



# Journal of the Senate

Number 17

Tuesday, May 8, 1979

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

## INTRODUCTION

By Senator Skinner—

**SB 1286**—A bill to be entitled An act relating to Nassau County; amending section 1, chapter 19993, Laws of Florida, 1939; regulating fishing in the salt waters of Nassau County, Florida; prescribing the kind of nets that may be used for the taking of fish in said waters; providing penalties; 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 Senator Skinner—

**SB 1287**—A bill to be entitled An act relating to Nassau County, hospital board; amending s. 9(3), chapter 21228, Laws of Florida, as amended; providing for a public hearing to be held before the submission of the report of proceedings and statement of all receipts and expenditures during the year by the board of trustees of Humphreys Memorial Hospital, and a certification of the amount required for the improvement and maintenance of its facilities during the ensuing year; providing that said hearing shall have the same notice requirements as required by chapter 195, Florida Statutes; 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.

**SB 1288** was introduced May 1 and passed.

**SB 1289** was introduced May 1.

By Senator Hill—

**SM 1290**—A memorial to the Governor of the State of Florida requesting that the Governor issue a proclamation designating Vietnam Veterans Week, initiate and coordinate appropriate ceremonies and activities, and encourage labor and management to initiate programs designed to allow all Vietnam veterans to find a productive place in society.

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

By Senator Neal—

**SB 1291**—A bill to be entitled An act relating to Joshua water control district in DeSoto County; amending s. 6, chapter 69-1010, Laws of Florida; deleting the provision limiting maintenance taxes on lands within the drainage district to \$10 per acre, per year; directing the board of supervisors to certify such taxes to the DeSoto County property appraiser yearly; 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 HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1569 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

**CS for HB 1569**—A bill to be entitled An act relating to retirement; amending s. 112.61, Florida Statutes, 1978 Supplement, providing legislative intent; creating s. 112.625, Florida Statutes, providing definitions with respect to the "Florida Protection of Public Employee Retirement Benefits Act"; amending s. 112.63, Florida Statutes, 1978 Supplement, requiring actuarial reports with respect to retirement systems or plans; amending s. 112.64, Florida Statutes, 1978 Supplement, providing for the administration of retirement funds; amending s. 112.65, Florida Statutes, 1978 Supplement, providing limitations on retirement benefits; creating ss. 112.656, 112.657, and 112.658, Florida Statutes, providing that retirement systems or plans shall have named fiduciaries; providing for the duties of fiduciaries; providing conditions for disability determinations under retirement systems or plans; providing that the Auditor General is charged with the responsibility of determining the compliance of the Florida Retirement System with the act; amending s. 112.66, Florida Statutes, 1978 Supplement, relating to general provisions of retirement systems or plans; amending s. 121.135(1), Florida Statutes, requiring periodic reports with respect to local retirement systems; providing for the general repeal of inconsistent laws; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 131 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

**CS for HB 131**—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.25, Florida Statutes, 1978 Supplement, to restrict provisions which require hospitals to offer examinations for cancer of the cervix and breast to hospitals operated by the state or its subdivisions and agencies thereof; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 841 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Beard—

HB 841—A bill to be entitled An act relating to identification of firearms; amending s. 790.001(1), Florida Statutes, 1978 Supplement, redefining the term "antique firearm"; creating s. 790.27, Florida Statutes; prohibiting the alteration or removal of firearm serial numbers; prohibiting the sale, delivery or possession of any firearm with the manufacturer's or importer's serial number altered or removed; exempting antique firearms; providing penalties; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 408 and HB 911 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Burnsed and others—

HB 408—A bill to be entitled An act relating to Polk County; providing for the relief of Bane Waddell Cheek and his parents, Fred and Nancy Cheek; authorizing and directing the District School Board of Polk County to compensate them for personal injuries suffered by Bane Waddell Cheek due to the negligence of the school board; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

By Representative Hagler—

HB 911—A bill to be entitled An act relating to Escambia County; amending sections 1 and 2 of chapter 78-504, Laws of Florida, relating to the relief of Herbert C. Destin for injuries received as a county employee; correcting inaccuracies in the basis for the relief sought and reducing the amount thereof; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1570 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1570—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.503, Florida Statutes; providing a simplified procedure for the remedy of unfair labor practices by the commission; creating s. 447.5035, Florida Statutes, providing for enforcement of all commission orders by the circuit courts; amending s. 447.504, Florida Statutes, clarifying procedures for judicial review of commission orders; repealing s. 447.507(7), Florida Statutes, deleting redundant and contradictory references to enforcement of commission orders; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House, HJR 50 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Haben and others—

HJR 50—A joint resolution proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI of the State Constitution abolishing the Constitutional Revision Commission.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 118, HB 1582 and CS for HB 440 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing and Representative Kutun and others—

CS for HB 118—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.025, Florida Statutes, authorizing the possession or use of alcoholic beverages as ingredients in the preparation of food in a public food service establishment; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 1582—A bill to be entitled An act relating to the Florida Treated Fence Post Act; adding subsection (8) to s. 501.90, Florida Statutes, 1978 Supplement, providing for stop-sale, stop-use, removal or hold orders with respect to treated fence posts which do not meet the requirements of the act; providing a penalty; providing for corrections of documentation or branding violations; providing an effective date.

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

By the Committee on Commerce and Representative M. E. Hawkins—

CS for HB 440—A bill to be entitled An act relating to securities; amending the introductory paragraph and subsections (6) and (8) of s. 517.021, Florida Statutes, 1978 Supplement, and adding a new subsection (12) thereto; providing for consideration of context with respect to definitions; modifying the definition of "dealer"; clarifying the exemption of banks therefrom; clarifying the exemption of banks from the definition of investment adviser" and exempting bank holding companies from said definition; defining "principal"; amending s. 517.03, Florida Statutes, extending rulemaking authority of Department of Banking and Finance; amending s. 517.051(3) and (5), Florida Statutes, 1978 Supplement, and adding a new subsection (8) thereto, modifying provisions relating to exempt securities; amending s. 517.061, Florida Statutes, 1978 Supplement, modifying provisions relating to exempt transactions; amending s. 517.07, Florida Statutes, 1978 Supplement, permitting offers of unregistered securities under certain conditions; amending s. 517.081(1) and (6), Florida Statutes, 1978 Supplement, relating to registration procedures; amending s. 517.12, Florida Statutes, 1978 Supplement, relating to registration of dealers, associated persons, and investment advisers; amending s. 517.131(1), (2), and (3)(d), (e), and (f), Florida Statutes, 1978 Supplement, and adding subsection (4) thereto, relating to the Security Guaranty Fund; modifying sources of funding; removing certain violations as grounds for recovery of damages from the Security Guaranty Fund; modifying notice requirements with respect to eligibility to receive payment therefrom; amending s. 517.211, Florida Statutes, 1978 Supplement, modifying remedies available in case of unlawful sale; amending s. 517.241(2) and (3), Florida Statutes, 1978 Supplement, providing civil remedies for sellers of securities; amending s. 517.311, Florida Statutes, 1978 Supplement, modifying enforcement procedures with respect to false representations in the sale or issuance of securities; repealing s. 517.041, Florida Statutes, 1978 Supplement, relating to employment of additional help by the department and certain department reports; repealing part II of chapter 517, Florida Statutes, consisting of ss. 517.35, 517.353, 517.355, 517.357, 517.359, 517.361, and 517.363, Florida Statutes, and s. 517.351, Florida Statutes, 1978 Supplement, the "Investor Protection Act," relating to tender offers; providing

a directive to the statute editors; providing for conditional repeal; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House, HJR 86 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hieber and Spaet—

HJR 86—A joint resolution proposing an amendment to Section 4 of Article X of the State Constitution relating to the exemption of homesteads from forced sale and certain liens.

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

*The Honorable Philip D. Lewis, President*

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

HB 127                      HB 146                      HB 132  
HB 686

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hieber—

HB 127—A bill to be entitled An act for the relief of James R. Mabry; providing an appropriation from the General Revenue Fund to compensate James R. Mabry for his injuries due to the negligence of the District School Board of Pinellas County; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

By Representative Healey (by request)—

HB 132—A bill to be entitled An act for the relief of Susan L. Spuck and John P. Spuck; providing an appropriation to compensate them for injuries sustained by Susan L. Spuck and damages and expenses incurred as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

By Representative Sheldon—

HB 686—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 400.121, Florida Statutes, 1978 Supplement, relating to denial, suspension or revocation of licenses for nursing homes and related health care facilities, reenacting language which authorizes the Department of Health and Rehabilitative Services to impose a fine for certain violations; providing for conditional repeal; providing an effective date.

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

By Representative Hodes—

HB 146—A bill to be entitled An act for the relief of Cynthia Leigh Gamble, a minor; providing an appropriation to compensate her for personal injuries due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 108 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hollingsworth and others—

HB 108—A bill to be entitled An act relating to obscene literature; adding a new paragraph (b) to s. 847.0125(2), Florida Statutes, 1978 Supplement, making it unlawful to exhibit in a retail establishment materials, the contents of which are obscene, in such a way as to be accessible to minors; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 607, HB 935 and HB 1556 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Retirement, Personnel & Collective Bargaining and Representative Fox and others—

HB 607—A bill to be entitled An act relating to the rental of state-owned housing; creating ss. 216.263, 216.264, and 216.265, Florida Statutes, the "State-Owned Housing Act"; providing a statement of policy with respect to the rental of state-owned housing to state officers and employees; providing definitions; providing for the inventory and disposition of dwelling units; providing for the appraisal of dwelling units and establishment of the rental rates for such units according to certain categories of residence; providing for the maintenance of dwelling units; specifying policies with respect to furniture and appliances in dwelling units; providing for utility metering and for the payment of utility charges; specifying the disposition of rents and fees collected by agencies and requiring periodic itemized reports; authorizing the Division of Personnel of the Department of Administration to promulgate rules to implement the act; specifying a timetable for the implementation of the act and requiring the Division of Personnel to report to the Legislature regarding such implementation; providing an effective date.

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

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

HB 935—A bill to be entitled An act relating to veterans' benefits; directing the Department of Health and Rehabilitative Services, in cooperation with the Division of Veterans' Affairs, to establish a pilot program in Bay, Hillsborough, Pinellas and Volusia Counties for the determination of eligibility for veterans' benefits with respect to certain applicants for public assistance; providing duties of county veteran service officers; providing for a report to the Legislature; providing an appropriation; providing an effective date.

