lien; repealing s. 713.231, Florida Statutes, relating to contract disclosures; providing an effective date.

—which, without objection, was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

By Senators Holloway, McKnight and Anderson—

SB 1284—A bill to be entitled An act relating to Monroe County; authorizing the Sheriff of Monroe County to compensate certain deputy sheriffs for suspension from duty without cause; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Barron, Gordon and Thomas—

SB 1285—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority; amending s. 2(1), chapter 72-605, Laws of Florida; increasing membership of the Authority to include the Presidents of the Student Government Associations of Florida State University and Florida A & M University, or their respective designates; 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.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had transmitted to the Secretary of State's office Senate Bills 17 and 91 which he had approved April 26, 1979.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House amendment and passed SB 19, as further amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

SB 34	SB 168	SB 365
SB 594	SB 605	SB 606

Allen Morris, Clerk

stuffs; authorizing the enforcement of a stop-sale, stop-use, removal, or hold order against a possessor of commercial feeds or feedstuffs; providing penalties; providing an effective date.

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

By Representative Dunbar—

HB 892—A bill to be entitled An act relating to cable television; removing authority of counties and municipalities to regulate rates for cable television service; providing an effective date.

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

By the Committee on Community Affairs—

HB 1568—A bill to be entitled An act relating to county government; amending paragraph (a) of s. 125.01(6), Florida Statutes, and adding a subsection thereto; providing a method of remitting the identified cost of a service to a municipality or municipalities; providing for the use of any other method prescribed by state law; providing a restriction on the expenditure of county revenues; providing for a study by the Advisory Council on Intergovernmental Relations; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 1138.

Allen Morris, Clerk

On motions by Senator Trask, the rules were waived and by two-thirds vote HB 1138 was withdrawn from the Committee on Rules and Calendar and returned to the House as requested.

MATTERS ON RECONSIDERATION

The motion by Senator Barron on May 1, that the Senate reconsider the vote by which—

SB 709—A bill to be entitled An act relating to radiologic technologists; amending s. 468.308(1), (2), (6), Florida Statutes, 1978 Supplement; extending the time within which certain persons may apply for and within which the department is required to issue a radiologic technologist's certificate based on prior experience; including osteopathic physicians' assistants in those health personnel who shall be issued a certificate to operate x-ray equipment without examination; providing an effective date.

—as amended failed to pass on April 26, was taken up and adopted. The Senate reconsidered the vote and SB 709 as amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Fechtcl, Holloway.

SPECIAL ORDER

On motions by Senator Barron, consideration of SJR 93 and SB 66 was deferred until 10:00 a.m.

SB 54—A bill to be entitled An act relating to coal slurry pipeline companies; creating s. 361.08, Florida Statutes; providing the right of eminent domain to coal pipeline companies; 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 Hair:

Amendment 1—On page 1, line 16, after the comma (,) insert: for the purpose of supplying any electric utility or utilities, any city, town, village or the inhabitants thereof, or any community with coal or its derivatives and all mixtures and combinations thereof by pipeline, or for the purpose of serving

The Committee on Commerce offered the following amendment to Amendment 1 which was moved by Senator Hair and failed:

Amendment 1A—On page 1, line 4, strike "or" and insert: and

Senator Henderson moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 2—On page 1, strike lines 10 through 28 and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 361.08, Florida Statutes, is created to read:

361.08 Right of eminent domain to coal pipeline companies.—Any corporation, partnership, joint venture, association, or other legal entity organized under the laws of this state, or under the laws of any other state and qualified to do business in this state, for the purpose of supplying any electric utility or utilities, any city, town, village or the inhabitants thereof, or any community with coal or its derivatives and all mixtures and combinations thereof by pipeline, and for the purpose of serving as a common carrier operating or proposing to operate a pipeline or pipelines for transporting or delivering coal, or its derivatives, or any mixtures or combinations thereof, shall have the right of eminent domain, and all other rights and powers necessary to pipeline companies for the purpose of acquiring title, easement, right-of-way, or other right necessary to take private property needed for the construction, operation, maintenance, repair, or replacement of coal slurry and derivative plants, pipelines, pumping stations, and any other installations and works incident thereto. The procedure to condemn property shall be exercised in the manner set forth in chapters 73 and 74, Florida Statutes.