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

By the Committee on Veterans Affairs and Representative Lockward—

HB 1556—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.084(2) and (3), Florida Statutes, and adding a new subsection (3) thereto; requiring the Department of Highway Safety and Motor Vehicles to issue a new permanent "DV" numerical license plate; providing for re-issuance at 8-year intervals; providing for validation stickers; providing for annual revalidation; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 931 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Kelly and others—

HCR 931—A concurrent resolution adopting a policy on tariff levels and duty assessed on citrus and citrus products imported into the United States from foreign sources.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 379 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Silver—

HB 379—A bill to be entitled An act relating to the Florida Consumer Finance Act; creating s. 516.035, Florida Statutes, permitting persons licensed to make and collect loans under said act to continue to charge interest at the maximum rate on loan balances unpaid at the scheduled maturity date of the loan, for up to 12 months; providing that after said period interest shall not exceed 10 percent per annum; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

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

HB 527    HB 584    HB 992    HB 994    HB 1592

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Thompson and Morgan—

HB 527—A bill to be entitled An act relating to the Florida Honey Certification Law; amending s. 586.14, Florida Statutes, relating to state compensation paid to beekeepers upon destruction of certain property; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

By Representative Richmond—

HB 584—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.43(7), Florida Statutes, 1978 Supplement, to remove an exception to the requirement that payments into certain trust funds be made within a certain time pursuant to purchases of pre-need burial space or merchandise; providing for conditional repeal; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 992—A bill to be entitled An act relating to citrus; adding s. 601.10(10), Florida Statutes; authorizing the Department of Citrus to conduct an annual merchandising and management meeting; authorizing the department to make direct payments for certain expenses of department personnel in connection with such annual meeting; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

By the Committee on Agriculture & General Legislation—

HB 994—A bill to be entitled An act relating to the Florida Citrus Commission; amending s. 601.04(2)(a), (3), Florida Statutes; clarifying provisions relating to Senate confirmation of appointments to the commission; authorizing the appointment of certain committees or councils by the chairman of the commission; providing an effective date.

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

By the Committee on Commerce—

HB 1592—A bill to be entitled An act relating to the mortgage brokerage act; amending s. 494.044(1), Florida Statutes, providing for the payment of claims against mortgage brokers or mortgage solicitors; providing notice limitations; amending s. 494.08(3), (4), and (7), Florida Statutes, deleting the requirement that certain costs and expenses be included in the mortgage fee and costs therefor; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

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

HB 1242                      HB 115                      HB 881  
HB 655

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gordon—

HB 1242—A bill to be entitled An act relating to consumer collection practices; amending s. 559.56, Florida Statutes; providing that action by the Division of General Regulation in issuing or denying licenses or certificates shall be in accordance with chapter 120; authorizing the division to promulgate rules; adding subsection (4) to s. 559.77, Florida Statutes, 1978 Supplement; providing for fine, suspension or revocation of licenses or certificates for violation of part V of chapter 559 or rules promulgated thereunder; providing for conditional repeal; providing an effective date.

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

By Representative Hodes—

HB 115—A bill to be entitled An act relating to traffic control; amending s. 316.072(5), Florida Statutes, restricting the authority of drivers of ambulances and similar emergency vehicles to violate traffic laws; amending s. 316.126(3), Florida Statutes, to conform to the act; providing an effective date.

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

By Representative Rosen—

HB 881—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; adding subsection (4) to s. 409.185, Florida Statutes, 1978 Supplement; requiring the department to submit a biennial report to the Governor and legislative committees on the current and projected dollar value of the standard of need with respect to payments for aid to families with dependent children; defining "standard of need"; providing an effective date.

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

By Representative Upchurch and others—

HB 655—A bill to be entitled An act relating to the naming of the new National Guard Armory in Miami; directing the Department of Military Affairs to name the armory located at Miami in Dade County, Florida, in honor of Major General Robert A. Ballard, Retired; directing the department to prepare

and locate appropriate signs and markers; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 862 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Barrett—

**HB 862**—A bill to be entitled An act relating to outdoor advertising; adding subsection (5) to s. 479.111, Florida Statutes, 1978 Supplement, providing that certain private campground signs shall be permitted within controlled positions of the interstate and federal-aid primary highway systems; providing for conditional repeal; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 770 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hall—

**HB 770**—A bill to be entitled An act relating to the Northwest Florida Creek Indian Council; amending sections 1, 2, and 4, of Chapter 75-370, Laws of Florida, as amended, providing for staggered representation on the Council; authorizing other counties to make gifts, grants, and loans to the Council; providing for powers of the Council; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1527 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism & Economic Development—

**HB 1527**—A bill to be entitled An act relating to the Central and South American and Caribbean Trade and Development Commission; repealing ss. 288.40, 288.41, and 288.42, Florida Statutes, 1978 Supplement, which created the commission; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

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

HB 229	HB 340	HB 1606
HB 1311	HB 1563	HB 377

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Dyer—

**HB 229**—A bill to be entitled An act relating to the Solicitation of Charitable Funds Act; adding subsection (3) to s. 496.04, Florida Statutes, 1978 Supplement, exempting certain scholarship funds from the registration fee provision of the act; providing an effective date.

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

By Representative Hodges—

**HB 340**—A bill to be entitled An act relating to saltwater conservation; prohibiting fishing with any net of 2,000 yards or longer or with a net placed closer than 50 yards to any other net in Levy and Dixie Counties; providing a penalty; providing an effective date.

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

By the Committee on Commerce—

**HB 1606**—A bill to be entitled An act relating to apprenticeship; amending s. 446.011, Florida Statutes, providing legislative intent; amending s. 446.021, Florida Statutes, defining terms; amending s. 446.031, Florida Statutes, directing the Division of Labor of the Department of Labor and Employment Security to establish certain standards and policies; amending s. 446.041, Florida Statutes, 1978 Supplement, providing for the duties of the Bureau of Apprenticeship of the Division of Labor with respect to apprenticeship programs; amending s. 446.051, Florida Statutes, providing for the authority and duties of the program sponsors, district school boards, and community college boards of trustees concerning related and supplemental instruction of apprentices; amending s. 446.052, Florida Statutes, providing for the authority and duties of the Division of Vocational Education of the Department of Education, the Division of Labor, and community college boards of trustees concerning the preapprenticeship program; amending s. 446.071, Florida Statutes, providing for apprenticeship sponsors; providing for approval of new programs upon a determination of need by the Bureau of Apprenticeship; providing criteria for making such determinations; providing for variances in standards for programs in nonconstruction trades; amending s. 446.075, Florida Statutes, conforming to the department name change made in 1978; creating s. 446.092, Florida Statutes, providing criteria for apprenticeship occupations; amending s. 446.101(2), Florida Statutes, 1978 Supplement, deleting certain definitions; providing for conditional repeal; providing an effective date.

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

By Representative Plummer and others—

**HB 1311**—A bill to be entitled An act relating to the Miami-Dade Community College; recommending to the board of trustees of said community college that a facility or new structure be named after Gwendolyn S. Cherry; providing for erection of appropriate signs and markers; providing an effective date.

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

By the Committee on Judiciary and Representatives Richmond and Robinson—

**HB 1563**—A bill to be entitled An act relating to the dedication and approval of subdivision plats; amending s. 177.101(4), Florida Statutes, relating to the vacation and annulment of plats subdividing land; amending s. 177.081(1), Florida Statutes, requiring that mortgagees execute either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon; providing an effective date.

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

By Representative Gustafson and others—

**HB 377**—A bill to be entitled An act relating to liability insurance; providing requirements for reservation of coverage defenses by liability insurers; providing for notice of reservation; providing for notice of refusal to defend; providing for nonwaiver agreements; providing a description of notification as required by the act; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 11 and HB 142 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hollingsworth and A. E. Johnson—

HB 11—A bill to be entitled An act relating to fertilizer; adding new subsections (3) and (4) to s. 576.011, Florida Statutes, providing definitions; creating s. 576.055, Florida Statutes, authorizing the Department of Agriculture and Consumer Services to require facilities manufacturing bulk mixed fertilizer to adopt certain procedures to avoid coning of fertilizer; amending s. 576.061(3)(c), Florida Statutes, changing the procedure and the time period in which a fertilizer manufacturer, dealer, or agent must pay any penalties to a consumer following an analysis of fertilizer; providing an effective date.

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

By Representative Hodges—

HB 142—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.157(1), Florida Statutes, 1978 Supplement, allowing certain persons and boats to catch or take shrimp in an otherwise closed area for shrimping in Cedar Key and increases the dimension of nets which may be used to take shrimp in the closed area; providing an effective date.

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

The Senate recessed at 8:36 a.m.

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
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by the Rev. R. E. Zollinhofer, University Boulevard Church of the Nazarene, Jacksonville:

Our Father who art in heaven, hallowed be thy name.

O God, the awesome responsibilities that weigh upon these persons whom you have ordained to direct the affairs of this great state are more than mere humans can carry.

We therefore ask that you make your will known to them by whatever mysterious means you employ.

We would ask you to protect the rights, lives and basic needs of every person who resides under the rules and laws of this body of legislators.

Lift these lawmakers above pettiness, selfishness and protect them from undue pressures. Clothe them with an humble and righteous spirit. Fortify them with a strong will. Isolate them from evil influences and grant them a double portion of wisdom today.

We ask this in the name of our Lord and Savior, Jesus Christ. 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 8, 1979:

SB 551	SB 497	SB 881
SB 246	SB 641	SB 262
SB 372	SB 600	SB 955
CS for SB's 68 and 25	SB 699	SB 736
SB 410	SB 753	SB 381
SB 423	SB 1119	SB 661
SB 475	SB 779	SB 256
SB 477	HB 848	

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

On motion by Senator Barron, by two-thirds vote HB 1150 was placed on the Special Order Calendar following SB 475.