In any condemnation proceeding under this act the court shall restrict the exercise of the right of eminent domain in the following particulars:

(1) The right of eminent domain shall be limited to takings from the property owner which result in the least property being taken to effect the purpose of the condemning entity.

(2) All takings shall be subject to the legal obligation, which shall become a restrictive covenant on the property taken, on the part of the condemning authority, and its successor in title or interest jointly and severally, to reconvey the title or property interest taken to the former owner or his successor in title and interest if the right-of-way is not used within a reasonable time as fixed by the court in the condemnation proceeding. The reconveyance shall be at the condemned or acquired price, plus interest thereon computed at the rate of 15% per annum, compounded annually. Unless the Land and Water Adjudicatory Commission, created pursuant to section 380.07, Florida Statutes, determines that there is no feasible or prudent alternative route, the right of eminent domain shall be not exercised pursuant to this section to acquire title to or interest in lands which are located within, or comprising a part of:

(1) Any park, conservation area, wildlife refuge, wildlife management area, or recreation area established by state agency, water management district or federal agency;

(2) Any aquatic preserve established under section 258, Florida Statutes;

(3) Any wildlife sanctuary or environmental education center owned by an incorporated private nonprofit, tax-exempt organization which is in existence prior to the passage of this act;

(4) Any historical site or district listed in the National Register of Historic Places.

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

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

Amendment 3—On page 1, line 26, after the period (.) insert: The procedure to condemn property shall be exercised in the manner set forth in chapters 73 and 74, Florida Statutes.

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

Amendment 4—On page 1, strike all of lines 19 through and including line 26 and insert: combinations thereof, shall have the right of eminent domain, subject to rules promulgated by the Florida Public Service Commission pursuant to this section and to other applicable provisions of Florida law, and all other rights and powers necessary to pipeline companies for the purpose of acquiring title, easement, right-of-way, or other right necessary to take private property needed for the construction, operation, maintenance, repair, or replacement of coal slurry and derivative plants, pipelines, pumping stations, and any other installations and works incident thereto. The procedure to condemn property shall be exercised in the manner set forth in chapters 73 and 74, Florida Statutes.

(2) The Florida Public Service Commission shall, within 120 days from the effective date of this act, file for proposed adoption of rules for the implementation of this act. These rules shall restrict the exercise of the right of eminent domain in the following particulars:

(a) This right shall be limited to takings from the property owner which result in the least property interest being taken to effect the purpose of the condemning entity,

(b) All condemnations shall be subject to the legal obligations on the part of the condemning authority to reconvey the property interest to the owner or his successor in title or interest if the pipeline is not completed and used as such within a reasonable time fixed by the Commission. The reconveyance shall be at the condemned or acquired price, plus interest thereon computed at the rate of 10% per annum, compounded annually,

(c) The rules shall prohibit the exercise of eminent domain unless and until the feasibility of the pipeline system, including the economic and environmental aspects thereof, is shown to the satisfaction of the Commission and essential compliance by other states or jurisdictions have been obtained.

The Committee on Commerce offered the following amendment to Amendment 4 which was moved by Senator Hair and failed:

Amendment 4A—On page 1, lines 2 and 3, strike all of said lines; line 4, strike "provisions of Florida law,"; line 13, strike "The Florida Public Service Commission shall,"; lines 14 and 15, strike all of said lines; and line 16, strike "act. These rules"

On page 2, line 8, strike "commission"; line 12, strike "rules"; and line 15, strike "commission" and insert:

page 1, line 16—before the words "shall restrict": The court
page 2, line 8—after the word "the": court
page 2, line 12—after "(c) The": court
page 2, line 15—after the words "of the" court

Amendment 4 failed.

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

Amendment 5—On page 1 in title, line 5, after "companies;" insert: requiring the Public Service Commission to promulgate rules pursuant to this section; restricting the exercise of eminent domain powers under certain circumstances;

The Committee on Commerce offered the following amendment to Amendment 5 which was moved by Senator Hair and failed:

Amendment 5A—On page 1, lines 1 and 2, strike all of said lines; and line 3, strike "restricting" and insert: requiring the court to restrict

Amendment 5 failed.

Senator Hair moved the following amendment to the bill as amended by Amendment 2:

Amendment 6—On page 2, line 1, after the period (.) insert: Any entity operating a pipeline constructed under the eminent domain provisions of this act shall be a common carrier and its pipeline subject to public use. Any business entity organized under the laws of this state shall have the right, on equal terms, to transport, only from the origin of the pipeline to its termination point, coal, its derivatives, or any mixture or combination thereof, after complying with the reasonable regulations and charges of the operating entity. Any entity operating such a pipeline shall also make available to any business entity organized under the laws of this state, the coal, its derivatives, or any mixture or combination thereof transported by the pipeline, at the lowest rate charged any other user for such product.

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 7—On page 2, after "proceeding" on line 18 insert: The reconveyance shall be for the original condemnation award, less interest on the original award, computed at the rate of 15% per annum, compounded annually.

The vote was:

Yeas—26

Mr. President	Gorman	Myers	Stuart
Anderson	Grizzle	Neal	Trask
Barron	Henderson	Poole	Vogt
Childers, D.	Hill	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	McClain	Spicola	
Frank	McKnight	Steinberg	

Nays—11

Carlucci	Holloway	Peterson	Tobiassen
Fecht	Johnston	Scarborough	Winn
Hair	MacKay	Thomas	

Senator Henderson moved the following amendment which was adopted:

Amendment 8—On page 1, strike the title and insert: A bill to be entitled An act relating to coal slurry pipeline companies; creating s. 361.08, Florida Statutes; providing the right of eminent domain to coal pipeline companies; requiring the court to restrict the exercise of eminent domain powers under certain circumstances; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 54 as amended was read the third time by title.

On motion by Senator Dunn, further consideration of SB 54 was deferred.

SB 258—A bill to be entitled An act relating to regulation of agricultural products dealers; amending s. 604.15(1), (3)-(6), Florida Statutes; providing definitions; creating s. 604.151, Florida Statutes; providing legislative purpose; amending s. 604.17, Florida Statutes; deleting obsolete language; amending s. 604.18(3), (4), Florida Statutes, and adding subsection (5)

to said section; prescribing information to be furnished on applications for a license as an agricultural products dealer; amending s. 604.19, Florida Statutes; prescribing the period a license is effective; prescribing the amount of license fees and penalties for delinquent license renewal; amending s. 604.20(1), (3), Florida Statutes, 1978 Supplement; prescribing the condition of agricultural products dealer bonds; requiring a new and separate bond annually for license renewal; providing for review of records of an applicant or licensee; making failure to provide information or make records available grounds for suspension or revocation of license; amending s. 604.21, Florida Statutes, 1978 Supplement; prescribing procedures with respect to complaints filed with the Department of Agriculture and Consumer Services concerning a dealer's failure to make payments; authorizing the department to order payment; providing for distribution of the proceeds of the dealer's bond; providing for suits by complainants to recover proceeds of the bonds; providing for court costs and attorney's fees; amending s. 604.211, Florida Statutes; limiting licensee's right to consign products of the producer; amending s. 604.22, Florida Statutes; requiring licensee to maintain records of transactions and prescribing times for dealer to make account of sale and payment to producer; repealing s. 604.24, Florida Statutes, which section provides for the inspection of spoiled or unmarketable products; reviving and readopting provisions of chapter 604, Florida Statutes, as amended, relating to agricultural products dealers, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing an effective date.