The Committee on Transportation recommends the following pass: SB 395 with 2 amendments

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

The Committee on Transportation recommends the following pass: SB 867

The Committee on Education recommends the following pass: SB 1090, SB 929

The bills contained in the foregoing messages were referred to the Committee on Governmental Operations under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 957

The Committee on Natural Resources and Conservation recommends the following pass: SB 956 with 2 amendments

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

The Committee on Ways and Means recommends the following pass: HB 880 with 1 amendment

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

The Committee on Education recommends the following pass:  
SB 688 with 1 amendment SB 1149  
SB 927 SB 1230 with 1 amendment  
SB 1134

The Committee on Judiciary-Civil recommends the following pass: SB 1176, SB 1229 with 2 amendments

The Committee on Transportation recommends the following pass:

SB 687 with 2 amendments	SB 1198 with 1 amendment
SB 942 with 1 amendment	SB 1217 with 2 amendments
SB 1037	

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 936 SB 1014 HB 307 HB 406

The Committee on Judiciary-Civil recommends the following pass:

SB 124 with 2 amendments	SB 1164
SB 518 with 4 amendments	SB 1188 with 1 amendment
SB 877 with 2 amendments	SB 1194
SB 973	CS for HB 189
SB 1079	

The Committee on Ways and Means recommends the following pass:

SB 836 CS for SB 419 (as offered by the Committee on Governmental Operations) with 1 amendment

The Committee on Transportation recommends the following pass:

SB 995 with 1 amendment HB 269  
 SB 1028 HB 281  
 SB 1167 HB 562

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

The Committee on Education recommends a Committee Substitute for the following: SB 1124

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 710

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

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 590

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

The Committee on Education recommends a Committee Substitute for the following: SB 812

The bill with Committee Substitute attached was referred to Ways and Means Subcommittee E under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 793

The Committee on Commerce recommends a Committee Substitute for the following: SB 1245

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 Commerce recommends a Committee Substitute for the following: SB 1132

The Committee on Commerce recommends a Committee Substitute for the following: SB 791

The Committee on Commerce recommends a Committee Substitute for the following: SB 400 and SB 406

The Committee on Commerce recommends a Committee Substitute for the following: SB 235

The Committee on Commerce recommends a Committee Substitute for the following: SB 1239

The Committee on Commerce recommends a Committee Substitute for the following: CS for SB 448 (as offered by the Committee on Health and Rehabilitative Services)

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 1224

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends the following not pass: SB 748

The Committee on Judiciary-Civil recommends the following not pass: SB 760

The bills contained in the foregoing reports were laid on the table.

**BILLS REFERRED TO SELECT SUBCOMMITTEES**

A select subcommittee of the Committee on Transportation was appointed on May 3 to review SB 672 relating to the patrol of roads and accident investigations by the Highway Patrol. The select subcommittee is composed of Senator Gorman, chairman; Senators Neal and Williamson and will report to the full committee within 10 days.

A select subcommittee of the Committee on Transportation was reappointed on May 3 to review SB 42 relating to the periodic motor vehicle inspection program. The select subcommittee is composed of Senator Scarborough, chairman; Senators Spicola, Thomas and Williamson and will report to the full committee on May 8.

**REPORTS OF SUBCOMMITTEES TO STANDING COMMITTEE**

Ways and Means Subcommittee E recommends favorably—

SB 79	SB 595 with	SB 1165 with
SB 310	2 amendments	2 amendments
SB 527 with	SB 772 with	SB 1197 with
1 amendment	1 amendment	3 amendments
SB 561 with	SB 1072	SB 1226 with
1 amendment	SB 1088	1 amendment
		HB 1395

—to the Committee on Ways and Means.

Ways and Means Subcommittee E recommends SB 210 favorably with committee substitute to the Committee on Ways and Means.

Ways and Means Subcommittee D recommends favorably CS for SB 113, SB 774, SB 809, SB 1076 with 1 amendment, SB 1078, and SB 1131 to the Committee on Ways and Means.

Ways and Means Subcommittee D recommends favorably SB 150, HB 493, SB 512, SB 1026, SB 601, SB 340, SB 339, SJR 153 and SB 397 and recommends a committee substitute for SB 332 to the Committee on Ways and Means.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 150, 212, 336, 409, 436, 538, 560, 895, 1016, 1026, 1258 and House Bills 382 and 493 were withdrawn from the Committee on Ways and Means.

On motions by Senator Stuart, by two-thirds vote Senate Bills 596 and 913 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 29, 197, 521, 566, 776 and 849 were withdrawn from Ways and Means Subcommittee E.

On motions by Senator Peterson, by two-thirds vote Senate Bills 421, 361 and 1037 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator W. D. Childers, the rules were waived and Ways and Means Subcommittee A was granted permission to meet at noon this day.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to consider HB 1496 on May 9.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to extend time of adjournment of the meeting May 9 until 6:00 p.m.

On motion by Senator Scarborough, the rules were waived and the Committee on Governmental Operations was granted permission to consider SB 725 this day.

### REQUESTS FOR EXTENSION OF TIME

May 2, 1979

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

SB 298 by Senator D. Childers      SB 390 by Senator Tobiasen

May 7, 1979

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

SB 759 by Senator Gordon	SB 632 by Senator Myers
HB 396 by Economic, Community and Consumer Affairs Committee	SB 633 by Senator Myers
	SB 634 by Senator Myers
HB 402 by Economic, Community and Consumer Affairs Committee	SB 636 by Senator Myers
	SB 637 by Senator Myers
SB 773 by Agriculture Committee	SB 643 by Senator Myers
	SB 657 by Senator Stuart
SB 798 by Senator MacKay	SB 671 by Senator Holloway
SB 631 by Senator Myers	SB 706 by Senator Myers
	SB 707 by Senator Myers
	SB 708 by Senator Myers
	SB 734 by Senator Williamson
	SB 733 by Senator Williamson

May 3, 1979

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

SB 906 by Senator Grizzle      SB 928 by Senator Winn  
SB 917 by Senator Myers      SB 953 by Senator Winn

May 4, 1979

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

SB 589 by Senator McKnight      SB 596 by Senator Stuart  
SB 591 by Senator Frank      SB 966 by Senator Maxwell  
SB 975 by Senator Peterson

May 7, 1979

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

SB 638 by Senator Myers      SB 703 by Senator MacKay

May 8, 1979

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

SB 988 by Senator Tobiasen	SB 1103 by Senator Scott
SB 1000 by Senator Poole	SB 1106 by Senator Maxwell
SB 1012 by Senator Tobiasen	SB 1114 by Senator Peterson
SB 1021 by Senator Poole	SB 1116 by Senator McKnight
SB 1029 by Senator Holloway	SB 1172 by Senator Tobiasen
SB 1055 by Senator Winn	SB 1191 by Senator Maxwell
SB 1056 by Senator Steinberg	SB 1193 by Senator Peterson
SB 1069 by Senator Holloway	SB 1199 by Senator Chamberlin
SB 1075 by Senator Ware	SB 1215 by Senator Tobiasen
SB 1081 by Senator Maxwell	SB 1233 by Senator Peterson
SB 1091 by Senator Fechtel	

May 4, 1979

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

CS for SB 315 by Judiciary-Criminal Committee and Senator Spicola	SB 1101 by Senator Poole
	SB 1123 by Senator Stuart
CS for SB 465 by Senator Trask	SB 1138 by Senator Dunn
SB 1049 by Senator Vogt	SB 1139 by Senator Frank
SB 1073 by Senator MacKay	SB 1153 by Senator Vogt
SB 1074 by Senator Maxwell	SB 1173 by Senator Peterson
SB 1080 by Senator Stuart	SB 1204 by Senator Dunn
	SB 1213 by Senator Dunn
	SB 1232 by Senator Trask

May 7, 1979

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

SB 563 by Senators Maxwell and Fechtel      SB 1252 by Senator Dunn  
SB 1270 by Senator Neal

May 8, 1979

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

SB 745 by Senator Hill	HB 1513 by Retirement, Personnel & Collective Bargaining Committee and Representative Fox
SB 754 by Senator Vogt	
SB 1282 by Senator Johnston	
HB 729 by Representatives Price and Morgan	

May 4, 1979

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

SB 464 by Senator Henderson	SB 1042 by Senator MacKay
SB 466 by Senator Henderson	SB 1059 by Senators Peterson and Frank
SB 496 by Committee on Health and Rehabilitative Services	SB 1065 by Senators Skinner and Henderson
SB 569 by Senator Steinberg	SB 1067 by Senator Hill
SB 769 by Senator Myers	SB 1070 by Senator Steinberg
SB 771 by Senator McKnight, Gordon and Hill	SB 1093 by Senator Fechtel
	SB 1120 by Senator Grizzle
SB 987 by Senator Chamberlin	SB 1121 by Senator Gordon
SB 1010 by Senators Vogt, Hill and McClain	SB 1146 by Senator Johnston
SB 1024 by Senator Johnston	SB 1150 by Senator Johnston
SB 1032 by Senator Grizzle	SB 1160 by Senator Dunn
	SB 1180 by Senator MacKay
	SB 1181 by Senator Johnston
	SB 1189 by Senator Myers
	SB 1216 by Senator Johnston
	SB 1243 by Senator Fechtel

May 7, 1979

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

SB 813 by Senator Holloway	SB 1246 by Senator Johnston
SB 818 by Senator Williamson	SB 1255 by Senator Gordon
	SB 1257 by Senator Vogt
SB 853 by Senator McKnight	SB 1259 by Senator Holloway
SB 854 by Senator McKnight	SB 1260 by Senator Vogt
SB 863 by Senator Myers	SB 1272 by Senator MacKay
SB 541 by Senator McKnight and Dunn	SB 309 by Senator Frank

May 7, 1979

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

SB 261 by Senator Steinberg	SB 1085 by Senator Williamson
SB 356 by Senator McKnight	SB 1087 by Senator Stuart
SB 456 by Senator Dunn	SB 1115 by Senator Williamson
SB 621 by Senator Scott	SB 1178 by Senator Skinner
SB 695 by Senator Hair	SB 1179 by Senator Hair
SJR 714 by Senator Hair	SB 1184 by Senator Johnston
SB 717 by Senator Steinberg	SB 1225 by Senator Hill
SB 737 by Senator Henderson	SB 1231 by Senators Winn, Jenne and Scott
SB 763 by Senator Skinner	SB 1237 by Senator Hill
SB 775 by Senator Hair	SB 1267 by Senator MacKay
SB 795 by Senator Hair	HB 1132 by Ethics and Elections Committee
SB 1011 by Senator Poole	HB 1504 by Ethics and Elections Committee
SB 1043 by Senator McKnight	
SB 1046 by Senators Thomas and Barron	
SB 1058 by Senator Ware	
SB 1064 by Senator Williamson	
SB 1084 by Senator Scott	

May 7, 1979

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

SB 902 by Senator Spicola	CS for HB's 2, 7, 8 by Criminal Justice Committee
SB 905 by Senator Spicola	
SB 938 by Senator Spicola	SB 984 by Senator Dunn