—was read the third time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Henderson and adopted by two-thirds vote:

Amendment 1—On page 10, line 1, strike "in and for Leon County,"

The Committee on Governmental Operations offered the following amendment which was moved by Senator Henderson and adopted by two-thirds vote:

Amendment 2—On page 12 after line 11, insert: Section 13. Sections 604.15-604.23, 604.25, 604.27-604.30, Florida Statutes, are repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

(Renumber subsequent section.)

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

Amendment 3—On page 2, line 17 in title, after "retroactivity;" insert: providing for repeal of ss. 604.15-604.23, 604.25, 604.27-604.30, Florida Statutes;

SB 258 as amended, passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Jenne	Skinner	Winn
Fechtcl	Johnston	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

SB 323—A bill to be entitled An act relating to unauthorized use of police or fire radio frequencies; creating s. 843.165, Florida Statutes; prohibiting any unauthorized person from transmitting sounds or speech over police or fire radio frequencies; providing penalties; providing exceptions; 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 Spicola and adopted:

Amendment 1—On page 1, line 17, insert after the word "frequency": with knowledge that such frequency is

On motion by Senator Steinberg, further consideration of SB 323 was deferred.

Senator Scarborough presiding

The President presiding

By the Committee on Rules and Calendar and Senators Ware, Peterson, Thomas and Scott—

CS for SJR 93—A joint resolution proposing amendments to Article VII, State Constitution, relating to the taxes levied by school districts.

—was read the first time by title and SJR 93 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SJR 93 was read the second time by title.

Senators Dunn, Myers, Peterson and MacKay offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 1—On page 1, strike lines 19 through 24 and insert: be at a uniform rate within each taxing unit, except the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied at a uniform rate different than the rate on other property in the school district, and except the taxes

Senator Gordon moved the following amendment which failed:

Amendment 2—On page 1, line 8, strike "Sections 2, 3, and 9" and insert: Sections 2 and 3

The vote was:

Yeas—16

Chamberlin	Grizzle	Jenne	Neal
Childers, D.	Hair	Johnston	Spicola
Frank	Hill	McClain	Steinberg
Gordon	Holloway	McKnight	Williamson

Nays—23

Mr. President	Fechtcl	Poole	Tobiassen
Anderson	Gorman	Scarborough	Trask
Barron	MacKay	Scott	Vogt
Carlucci	Maxwell	Skinner	Ware
Childers, W. D.	Myers	Stuart	Winn
Dunn	Peterson	Thomas	

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

Amendment 3—On page 1, line 6, strike everything after the resolving clause and insert: That the following revision consisting of amendments to Sections 2, 3, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

ARTICLE VII FINANCE AND TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied at a uniform rate different than the rate on other property in the school district, and except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mort-

gage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominately for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) *As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.*

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad Valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; *except that the millage on homestead property shall not be in excess of two mills*; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

**ARTICLE XII
SCHEDULE**

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 6.4 mills times the taxable value of the property times a factor equal to one minus any discount for early payment of taxes. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2, 3 and 9; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund, payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; to authorize school districts to levy against homestead property a uniform millage rate different than that levied against other property; and to prohibit school districts from levying in excess of 2 mills against homestead property

for ad valorem taxes. The amendments take effect upon approval by the voters.

Senators Frank, McKnight and Jenne offered the following substitute amendment for Amendment 3 which was moved by Senator Frank and failed:

Amendment 4—On page 2, between lines 19 and 20, insert:
(d) There is hereby created a reserve fund in the amount of \$500 million for the purpose of considering recommendations of the Tax Reform Commission; provided, that legislation is enacted at the special session to be held in December, 1979, implementing the expenditure or reserve of said moneys.

Amendment 3 was adopted. The vote was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

Senator MacKay moved the following amendment which was adopted:

Amendment 5—On page 1 in title, line 3, strike "Article VII" and insert: Articles VII and XII

On motion by Senator MacKay, by two-thirds vote CS for SJR 93 as amended was read the third time in full as follows:

CS for SJR 93—A joint resolution proposing amendments to Article VII, and XII, State Constitution, relating to the taxes levied by school districts.

Be It Resolved by the Legislature of the State of Florida:

That the following revision consisting of amendments to Sections 2, 3, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

**ARTICLE VII
FINANCE & TAXATION**

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied at a uniform rate different than the rate on other property in the school district, and except the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominately for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person

who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) *As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.*

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; *except that the millage on homestead property shall not be in excess of two mills*; for water management purposes for the north-west portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

ARTICLE XII SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 6.4 mills times the taxable value of the property times a factor equal to one minus any discount for early payment of taxes. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2, 3, and 9; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund, payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; to authorize school districts to levy against homestead property a uniform millage rate different than that levied against other property; and to prohibit school districts from levying in excess of 2 mills against homestead property for ad valorem taxes. The amendments take effect upon approval by the voters.

—and as amended passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtler	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—2

Childers, D. Frank

On motions by Senator Barron, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order notwithstanding the fact that the final day had passed for introduction of bills:

INTRODUCTION

By Senator Myers—

SB 1288—A bill to be entitled An act relating to a special election to be held on the first Tuesday after the first Monday in September 1979, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Sections 2, 3 and 9 of Article VII of the State Constitution, relating to millage rates; providing for publication of notice and for procedures; providing an effective date.

—which, without objection, was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Myers, by two-thirds vote SB 1288 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar following SB 66.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on Senate Bills 66 and 1288.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 128 and 129 were withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers, the rules were waived and Ways and Means Subcommittee D was granted permission to consider Senate Bills 601, 340, 339, 915, and 397 Wednesday, May 2.

On motions by Senator Myers, the rules were waived and by two-thirds vote SJR 153 was withdrawn from the Committee on Economic, Community and Consumer Affairs and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Thomas, the rules were waived and by two-thirds vote SB 609 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Henderson, by two-thirds vote SB 718 was withdrawn from the committees of reference and indefinitely postponed.

SPECIAL ORDER, continued

SB 66—A bill to be entitled An act relating to district school boards; amending s. 236.25(1), Florida Statutes; correcting an inaccurate reference; decreasing the maximum millage which may be levied by the board for school purposes of the district; providing an effective date.

—which was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 1, line 11, strike all of Section 1 and insert: Section 1. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) *Unless otherwise provided by law*, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(6)(~~5~~) shall levy no

more than 8 mills of tax on the nonexempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of ss. 9(b) and 12 of Art. VII of the State Constitution. For fiscal year 1979-80 and for fiscal year 1980-81, the millage authorized by this subsection shall be six (6) mills.

Senator Don Childers moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 1, line 11, strike “six (6) mills.” and insert: 7 mills.

Section 2. (1) This section shall be known and may be cited as the “Homestead Property Tax Relief Act”.

(2) There is hereby granted an ad valorem tax rebate in an amount equal to \$62 to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of a homestead.

(3) There is hereby granted an ad valorem tax rebate in an amount equal to \$66.50 to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1980 assessed value of a homestead.

(4) Each person granted a tax rebate pursuant to subsections (2) and (3) shall receive such rebate in the form of a warrant from the Comptroller of the State of Florida within 60 days of the issuance of tax notice receipt forms by the county tax collector.

(5) Upon extension of the tax rolls pursuant to s. 193.122 (2), Florida Statutes, the property appraiser of each county shall immediately submit to the Department of Revenue a computer tape copy of the name-address-legal file used in preparing the extended real property tax roll, together with a certified statement that the file is correct to the best of his knowledge and belief. The file copy shall meet the requirements of Rule 12D-8.13, Florida Administrative Code, and other applicable provisions of chapter 12D-8, Florida Administrative Code.

(6) Based on information received pursuant to subsection (5), the department shall authorize the issuance of a warrant in the amount of \$62 in fiscal year 1979-1980 to each eligible taxpayer and a warrant in the amount of \$66.50 in fiscal year 1980-1981 to each eligible taxpayer.

Section 3. The sum of \$259.2 million is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the provisions of this act.

[Renumber subsequent section.]