May 4, 1979

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

- SB 977 by Senator Vogt
- SB 982 by Senator Vogt
- SB 985 by Senator Trask

May 7, 1979

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

- SB 666 by Senator Henderson
- SB 802 by Senator Vogt
- SB 989 by Senator Trask
- SB 1001 by Senator Vogt
- SB 1003 by Senator Anderson
- SB 1017 by Senators Trask and Peterson
- SB 1022 by Senator Vogt
- SB 1031 by Senators Peterson and Trask
- SB 1054 by Senator Anderson
- SB 1071 by Senator D. Childers
- SB 1105 by Senator Henderson
- SB 1107 by Senator Steinberg
- SB 1111 by Senator Anderson
- SB 1128 by Senator Fechtel
- SB 1130 by Senator Anderson
- SB 1161 by Senator Anderson
- SB 1163 by Senators Trask and Peterson
- SB 1168 by Senator Trask and others
- SB 1171 by Senator Vogt
- SB 1177 by Senator Anderson
- SB 1186 by Senator Johnston
- SB 1201 by Senator Gordon
- SB 1203 by Senator McKnight
- SB 1208 by Senators MacKay and Skinner
- SB 1209 by Senator Poole
- SB 1228 by Senator Spicola
- SB 1240 by Senator McClain
- SB 1244 by Senator Anderson
- SB 1263 by Senator Trask
- SB 1276 by Senator Vogt
- SB 1278 by Senator McKnight

May 4, 1979

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

- SB 1039 by Senator McKnight
- SB 1061 by Senator Dunn
- SB 1062 by Senator McKnight
- SB 1089 by Senator Fechtel
- SB 1097 by Senator Jenne
- SB 1141 by Senator Holloway and others
- SB 1264 by Senator Dunn
- SB 1273 by Senators Trask and Peterson
- SB 366 by Senator Peterson
- SB 233 by Senator Steinberg
- SB 1018 by Senator Gordon
- SCR 1035 by Senator MacKay
- SJR 1045 by Senator Maxwell
- SCR 1112 by Senator Vogt
- SCR 1113 by Senator MacKay
- SR 1154 by Senator Holloway
- SR 1159 by Senator McKnight
- SR 1214 by Senator Barron
- SR 1223 by Senator Barron

May 7, 1979

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

- HB 555 by Representative Hawkins
- HB 592 by Representatives Nuckolls and Mann
- HB 594 by Representatives Nuckolls and Mann
- HB 766 by Representative Ewing
- HB 816 by Representative Kirkwood
- HB 817 by Representative Kirkwood
- HB 896 by Representatives Nuckolls and Mann
- HB 897 by Representatives Nuckolls and Mann
- HB 942 by Representative Myers
- HB 945 by Representative Myers
- HB 946 by Representative Myers
- HB 1137 by Representatives Richmond and Smith
- HB 1140 by Representatives Richmond and Smith
- HB 1141 by Representatives Richmond and Smith
- HB 1154 by Representative Myers and others
- HB 1196 by Representative Shackelford
- HB 1199 by Representative Shackelford
- HB 1308 by Representative Shackelford

May 8, 1979

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

- SJR 375 by Senator Henderson
- SCR 1127 by Senator Anderson and others
- SR 1279 by Senator Holloway
- SB 1280 by Senator Maxwell
- SR 1281 by Senator McKnight
- HJR 398 by Representative Ewing and others
- HCR 403 by Representative Lewis and others
- HCR 1559 by Veterans Affairs Committee

May 4, 1979

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

- SB 998 by Senator Dunn
- SB 1136 by Senator Scarborough

May 4, 1979

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

- SB 42 by Senator Steinberg
- SB 145 by Senator Chamberlin
- SB 449 by Senator Vogt
- SB 550 by Senator Carlucci
- SB 603 by Senator Myers
- SB 614 by Senator Maxwell
- SB 735 by Senator Frank
- SB 990 by Senator Spicola
- SB 992 by Senator Spicola
- SB 994 by Senator Tobiassen
- SB 1100 by Senator Tobiassen
- SB 1125 by Senator MacKay
- SB 1144 by Senator Jenne
- SB 1166 by Senator Holloway
- SB 1187 by Senator Holloway
- SB 1247 by Senator Henderson
- SB 1249 by Senator Skinner

May 8, 1979

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

- SB 672 by Senator Gordon
- SB 828 by Senator Hill
- SB 850 by Senator Holloway
- SB 873 by Senator Williamson
- SB 910 by Senator Williamson
- HB 717 by Transportation Committee
- HB 1149 by Transportation Committee

Senator Fechtel moved that the rules be waived and a bill relating to mobile home parks be introduced notwithstanding the fact that the final day had passed for introduction of bills. The motion was referred to the Committee on Rules and Calendar.

On motions by Senator MacKay, 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 MacKay—

SB 1293—A bill to be entitled An act relating to workers' compensation; amending section 128 of the 1979 Committee Substitute for Senate Bill 188; changing the effective date for the section relating to rate filing; 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 MacKay, by two-thirds vote SB 1293 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motion by Senator MacKay, by unanimous consent SB 1293 was taken up out of order. On motions by Senator MacKay, by two-thirds vote SB 1293 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—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	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
Gordon	Maxwell	Spicola	

## Nays—None

On motion by Senator MacKay, the rules were waived and SB 1293 was ordered immediately certified to the House.

## Explanation of Vote on CS for SB 188

I voted against the Conference Committee Report on CS for SB 188 relating to workers' compensation on April 26, 1979, because the compromise arbitrarily abolished the Industrial Relations Commission without providing an appropriate appellate process; the compromise made Judges of Industrial Claims "deputy commissioners" which will result in administrative problems; and where there is no wage loss, compensation for impairment is paid only where there is a loss of a limb, eyesight, or disfigurement. I further believe this renders the act unconstitutional under the holding in *Lasky v. State Farm Insurance Company*, 296 So. 2d 9 (Fla. 1974). While I believe under the present law litigation is unnecessarily encouraged, this act will virtually eliminate all legal representation which, I believe in the long run, will work to the detriment of the injured worker.

*David H. McClain, 21st District*

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had transmitted to the Secretary of State's office Senate Bills 16 and 62 which he had approved May 4, 1979.

## Appointments Subject to Confirmation by the Senate

The Secretary of State on May 1, 1979 certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

David Langer, Inverness, Member of the Firefighters Standards and Training Council, to serve at the Pleasure of the State Fire Marshal

Russell Yarbrough, Jacksonville, Member of the Firefighters Standards and Training Council, to serve at the Pleasure of the State Fire Marshal

[Referred to the Committee on Executive Business]

## 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 passed—

SB 490	SB 742	SB 743
CS for SB 253	SB 755	

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

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

SB 328	SB 338	SB 679
SB 694	SB 572	SB 622

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 179.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives requests the return of SB 168.

*Allen Morris, Clerk*

On motion by Senator Carlucci, SB 168 was returned to the House as requested.

*The Honorable Philip D. Lewis, President*

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

By the Committee on Judiciary-Criminal and Senators Scott and Poole—

CS for SB 40—A bill to be entitled An act relating to law enforcement officers; providing that such officers may refuse to disclose certain personal information in criminal cases or proceedings preliminary thereto; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 19, strike "relative" and insert: relevant

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

CS for SB 40 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

Votes after roll call:

Yea—Holloway, Winn

The bill 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 with amendment—

By Senator Trask—

SB 148—A bill to be entitled An act relating to agricultural or farming operations, places, establishments, and facilities; providing that such operations, places, establishments, or facilities shall not be deemed to be a nuisance as a result of changed conditions in or around the locality of such operation, place, establishment, or facility under certain conditions; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 14, strike all of Section 1 and insert: Section 1. No commercial agricultural or farming operation, place, establishment, or facility, or any of its appurtenances, or the operation thereof, shall be or shall become a nuisance, as a result of changed conditions in or around the locality of such agricultural or farming operation, place, establishment, or facility, if such agricultural or farming operation, place, establishment, or facility has been in operation for 1 year or more and if it was not a nuisance at the time it began operation. This section, however, shall not apply whenever a nuisance injurious to health, as defined in F. S. 386, results from the operation of any such agricultural or farming operation, place, establishment, or facility, or any of its appurtenances.

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

SB 148 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Carlucci	Frank	Jenne	Spicola
Childers, D.			

Votes after roll call:

Yea to Nay—McKnight

Nay to Yea—D. Childers, Spicola

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

SB 551—A bill to be entitled An act relating to eminent domain; amending s. 73.071(3)(b), Florida Statutes, to provide that, in determining the amount of compensation to be paid in certain eminent domain cases, the jury shall consider awarding special damages with respect to businesses established for more than 3 years for the probable damages to same which the denial of the use of property may reasonably cause; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 551 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Grizzle	Myers	Trask
Carlucci	Hair	Neal	Vogt
Dunn	Hill	Peterson	Ware
Fechtel	Jenne	Scarborough	Williamson
Frank	Johnston	Spicola	Winn
Gordon	Maxwell	Thomas	
Gorman	McClain	Tobiassen	

Nays—6

Anderson	Holloway	Skinner	Steinberg
Chamberlin	MacKay		

Vote after roll call:

Yea—Scott

SB 246 was taken up and on motion by Senator Ware, by two-thirds vote HB 379 was withdrawn from the Committee on Commerce. On motion by Senator Ware—

HB 379—A bill to be entitled An act relating to the Florida Consumer Finance Act; creating s. 516.035, Florida Statutes, permitting persons licensed to make and collect loans under said act to continue to charge interest at the maximum rate on loan balances unpaid at the scheduled maturity date of the loan, for up to 12 months; providing that after said period interest shall not exceed 10 percent per annum; providing an effective date.

—a companion measure, was substituted for SB 246. On motions by Senator Ware, by two-thirds vote HB 379 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—37

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Williamson

SB 246 was laid on the table.