Amendment 1 failed.

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 1, lines 14-20, strike all of said lines and insert: (1) Each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081 (6) ~~(5)~~ shall levy no more than 8 mills of tax on the nonexempt assessed valuation for school purposes of the district, *except that on homestead property the levy shall be no more than 1.6 mills*, exclusive of millage voted under the provisions of ss. 9(b) and 12 of Art. VII of the State Constitution.

Section 2. This act shall take effect on July 1, 1980, contingent upon approval of CS for SJR 93 at the special election to be held on March 11, 1980.

The Committee on Ways and Means offered the following amendment which was moved by Senator Myers and failed:

Amendment 3—On page 1 in title, line 6, strike the word “district” insert: in fiscal years 1979-80 and 1980-81

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 5, after the word “levied” insert: on homestead property

On motion by Senator Myers, by two-thirds vote SB 66 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Neal	Thomas
Anderson	Henderson	Peterson	Tobiassen
Barron	Hill	Poole	Trask
Carlucci	Holloway	Scarborough	Vogt
Chamberlin	MacKay	Scott	Ware
Childers, W. D.	Maxwell	Skinner	Williamson
Dunn	McClain	Spicola	
Fechtcl	McKnight	Steinberg	
Gorman	Myers	Stuart	

Nays—6

Childers, D.	Gordon	Jenne	Johnston
Frank	Grizzle		

On motion by Senator Myers, by two-thirds vote—

SB 1288—A bill to be entitled An act relating to a special election to be held on the first Tuesday after the first Monday in September 1979, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Sections 2, 3 and 9 of Article VII of the State Constitution, relating to millage rates; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 16-17, strike all of said lines and insert: State Constitution, there shall be a special election on March 11, 1980 at

Amendment 2—On page 1 in title, lines 3-4, strike all of said lines and insert: held on March 11, 1980 pursuant to Section 5

On motion by Senator Myers, by two-thirds vote SB 1288 as amended was read the third time by title, passed by the required constitutional three-fourths of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—1

Frank

On motion by Senator Myers, the rules were waived and the Senate immediately reconsidered the vote by which SB 1288 as amended passed this day.

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

Amendment 3—On page 1, lines 20-22, strike all of said lines and insert: Resolution No. 93.

Amendment 4—On page 1 in title, line 7-9, strike all of said lines and insert: Florida of Committee Substitute for Senate Joint Resolution 93;

SB 1288 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

Vote after roll call:

Yea to Nay—Frank

On motion by Senator Barron, the rules were waived and the Senate reverted to Introduction for the purpose of introducing the following bill notwithstanding the fact that the final day had passed for introduction of bills:

INTRODUCTION

By Senator MacKay—

SB 1289—A bill to be entitled An act relating to the public counsel; amending ss. 350.061(1), 350.0611, 350.0613, Florida Statutes; requiring the public counsel to represent the public in certain proceedings relating to industries or persons regulated by the Florida Public Service Commission; authorizing the public counsel to initiate or prosecute proceedings and intervene in certain cases; providing an effective date.

—which, without objection, was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

On motion by Senator MacKay, the rules were waived and the Committee on Education was granted permission to meet until 6:00 p.m. in lieu of 5:00 p.m. Thursday, May 3 as previously scheduled.

On motion by Senator MacKay, the rules were waived and the Select Subcommittee on Teacher Certification of the Education Committee was granted permission to meet at 1:00 p.m. Thursday, May 3.

ENROLLING REPORTS

SB 16 and **SB 62** have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 27, 1979.

Joe Brown, Secretary

SCR 67 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 27, 1979.

*Joe Brown, Secretary***CO-INTRODUCERS**

Senators Holloway and Anderson—**SR 1281** and **SR 1159**; Senators Poole and Jenne—**SB 26**; Senator MacKay—**SB 1218**

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved as follows:

Page 296, column 2, between lines 9 and 10 insert:

Following the passage of CS for SB 188, the President made the following statement and requested that it be published in the Journal:

“CS for SB 188, which we have just passed, is a major piece of legislation. Some may not recognize this or may feel that it was passed with too little debate compared to its importance.

“Let me assure you and everyone that this bill was thoroughly worked over and that literally thousands of hours had been spent on it before it came to final passage here today. I asked my staff to try to compile the number of hours spent on the bill.

“Considering the original bills in both houses, the committee substitutes offered for them, all the joint committees and conference committees, some 8500 hours by staff alone were spent preparing, altering, hearing and amending this bill. And this does not include the countless hours spent by members, labor and industry people, consultants and personnel from the Insurance Commissioner’s office.

“The final product is a great tribute to those who worked on those committees—members and staff and those who testified and worked on both sides of the bill from the lobbying corps.

“Rather than trying to pick out any individuals who worked hardest, I would like to list all those who made major contributions to the effort:

Speaker Hyatt Brown and Representative Steve Pajcic;

House Insurance Committee Members: Representatives Samuel P. Bell, III, William R. Conway, Gene Flinn, Tom Gallagher, Elaine Gordon, Bob Hattaway, Thomas L. Hazouri, Robert C. Hector, C. Fred Jones, Franklin B. Mann, Jon Mills, H. Lee Moffitt, Terence T. O’Malley, Don C. Price, Fred Tygart, James G. Ward, T. M. Woodruff, William E. Sadowski;

House Staff: Jack Herzog, Terry Butler, Cindy Goekle, Mary Crenshaw, Dr. Lena Chang, Judy Jennings;

Joint Committee Members: Senator Kenneth H. MacKay, Senator David H. McClain, Senator Pat Thomas, Representative Terence T. O’Malley, Representative H. Lee Moffitt, Representative Tom Gallagher;

Others Attending: Senator Dick Anderson, Representative William E. Sadowski;

Senate Commerce Committee Members: Senators W. D. Childers, Dempsey J. Barron, Warren S. Henderson, James A. Scott, John T. Ware, Sherman S. Winn, Dick Anderson, Curtis Peterson, Mattox Hair, Kenneth H. MacKay, Jr., David H. McClain;

Conferees: Senator Dempsey J. Barron, Senator Pat Thomas, Senator John T. Ware, Senator David H. McClain, Senator Kenneth H. MacKay, Representative C. Fred Jones, Representative Samuel P. Bell, III, Representative William E. Sadowski, Representative Jon Mills, Representative Tom Gallagher;

Senate Staff: Brian Deffenbaugh, Joan Kinsey, Fred Martin, Sharon Malloy, Barbara Akers, Larry Carnes, Sid McAllister, Greg Wilkerson, Louise Walker, Sheila McDevitt, Sally Munroe, Larry Strong, Theresa Blakely;

Consultants: James MacGinnitie, Dr. Claude Lilly, Dr. James Nicholas, Willard W. Peacock, Dr. David Nye; *State Personnel:* Commissioner Bill Gunter, Mark Trafton, Bill Campbell, Steve Campora, Baxter Swing, Elmer Friday; *Industry and Labor:* John Lewis, Terrell Sessums, Bud Adams, Howard Pelzner, Richard Sadow, Fred Karl, William McCue, Jr., James Brainerd, Tom Waddell, Dan Miller, William Suttle, Jon Shebel, Mary Ann Stiles, James Richards, Jr., M.D., George Palmer, Jr., John French, Donald Gillis, Eric Tilton, C. Douglas Brown, Richard Sicking, Anthony Grippa, Vince Rio, Albert Frierson, Ed Trombeta, James Synder, James Gorman, Dave Fountain, Hugh Ray, Joseph R. Boyd, Jack A. Heinzelman, Prentiss Mitchell, Alice Whitson, Ted Bateman, Jim Assie, Don Reed, Howard Bunn; *Others*—Eleanor Ross, U. S. Department of Labor; Robert Shaw, The Miami Herald.”

On motion by Senator Barron, the Senate adjourned at 12:16 p.m. to convene at 8:30 a.m., May 2, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.