SB 372—A bill to be entitled An act relating to traffic infractions; amending s. 318.15, Florida Statutes; prescribing procedures for suspension of driver's license and privilege of a person who fails to comply with certain penalties; providing for a delinquency fee; 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 2, lines 6-10, strike everything following "period," and insert: *the clerk of the traffic court shall notify the Department of Highway Safety and Motor Vehicles within 3 days of such failure. Upon receipt of such notice, the Department shall immediately suspend the person's driver's license and privilege.*

Senator Spicola moved the following amendments which were adopted:

Amendment 2—On page 1, lines 19-22, strike everything after "imposed" through "vehicles" on line 22 and insert: within the time period provided in s. 318.14(4), the clerk of the traffic court shall mail to the person, at the address specified on the uniform traffic citation,

Amendment 3—On page 2, line 16, strike "October 1, 1979" and insert: July 1, 1980

On motion by Senator Spicola, by two-thirds vote SB 372 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fechtel	Henderson	Maxwell
Anderson	Frank	Hill	McClain
Barron	Gordon	Holloway	McKnight
Carlucci	Gorman	Jenne	Myers
Childers, D.	Grizzle	Johnston	Neal
Dunn	Hair	MacKay	Poole

Scarborough	Steinberg	Trask	Williamson
Scott	Stuart	Vogt	Winn
Skinner	Thomas	Ware	
Spicola	Tobiassen		

Nays—None

Votes after roll call:

Yea—Chamberlin, Peterson

CS for SB's 68 and 25—A bill to be entitled An act relating to arson; amending s. 806.01, Florida Statutes; expanding the applicability of penalties for the degrees of arson to persons who cause the damage or who aid, abet, counsel, hire, or otherwise procure the damage; applying the most severe penalty for the damage, by fire or explosion, to certain property within certain institutions; expanding the definition of "structure" to include appurtenances to real property or any tent or other portable building or watercraft; amending s. 806.111, Florida Statutes; prohibiting the transportation of a fire bomb with certain intent; providing a penalty; redefining the term "fire bomb"; prescribing the crimes of failure to control or report dangerous fires; providing penalties; exempting fires for legitimate agricultural purposes; providing severability; providing an effective date.

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

Amendment 1—On page 4, line 7, strike "or" and insert: and

Senator Barron moved the following amendment:

Amendment 2—On page 1, lines 27-28, and on page 2, lines 15-16 and on page 3, lines 3-4 strike: "*knowingly and unlawfully willfully and maliciously*" and insert: willfully and maliciously

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

Amendment 2A—On page 1, lines 27-28, page 2, lines 15-16, page 3, lines 3-4, strike "maliciously" and insert: unlawfully

Amendment 2 as amended was adopted.

Senator McClain moved the following amendment which was adopted:

Amendment 3—On page 1, lines 3-6, strike "expanding the applicability of penalties for the degrees of arson to persons who cause the damage or who aid, abet, counsel, hire, or otherwise procure the damage;" and insert: delineating degrees of arson; applying the most severe penalty to persons who cause the damage or damage dwellings or structures reasonably known to be occupied;

On motion by Senator McClain, by two-thirds vote CS for SB's 68 and 25 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes after roll call:

Yea—Myers, Tobiassen

SB 410—A bill to be entitled An act relating to the Department of Corrections; creating s. 945.205, Florida Statutes;

establishing the Department of Corrections Welfare Trust Fund; providing sources of income for the trust fund; establishing uses for trust money; authorizing placing inmates' liquidated contraband in the trust fund; authorizing the Secretary of Corrections to invest trust fund money; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 15-31, and on page 2, lines 1-26, strike all of said lines and insert: Section 1. Section 945.215, Florida Statutes, is created to read:

945.215 Welfare and Benefit Trust Funds created; use of.—

(1) All monies now held in any auxiliary, canteen, welfare, donated or similar fund in any state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is hereby created in the State Treasury, or in a place which the department shall designate. The money in this fund is hereby appropriated for the benefit, education, and general welfare of inmates of any state institution under the jurisdiction of the department, including but not limited to the establishment, maintenance, employment of personnel for, and the purchase of items for resale at canteens or vending machines maintained at state institutions and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of hobby shops, recreational facilities, or other like facilities or programs at the institutions under the jurisdiction of the department.

(2) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities, and any monies which may be assigned to the department by inmates or others for deposit in said fund. The monies of said fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.

(3) Any contraband found upon, or in the possession of any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.

(4) The department may establish an Employee Benefit Trust Fund from the proceeds of vending machines or other such services not intended for use by inmates. Such fund shall be maintained and audited separate and apart from the Inmate Welfare Trust Fund.

(5) The secretary of the department or his designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.

Section 2. This act shall take effect July 1, 1979.

Amendment 2—On page 1, lines 1-11, strike all of said lines and insert: A bill to be entitled An act relating to the Inmate Welfare Trust Fund; creating s. 945.215, Florida Statutes; establishing an Inmate Welfare Trust Fund within the Department of Corrections; permitting the establishment of an Employee Benefit Trust Fund; providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 410 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Childers, D.	Gorman	Holloway
Anderson	Childers, W. D.	Grizzle	Jenne
Barron	Dunn	Hair	Johnston
Carlucci	Fechtel	Henderson	MacKay
Chamberlin	Frank	Hill	Maxwell

McClain	Scarborough	Stuart	Ware
Myers	Skinner	Thomas	Williamson
Peterson	Spicola	Trask	Winn
Poole	Steinberg	Vogt	

Nays—1

Neal

Vote after roll call:

Yea—Tobiassen

SB 423—A bill to be entitled An act relating to the Beverage Law; amending s. 561.25, Florida Statutes; providing that a law enforcement officer may be employed as an entertainer in an establishment licensed under such law after obtaining appropriate approval; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 423 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 475—A bill to be entitled An act relating to insurance; amending s. 232.43, Florida Statutes; authorizing school boards, athletic associations, or schools to provide self-insurance; authorizing the use of a fee or other funds for this purpose; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 475 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gordon

HB 1150—A bill to be entitled An act relating to environmental land and water management; amending s. 380.031(16), Florida Statutes, and adding subsection (18); providing definitions; creating s. 380.045, Florida Statutes; authorizing the appointment by the Governor of a resource planning and management committee for an area under study by the state land planning agency as an area of critical state concern; providing for membership and objectives of such committees; amending s. 380.05, Florida Statutes, relating to designation of areas of critical state concern; providing for recommendations by the

state land planning agency; providing for adoption of recommendations to designate such areas by the Administration Commission by rule and for review by the Legislature; providing for emergency recommendations; providing specific criteria to be considered in designating such areas; providing for submission of land development regulations to the state land planning agency by local governments; providing for consideration of and conformance of local comprehensive plans; providing for approval or disapproval of such regulations and for submission of regulations by the state land planning agency to the commission; providing effect of challenges to designation of such areas or to adoption of development regulations; providing for amendment or rescission of regulations; providing for modification of designated boundaries; providing for judicial proceedings in certain instances; providing for repeal of rules designating such areas; creating ss. 380.0551 and 380.0552, Florida Statutes; providing for designation of the Green Swamp Area and the Florida Keys Area as areas of critical state concern; providing for adoption of certain portions of the Florida Administrative Code relating thereto and for repeal thereof; providing an exception; providing an effective date.

—was taken up with pending Amendment 1.

Amendment 1—On page 2, line 17, strike everything after the enacting clause and insert: Section 1. Subsection (16) of section 380.031, Florida Statutes, is amended, and subsection (18) is added to said section to read:

380.031 Definitions.—As used in this chapter:

(16) "State land planning agency" means the agency designated by law, or its successor agency, to undertake statewide comprehensive planning.

(18) "Resource planning and management committee" or "committee" means that committee appointed pursuant to s. 380.045.

Section 2. Section 380.045, Florida Statutes, is created to read:

380.045 Resource planning and management committee; objectives; procedures.—Prior to recommending an area as an area of critical state concern pursuant to s. 380.05, the Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the area under study by the state land planning agency. The objective of the committee shall be to organize a voluntary, cooperative resource planning and management program to resolve existing, and prevent future, problems which may endanger those resources, facilities, and areas described in s. 380.05(2) within the area under study by the state land planning agency. The committee shall include, but not be limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels would be relevant to the compilation of the committee; and a water management district, if appropriate, and regional planning council all or part of whose jurisdiction lies within the area under study. After the appointment of the members, the Governor shall select a chairman and vice-chairman. A staff member of the state land planning agency shall be appointed by the director of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chairman or on demand of three or more members of the committee. The committee will act on a simple majority of a quorum present, and shall make a report within 6 months to the head of the state land planning agency. The committee shall, from the time of appointment, remain in existence for no less than 6 months.

Section 3. Section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(1) (a) The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation the agency shall include any report or recommendation of a resource planning and management committee appointed pur-

suant to s. 380.045; the dangers that would result from uncontrolled or inadequate development of the area, and the advantages that would be achieved from the development of the area in a coordinated manner; a detailed boundary description of the proposed area; specific principles for guiding development within the area; and an inventory of lands owned by the state, federal, county, and municipal governments within the proposed area. In its recommendation the agency shall specify the boundaries of the proposed areas and state the reasons why the particular area proposed is of critical concern to the state or region, the dangers that would result from uncontrolled or inadequate development of the area, and the advantages that would be achieved from the development of the area in a coordinated manner and recommend specific principles for guiding the development of the area. However, prior to the designation of any area of critical state concern by the Administration Commission, an inventory of lands owned by the state shall be filed with the state land planning agency. The state land planning agency shall request all political subdivisions and other public agencies of the state and the Federal Government to submit an inventory of lands owned within the state of Florida.

(b) Within 45 days following receipt of a recommendation from the agency, the Administration commission shall either reject the recommendation as tendered or adopt the same with or without modification and by rule designate the area of critical state concern and the principles for guiding the development of the area. The rule shall become effective 20 days after filing with the Secretary of State, except that an emergency rule adopted by the commission and designating an area of critical state concern shall become effective immediately on filing. Any rule adopted pursuant to this paragraph shall be presented to the Legislature for review pursuant to paragraph (c). An economic impact statement, prepared pursuant to s. 120.54(2)(a), shall not be grounds for a challenge of the rule; however, a landowner shall not be precluded from using adverse economic results as grounds for challenge. The rule may specify that Such principles for guiding development shall apply to any development undertaken subsequent to the legislative review pursuant to paragraph (c) of the designation of the area of critical state concern with or without modification but prior to the adoption of land development rules and regulations for the critical area pursuant to subsections (6) and (8). No boundary or principles for guiding development shall be adopted without a specific finding by the commission that said boundaries or principles are consistent with the protection of the resources or area sought to be protected. In adopting such rule, the Administration Commission shall consider the economic impact of the principles on development in process within the area. The commission is not authorized to adopt any rule that would provide for a moratorium on development in any area of critical state concern.

(c) A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the President of the Senate and the Speaker of the House for review no later than 30 days prior to the next regular session of the Legislature. The Legislature may reject, modify, or take no action relative to the adopted rule. In its deliberations the Legislature may consider, among other factors, whether a resource planning and management committee was appointed and whether the committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).

(d) If, after the repeal of the boundary designation of an area of critical state concern pursuant to subsection (14), the state land planning agency determines that the administration of the local land development regulations within a formerly designated area is inadequate to protect the former area of critical state concern, then the state land planning agency may recommend to the commission that the area be redesignated as an area of critical state concern. Within 45 days following the receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification. The commission may, by rule, make such redesignation effective im-

mediately, at which time the boundaries and regulations in effect at the time the previous designation was repealed shall be reinstated. Within 90 days of such redesignation, the commission shall begin rule-making procedures to designate the area an area of critical state concern under paragraph (b) of subsection (1).

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including but not limited to state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the economic value of the area, as determined by the type, variety, distribution, relative scarcity and condition of the environmental or natural resources within the area, is of substantial regional or statewide importance.

2. Whether the ecological value of the area, as determined by the physical and biological components of the environmental system, is of substantial regional or statewide importance.

3. Whether the area is a designated critical habitat of any state or federally designated threatened or endangered plant or animal species.

4. Whether the area is inherently susceptible to substantial development due to its geographic location or natural aesthetics.

5. Whether any existing or planned substantial development within the area will directly, significantly, and deleteriously affect any or all of the environmental or natural resources of the area which are, historical, natural, or archaeological resources of regional or statewide importance.

(b) An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily-defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites or districts. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the area is associated with events that have made a significant contribution to the history of the state or region.

2. Whether the area is associated with the lives of persons who are significant to the history of the state or region.

3. Whether the area contains any structure which embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction and which are of regional or statewide importance.

4. Whether the area has yielded, or will likely yield information important to the prehistory or history of the state or region. An area significantly affected by, or having a significant effect upon, an existing or proposed major public facility or other area of major public investment.

(c) An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities and water management projects. A proposed area of major development potential, which may include a proposed site of a new community, designated in a state land development plan.

(3) Each regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no

regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission designation as an area of critical state concern an area substantially similar to one that has been recommended by a regional planning agency or local government, it shall respond in writing to the regional planning agency or local government as to its reasons therefor.

(4) Prior to submitting any recommendation to the Administration commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments and regional planning agencies that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.

(5) After the commission adopts adoption of a rule designating the boundaries of and principles for guiding development in an area of critical state concern and within 180 days of such adoption, the local government having jurisdiction may submit to the state land planning agency its existing land development regulations for the area, if any, or shall prepare, adopt and submit new or modified regulations, taking into consideration the principles set forth in the rule designating the area as well as the provisions of its local government comprehensive plan, if adopted factors that it would normally consider.

(6) If the state land planning agency finds that the land development regulations submitted by a local government comply with the principles for guiding the development of the area specified under the rule designating the area, the state land planning agency shall by rule approve the land development regulations. Such approval, or disapproval pursuant to subsection (8), shall be no later than 60 days after submittal of the land development regulations by the local government. No proposed land development regulation within an area of critical state concern becomes effective under this subsection until the state land planning agency rule approving it becomes effective.

(7) The state land planning agency and any applicable regional planning agency shall, to the greatest extent possible, provide technical assistance to local governments in the preparation of land development regulations for areas of critical state concern.

(8) If any local government fails to submit transmit land development regulations within 180 days 6 months after the Commission adopts adoption of a rule designating an area of critical state concern, or if the regulations submitted transmitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern and with the provisions of an adopted local government comprehensive plan, in either case, within 120 days, the state land planning agency shall submit to the Administration commission recommended land development regulations applicable to that local government's portion of the area of critical state concern unless it determines that the area is no longer of critical state concern. Within 45 days following receipt of the a recommendation from the agency, the Administration commission shall either reject the recommendation as tendered or adopt the same with or without modification, and by rule establish land development regulations applicable to that local government's portion of the area of critical state concern. However, such rule shall not become effective prior to legislative review of an area of critical state concern pursuant to subsection (1)(c). In the rule, the Administration commission shall specify the extent to which its land development regulations shall supersede local land development regulations or be supplementary thereto. Notice of any proposed rule issued under this section shall be given to all local governments and regional planning agencies in the area of critical state concern, in addition to any other notice required under chapter 120. The land development regulations adopted by the Administration commission under this section may include any type of regulation that could have been adopted by the local government. Any land development regulations adopted by the Administration commission under this section shall be administered by the local government as if the regulations constituted, or were part of, or in the absence of, the local land development regulations.

(9)(12) If, within 12 months after the commission adopts a the adoption of the rule designating an area of critical state concern, land development regulations for the area district have not become effective under either subsection (6) or subsection (8), the designation of the area as an area of critical state concern terminates. No part of such area may be recommended for redesignation redesignated until at least 12 months after the date the designation terminates pursuant to this subsection. The running of the 12-month period shall be tolled upon challenge pursuant to the provisions of chapter 120 to either the designation of the area of critical state concern or the adoption of land development regulations under either subsections (6) or (8).

(9) If the state land planning agency determines that the administration of the local regulations is inadequate to protect the state or regional interest, the state land planning agency may institute appropriate judicial proceedings to compel proper enforcement of the land development regulations.

(10) At any time after the adoption of land development regulations by the Administration commission under this section, a local government may propose land development regulations under subsection (5) which, if approved by the state land planning agency as provided in subsection (6), shall supersede any regulations adopted under subsection (8).

(11) Land development regulations submitted adopted by a local government in an area of critical state concern, and approved pursuant to subsection (6), may be amended or rescinded by the local government, but the amendment or rescission becomes effective only upon approval thereof by the state land planning agency. The state land planning agency shall either approve or reject the requested changes within 60 days of receipt thereof. under subsection (6) in the same manner as for approval of original regulations. Land development regulations for an area of critical state concern adopted by the Administration commission under subsection (8) may be amended or rescinded by rule by the commission in the same manner as for original adoption.

(12) Upon request of a substantially interested person pursuant to s. 120.54(5), any local government or regional planning agency within the designated area, or the state land planning agency, the commission may by rule remove, contract, or expand any designated boundary. Boundary expansions shall be subject to legislative review pursuant to subsection (1)(c). No boundary shall be modified without a specific finding by the commission that such changes are consistent with necessary resource protection. The total boundaries of an entire area of critical state concern shall not be removed by the commission unless a minimum time of 1 year has elapsed from the adoption of regulations adopted pursuant to subsections (1), (6), (8) or (10). Before totally removing such boundaries, the commission shall make findings that regulations adopted pursuant to subsections (1), (6), (8) or (10) are being effectively implemented by local governments within the area of critical state concern to protect the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

(13) If the state land planning agency determines that the administration of the local land development regulations within the area is inadequate to protect the state or regional interest prior to the repeal of the critical state concern designation pursuant to subsection (15), the state land planning agency may institute appropriate judicial proceedings as provided in s. 380.11 to compel proper enforcement of the land development regulations.

(14) Any local government which lies either wholly or partially within an area of critical state concern and which has adopted a local government comprehensive plan pursuant to chapter 163 shall conform such plans to the principles for guiding development for the area of critical state concern.

(15) Any rule adopted pursuant to this section designating the boundaries of an area of critical state concern, and the principles for guiding development therein, shall be repealed by the commission no earlier than 12 months and no later than 3 years after approval by the state land planning agency or adoption by the commission of all land development regulations pursuant to subsections (6), (8), or (10). Any repeal pursuant to this subsection may be limited to any portion of the area of critical state concern. Such repeal shall be con-

tingent upon approval by the state land planning agency of local land development regulations pursuant to subsections (6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable unit of local government of a local government comprehensive plan pursuant to subsection (14).

(16)(19) No person shall undertake any development within any area of critical state concern except in accordance with this chapter.

(17)(14) If an area of critical state concern has been designated under subsection (1) and if land development regulations for the area of critical state concern have not yet become effective under subsection (6) or subsection (8), a local government may grant development permits in accordance with such land development regulations as were in effect immediately prior to the designation of the area as an area of critical state concern.

(18)(15) Neither the designation of an area of critical state concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the approval under subsection (6), or the adoption under subsection (8), of land development regulations for the area of critical state concern. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(19)(16) In addition to any other notice required to be given under the local land development regulations, the local government shall give notice to the state land planning agency of any application for a development permit in any area of critical state concern, except to the extent that the state land planning agency has in writing waived its right to such notice in regard to all or certain classes of such applications. The state land planning agency may by rule specify additional classes of persons who shall have the right to receive notices of and participate in hearings under this section.

(20)(17) ~~Within the 12 month period following July 1, 1972, the Administration Commission shall not designate more than 500,000 acres as areas of critical state concern. At no time shall the Administration Commission designate a land area to be designated an area of critical state concern if the effect of such designation would be to subject more than 5 percent of the land of the state to supervision under this section, except that if any supervision by the state is retained, the area shall be considered to be included within the limitations of this subsection. If 5 percent of the state's lands are designated as areas of critical state concern pursuant to this section, a redesignation pursuant to subsection (1)(d) will not be prohibited by this subsection.~~

~~(18) The Administration Commission may by rule terminate, partially or wholly, the designation of any area of critical state concern.~~

(21)(10) Within 30 days after the effective date of the designation of an area of critical state concern pursuant to subsection (1)(c) or (d), the state land planning agency shall record a legal description of the boundaries of the area of critical state concern in the public records of the county or counties in which the area of critical state concern is located. The boundaries of the areas of critical state concern currently designated on June 20, 1976, shall be recorded in the manner provided by this section within 60 days after that date.

Section 4. Section 380.0551, Florida Statutes, is created to read:

**380.0551 Green Swamp Area; designation as area of critical state concern.—**

(1) The Green Swamp Area, the boundaries of which are described in chapter 22F-5, Florida Administrative Code, is hereby designated an area of critical state concern effective July 1, 1979; except the following shall not be included in the

area so designated: beginning at the intersection of the South right-of-way line of State Road 50 and the East line of Section 22, Township 22 South, Range 25 East, Lake County, Florida; run thence South along the East line of Sections 22, 27, 34, to the North line of Township 23 South, Range 25 East; thence continue South along the East line of Section 3 and Section 10 to the South line of Section 10; run thence Easterly along the South line of Sections 11 and 12 to the West line of Township 23 South, Range 25 East; thence continue Easterly to the shores of Lake Louisa; run thence Northerly, Easterly and Southerly along the North shore of Lake Louisa to the South line of Section 16, Township 23 South, Range 26 East; run thence East along the South line of said Section 16 to the West right-of-way line of U.S. Highway 27; run thence North along the West right-of-way line of U. S. Highway 27 to the South line of S.R. 50 in Section 30, Township 22 South, Range 26 East; run thence West along the South right-of-way line of State Road 50 to the Point of Beginning. Chapters 22F-5, 22F-6, and 22F-7, Florida Administrative Code, are hereby adopted and incorporated herein by reference. The boundaries described in chapter 22F-5, Florida Administrative Code, shall be modified pursuant to s. 380.05(12). There shall be appointed a Resource Planning and Management Committee as provided in s. 380.045.

(2) The land development regulations contained in chapters 22F-6 and 22F-7, Florida Administrative Code, shall be the land development regulations for the applicable local government's portion of the area of critical state concern until either:

(a) An applicable local government complies with the provisions of s. 380.05(10); or

(b) Such regulations are repealed pursuant to subsection (3).

(3) Chapters 22F-5, 22F-6, 22F-7, Florida Administrative Code, shall be repealed by the commission no earlier than July 1, 1980, and no later than July 1, 1982. Upon recommendation by the state land planning agency to the commission, any repeal of such rules pursuant to this subsection may be effective only for one local government's portion of the Green Swamp Area. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations pursuant to s. 380.05(6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable local government of a local government comprehensive plan pursuant to s. 380.05(14).

Section 5. Section 380.0552, Florida Statutes, is created to read:

**380.0552 Florida Keys Area; designation as area of critical state concern.—**

(1) The Florida Keys Area, the boundaries of which are described in chapter 22F-8, Florida Administrative Code, is hereby designated an area of critical state concern effective July 1, 1979. Chapters 22F-8 through 22F-13, Florida Administrative Code, are hereby adopted and incorporated herein by reference. There shall be appointed a Resource Planning and Management Committee as provided in s. 380.045.

(2) The land development regulations contained in chapters 22F-9 through 22F-13, Florida Administrative Code, shall be the land development regulations for the applicable local government's portion of the area of critical state concern until either:

(a) An applicable local government complies with the provisions of s. 380.05(10); or

(b) Such regulations are repealed pursuant to subsection (4).

(3) The City of Key West, as incorporated, shall be removed from under the provisions of chapters 22F-8 and 22F-12, Florida Administrative Code, upon approval by the state land planning agency of the land use element of the local government comprehensive plan pursuant to chapter 163, notwithstanding the 1-year minimum requirements of subsection (4).

(4) Chapters 22F-8 through 22F-13, Florida Administrative Code, shall be repealed by the commission no earlier than July 1, 1980, and no later than July 1, 1982. Upon recommendation by the state land planning agency to the commission, any repeal of such rules pursuant to this subsection may be effective only for one local government's portion of the Florida

*Keys Area. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations pursuant to s. 380.05(6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable local government of a local government comprehensive plan pursuant to s. 380.05(14).*

Section 6. This act shall take effect July 1, 1979.

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

**Amendment 1A**—On page 2, strike all of lines 28 through 30 and on page 3, strike all of lines 1 through 3 and insert: Section 3. Subsection (3) is added to section 259.04, Florida Statutes, to read:

259.04 Board; powers and duties.—

(3) *Within 45 days of the designation by the Administration Commission of an area as an area of critical state concern under s. 380.05, the Department of Natural Resources shall consider the recommendations of the state land planning agency pursuant to s. 380.05(1)(a) relating to purchase of lands within the proposed area, and shall make recommendations to the board with respect to the purchase of the fee or any lesser interest in any lands situated in such area of critical state concern as environmentally endangered lands or outdoor recreation lands. The department may make recommendations with respect to additional purchases which were not included in the state land planning agency recommendations.*

Section 4. Section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(1)(a) *The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation, the agency shall include recommendations with respect to the purchase of lands situated within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972. The agency also*

(Renumber subsequent sections.)

Amendment 1B was withdrawn.

Senator Scarborough presiding

Senator Trask moved the following amendment to Amendment 1 which failed:

**Amendment 1C**—On page 4, lines 28-31, and page 5, lines 1-13, strike all of these lines and insert:

(c) *A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the next regular session of the Legislature. If the Legislature fails to confirm such rule, with or without modification, the rule shall stand repealed. In its deliberations of whether to confirm such rule, the Legislature may consider, among other factors, whether a resource planning and management committee was appointed and whether the committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).*

The vote was:

Yeas—12

Barron	Maxwell	Peterson	Thomas
Fechtcl	McClain	Poole	Trask
Gorman	Neal	Scott	Williamson

Nays—26

Anderson	Grizzle	MacKay	Stuart
Carlucci	Hair	McKnight	Tobiassen
Chamberlin	Henderson	Myers	Vogt
Childers, W. D.	Hill	Scarborough	Ware
Dunn	Holloway	Skinner	Winn
Frank	Jenne	Spicola	
Gordon	Johnston	Steinberg	

Senator Fechtel moved the following amendment to Amendment 1 which failed:

**Amendment 1D**—On page 4, strike all of lines 28 through 31, and on page 5, strike all of lines 1 through 13, and insert: (c) *A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the President of the Senate and the Speaker of the House for review no later than 30 days prior to the next regular session of the Legislature. Unless repealed or modified by the Legislature, the commission rule shall become effective 10 days following the close of the session. In its deliberations the Legislature may consider, among other factors, whether a resource planning and management committee was appointed and whether the committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).*

Senator Vogt moved the following amendments to Amendment 1 which were adopted:

**Amendment 1E**—On page 5, line 6, strike “was appointed and whether the committee”

**Amendment 1F**—On page 11, line 12, after the word “period” insert: *subsequent to the initial designation*

**Amendment 1G**—On page 16, strike all of lines 10 through 28, and insert: July 1, 1979. The state land planning agency, in conjunction with the applicable local governments, shall review suggested changes to the existing boundary in the area immediately to the south of the southern boundary of the City of Clermont in Lake County and the area along the existing southern boundary around Lake Juliana and the City of Polk City in Polk County for possible deletions from the area of critical state concern. The state land planning agency shall report to, and shall make specific recommendations to, the commission relative to any proposed deletions by August 1, 1979. The commission shall take action on the recommendations of the state planning agency no later than October 1, 1979.

Chapters

Amendment 1 as amended was adopted. The vote was:

Yeas—34

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

Nays—4

Fechtcl	Neal	Peterson	Trask
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The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Vogt:

**Amendment 2**—On page 1 in title, strike all of lines 2 through line 31, and on page 2 strike lines 1 through line 13 and insert: An act relating to environmental land and water management; amending s. 380.031(16), Florida Statutes, and adding subsection (18) to said section; providing definitions; creating s. 380.045, Florida Statutes; requiring the appointment by the Governor of a resource planning and management committee for an area under study by the state land planning agency as an area of critical state concern; providing for membership and objectives of such committees; amending s. 380.05, Florida Statutes, relating to designation of areas of critical state concern; providing for recommendations by the state land planning

agency; providing for adoption of recommendations to designate such areas by the Administration Commission by rule and for review by the Legislature; providing for redesignation of an area under certain circumstances; providing specific criteria to be considered in designating such areas; providing for submission of land development regulations to the state land planning agency by local governments; providing for consideration of and conformance of local comprehensive plans; providing for approval or disapproval of such regulations and for submission of regulations by the state land planning agency to the commission; providing effect of challenges to designation of such areas or to adoption of development regulations; providing for amendment or rescission of regulations; providing for modification of designated boundaries; providing for judicial proceedings in certain instances; providing for repeal of rules designating such areas; creating ss. 380.0551 and 380.0552, Florida Statutes; providing for designation of the Green Swamp Area and the Florida Keys Area as areas of critical state concern; providing for an exception within the Green Swamp Area; providing for adoption of certain portions of the Florida Administrative Code relating thereto and for repeal thereof; providing an exception; providing an effective date.

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

**Amendment 2A**—On page 1 in title, line 6, after “committees;” insert: adding s. 259.04(3), Florida Statutes; requiring the Department of Natural Resources to consider recommendations of the state land planning agency and to make recommendations to the Governor and Cabinet as to the purchase of lands situated in areas of critical state concern;

Amendment 2 as amended was adopted.

On motion by Senator Vogt, by two-thirds vote HB 1150 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—34**

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

**Nays—3**

Fechtel	Peterson	Trask
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Vote after roll call:

Yea—Scott

**Explanations of Vote**

I voted against HB 1150 because I think it is an unconstitutional grant of legislative authority and responsibility to the executive branch of government.

I believe the procedures spelled out in this bill are excellent and contain many safeguards. I also believe the Green Swamp Area should be designated as an area of critical state concern. My concern with this legislation is that it doesn't require final legislative approval for the designation of areas of critical state concern in the future.

*Alan Trask, 13th District*

I voted against HB 1150 because this legislation does not cure the defects in current law as found by the Florida Supreme Court. Unlawful delegation of power is given by the legislature to the Administration Commission, so I oppose this bill.

*Curtis Peterson, 12th District*

My nay vote is based solely on my serious concern that HB 1150 as amended by the Senate does not meet the Supreme

Court's constitutional challenge of undue legislative delegation of its power to administrative executive branch agencies. I would have voted yea on HB 1150 without the Senate amendment. My amendment and Senator Trask's amendment would have satisfied the Court's objection, and in my opinion satisfied the propriety issue. Had either amendment passed I would have voted yea on the bill.

*Vince Fechtel, 11th District*

**SB 477**—A bill to be entitled An act relating to the Division of Building Construction and Property Management of the Department of General Services; adding s. 255.25(9), Florida Statutes, 1978 Supplement; requiring the division to give notice of the request of a state agency for construction, lease, or renovation of a state-owned or state-leased building to the governing body of the municipality or county within which the building is to be constructed, leased, or renovated; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 477 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—27**

Barron	Hair	McKnight	Stuart
Carlucci	Hill	Neal	Thomas
Childers, W. D.	Holloway	Peterson	Tobiassen
Dunn	Jenne	Scarborough	Trask
Frank	Johnston	Scott	Vogt
Gorman	MacKay	Spicola	Winn
Grizzle	McClain	Steinberg	

**Nays—9**

Anderson	Fechtel	Skinner	Williamson
Chamberlin	Maxwell	Ware	
Childers, D.	Myers		

Votes after roll call:

Nay—Poole

Yea to Nay—Neal

SB 497 was taken up and on motion by Senator Spicola, by two-thirds vote HB 841 was withdrawn from the Committee on Judiciary-Criminal. On motion by Senator Spicola—

**HB 841**—A bill to be entitled An act relating to identification of firearms; amending s. 790.001(1), Florida Statutes, 1978 Supplement, redefining the term “antique firearm”; creating s. 790.27, Florida Statutes; prohibiting the alteration or removal of firearm serial numbers; prohibiting the sale, delivery or possession of any firearm with the manufacturer's or importer's serial number altered or removed; exempting antique firearms; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 497. On motions by Senator Spicola, by two-thirds vote HB 841 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—35**

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

**Nays—1**

Gordon

Vote after roll call:

Yea—Henderson

SB 497 was laid on the table.

SB 641 was taken up and on motion by Senator Poole, the rules were waived and by two-thirds vote HB 892 was withdrawn from the Committee on Economic, Community and Consumer Affairs. On motion by Senator Poole—

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.

—a companion measure, was substituted for SB 641 and read the second time by title.

Senators Thomas, Gorman, Stuart, Jenne and Hair offered the following amendment which was moved by Senator Thomas and adopted:

Amendment 1—On page 1, line 13 insert after the period (.): However, any municipal or county franchise agreement that provides for the regulation of cable television rates as of the effective date of this act shall continue in full force and effect until such time as the agreement is renegotiated or expires. No franchise agreement negotiated or renegotiated after the effective date of this act may provide for regulation of cable television rates.

The vote was:

Yeas—18

Anderson	Gordon	MacKay	Thomas
Carlucci	Gorman	McKnight	Trask
Chamberlin	Hair	Peterson	Williamson
Childers, D.	Jenne	Spicola	
Frank	Johnston	Stuart	

Nays—15

Barron	Maxwell	Scarborough	Vogt
Grizzle	McClain	Scott	Ware
Hill	Neal	Skinner	Winn
Holloway	Poole	Steinberg	

Senator Carlucci moved the following amendment:

Amendment 2—On page 1, line 13, after the period insert: This section does not apply to regulation of rates charged by a company operating under an exclusive franchise.

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

Amendment 2A—On page 1, line 2, after “exclusive” insert: or non-exclusive

On motion by Senator Trask, the Senate reconsidered the vote by which Amendment 2A was adopted. Amendment 2A failed.

Amendment 2 failed.

Senator Stuart moved the following amendment which failed:

Amendment 3—On page 1 between lines 13 and 14, insert: Section 2. The term “rates” as used in this act means the base monthly service charges as provided for in any ordinance, charter, franchise agreement, or contract of a municipality, county, or other local authority.

Section 3. The base monthly service charge shall be reasonable and competitive with similar communities in the area.

(ReNUMBER subsequent section.)

Senator Jenne moved the following amendment which failed:

Amendment 4—On page 1, between lines 13 and 14, insert: Section 2. Any municipality, county, or other local governmental authority which immediately prior to the effective date of this act regulated the rates for cable television service and which has used the franchise fees from cable television service companies as primary or secondary collateral for bonds may continue to regulate such rates as long as the bonds are outstanding.

(ReNUMBER subsequent sections.)

The vote was:

Yeas—16

Carlucci	Gorman	MacKay	Spicola
Chamberlin	Hair	McClain	Stuart
Fechtel	Jenne	McKnight	Thomas
Frank	Johnston	Peterson	Trask

Nays—18

Barron	Holloway	Scott	Ware
Childers, W. D.	Maxwell	Skinner	Williamson
Grizzle	Neal	Steinberg	Winn
Henderson	Poole	Tobiassen	
Hill	Scarborough	Vogt	

Senator Jenne moved the following amendment which failed:

Amendment 5—On page 1, strike all of line 14 and insert: Section 2. This act shall take effect July 1, 1980.

Senator Stuart moved the following amendment which failed:

Amendment 6—On page 1, between lines 13 and 14, insert: Section 2. Section 366.02, Florida Statutes, is amended to read:

366.02 “Public utility” defined.—The term “public utility” as used herein means and includes every person, corporation, partnership, association or other legal entity and their lessees, trustees or receivers, now or hereafter either owning, operating, managing or controlling any plant or other facility supplying electricity, or gas (natural, manufactured or similar gaseous substance), or cable television service to or for the public within this state, directly or indirectly for compensation; but the term “public utility” as used herein does not include either a cooperative now or hereafter organized and existing under the Rural Electrification Cooperative Law of the state nor a municipality nor any natural gas pipeline transmission company making only sales of natural gas at wholesale and to direct industrial consumers, nor a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, unless such person also supplies electricity, manufactured or natural gas.

Section 3. In exercising the authority under chapter 366, Florida Statutes, the Florida Public Service Commission shall not regulate any aspect of cable television service companies which is regulated by the Federal Communications Commission.

(ReNUMBER subsequent section.)

The President presiding

Senator Williamson moved that the Senate reconsider the vote by which Amendment 1 was adopted. The motion failed.

The vote was:

Yeas—17

Mr. President	Hill	Scott	Williamson
Barron	Maxwell	Skinner	Winn
Childers, W. D.	McClain	Steinberg	
Fechtel	Neal	Tobiassen	
Grizzle	Scarborough	Ware	

Nays—19

Anderson	Gordon	Jenne	Stuart
Carlucci	Gorman	Johnston	Thomas
Chamberlin	Hair	MacKay	Trask
Childers, D.	Henderson	Peterson	Vogt
Frank	Holloway	Spicola	

Vote after roll call:

Yea—Poole

Senator MacKay moved the following amendment which was adopted:

Amendment 7—On page 1, line 13, after the period insert: This section shall be applicable only to franchise agreements

which contain no restrictions on competition or other agreements obligating the governmental agency to use the powers of government to restrict the normal operation of the competitive free enterprise system.

Senator Anderson moved the following amendment:

**Amendment 8**—On page 1, line 13, after the period insert: However, if 60 percent or more of the households to which the service is available subscribe to such service, the municipality, county, or other local authority may regulate the rates for such service.

On motion by Senator Ware, further consideration of HB 892 with pending Amendment 8 was deferred.

**SB 600**—A bill to be entitled An act relating to ancillary administration of wills; amending s. 734.104, Florida Statutes; providing requirements and procedures for admitting a foreign will to record and prescribing the effect thereof; repealing s. 734.103, Florida Statutes, relating to the estates of testate nonresident decedents; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, between lines 19 and 20, insert: Section 2. Subsection (1) of section 734.201, Florida Statutes, is amended to read:

734.201 Jurisdiction by act of foreign personal representative.—A foreign personal representative submits personally to the jurisdiction of the courts of this state in any proceeding concerning the estate by:

(1) Filing authenticated copies of the domiciliary proceedings under s. 734.104 ~~734.103~~.

Renumber subsequent sections.

**Amendment 2**—On page 1 in title, line 6, after "thereof;" insert: amending s. 734.201(1), Florida Statutes; conforming section references;

On motion by Senator Scott, by two-thirds vote SB 600 as amended was read the third time 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
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

**SB 699**—A bill to be entitled An act relating to the judicial branch; amending ss. 25.301, 25.311, 25.351, Florida Statutes; providing for the distribution of copies of the reports of the decisions of the Supreme Court and of the district courts of appeal; providing for acquisition and exchange of certain materials for the library of the Supreme Court; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 699 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlucci	Childers, W. D.	Frank
Anderson	Chamberlin	Dunn	Gordon
Barron	Childers, D.	Fechtcl	Gorman

Grizzle	Maxwell	Scarborough	Tobiassen
Hair	McClain	Scott	Trask
Henderson	McKnight	Skinner	Vogt
Hill	Myers	Spicola	Ware
Holloway	Neal	Steinberg	Williamson
Johnston	Peterson	Stuart	Winn
MacKay	Poole	Thomas	

Nays—None

**SB 753**—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.302(1), Florida Statutes, requiring the conspicuous marking of vehicles transporting chlorine gas, ammonia gas or phosphorous; authorizing the Department of Insurance to make rules governing transportation of such substances; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike all of line 17 through and including line 30 and on page 2, strike all of line 1 through and including line 3 and insert: (1)(a) Any vehicle used for transporting any hazardous material as defined in subpart B Section 172 Title 49 U.S.C. shall be placarded in accordance with the rules and regulations of Title 49 U.S.C. Section 172.504.

(b) Any person transporting any hazardous material that has not been placarded as provided in subsection (1) (a) shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or 775.083.

(c) Any vehicle used for transporting any explosives

**Amendment 2**—On page 1 in title, strike lines 4 through 8 and insert: Statutes; providing that vehicles transporting hazardous material shall be marked in accordance with federal regulations; providing a penalty; providing an

On motion by Senator Holloway, by two-thirds vote SB 753 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Fechtcl

On motion by Senator Barron, the rules were waived and time of adjournment was extended for announcements and motions relating to committee reference.

On motion by Senator Barron, the rules were waived and the Committee on Ways and Means was granted permission to meet Thursday, May 10 from 2:00 p.m. until midnight in lieu of 2:00 p.m. until 7:00 p.m. as scheduled.

Senator Barron moved that Rule 4.17 be waived and all bills remaining on the special order calendar for this day, with the exception of HB 892, constitute the special order calendar for Wednesday, May 9, to be followed by consent and local bill calendars. The motion was adopted.

On motion by Senator Barron, Rule 4.17 was waived and the Committee on Rules and Calendar was granted permission to meet Wednesday, May 9, immediately upon adjournment to set the special order calendar for Thursday, May 10.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 29, 412, 416 and 916 were withdrawn from the Committee on Ways and Means.

On motions by Senator Henderson, the rules were waived and by two-thirds vote SB 956 was withdrawn from the Committee on Judiciary-Criminal and recommitted to the Committee on Natural Resources and Conservation.

Senator Hair moved that the rules be waived and a bill relating to statute of limitation on action of other than for recovery of real property be admitted for introduction notwithstanding the fact that the deadline for filing bills pursuant to Rule 4.6 had passed.

The motion was referred to the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote SB 630 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Trask, the rules were waived and by two-thirds vote House Bills 798 and 439 were withdrawn from the Committee on Agriculture.

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 563, 792 and 1090 were withdrawn from the Committee on Governmental Operations.

**ENROLLING REPORTS**

SB 3	SB 365	SB 605
SB 19	SB 755	SB 606
SB 34	CS for	CS for
SB 141	SB 377	SB 188
CS for	SB 452	
SB 254	SB 594	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 4, 1979.

*Joe Brown, Secretary*

SB 328	CS for	SB 490
SB 338	SB 727	SB 694
SB 572	SB 179	SB 742
SB 622	CS for	SB 743
SB 679	SB 253	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 8, 1979.

*Joe Brown, Secretary*

**CO-INTRODUCERS**

Senator McKnight—SB 81; Senator Jenne—SB 1281; Senator Frank—SB 628

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 3 was corrected and approved.

The Senate adjourned at 12:04 p.m. to convene at 8:30 a.m., Wednesday, May 9, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.