



# Journal of the Senate

Number 22

Wednesday, May 16, 1979

The Senate was called to order by the President at 9:00 a.m.

A quorum present—40:

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

Prayer by Walter H. Styles, pastor, First Presbyterian Church, Havana:

Almighty God, our Heavenly Father, we pause to recognize thee as our Creator, our Sustainer, and our Redeemer. We thank thee for thy providence that watches over us, thy love that never leaves us, and thy peace that dwells within us.

We are grateful for the beauty of the day and the bounty of thy blessings. Thy loving-kindness is new every morning and fresh every evening. Forgive us when we forget to remember.

We invoke thy favor upon this body of elected officials. Lead their leaders and direct all to do what is right. Guide each one in the work of this day. Help them to speak with conviction and to differ with others in a spirit of love and respect. May the deeds that they do, the programs that they promote, the thoughts that they think, and the decisions that they make bring honor to themselves, to our state, and to thy holy name.

Our prayer is offered in humility and gratitude. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 16, 1979:

SB 1297	SB 468	SB 1016	CS for SB 1245
SB 473	CS for SB 820	SB 1026	HB 269
SB 646	SB 830	SB 1122	HB 280
SB 696	SB 875	CS for SB 1132	SB 451
CS for SB 680	SB 887	SB 1164	SB 465
CS for SB 791	SB 1005	SB 1188	

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Health and Rehabilitative Services recommends the following pass: SB 853

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 628

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

The Committee on Ways and Means recommends the following pass: SB 512 with 2 amendments

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

The Committee on Agriculture recommends the following pass: HCR 931

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

The Committee on Agriculture recommends the following pass: HB 527, HB 992

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

SB 1180 with 1 amendment      SB 1246      SB 1150

The Special Master for Claims recommends the following pass: SB 180, HB 321

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

The Special Master for Claims recommends the following pass:

HB 146 with	SB 180	HB 132
1 amendment	HB 321	HB 911
HB 408	HB 127	

The bills were referred to Ways and Means Subcommittee D under the original reference.

The Special Master-Claims recommends the following pass: SB 1136 with 1 amendment

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

The Committee on Agriculture recommends the following pass:

HB 11	HB 1582	HB 193 with
		4 amendments

The Committee on Ways and Means recommends the following pass:

CS for SB 95 (as offered by the Committee on Corrections, Probation and Parole)

SB 97 with 2 amendments

CS for SB 162 (as offered by the Committee on Economic, Community and Consumer Affairs)

HB 448 with 2 amendments      SB 511

SB 527 with 3 amendments      HB 657      SB 698

CS for SB 609 (as offered by the Committee on Governmental Operations)

CS for SB's 627, 480, 616, 1068, 1086, 1060 with 6 amendments (as offered by the Committee on Education)

CS for SB 705 with 4 amendments (as offered by the Committee on Education)

SB 711	SB 866 with 1 amendment
SB 772 with 2 amendments	SB 919
SB 774	SB 1131 with 2 amendments

The Committee on Governmental Operations recommends the following pass: HB 1531 with 2 amendments

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

CS for HB 686 with HB 881  
 HB 131 1 amendment SB 309

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

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 717

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

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 968

The Committee on Ways and Means recommends Committee Substitutes for the following:

SB 142 SB 210 SB 332

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

The Special Master-Claims recommends the following not pass: SB 998

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

The Committee on Governmental Operations recommends the following not pass: SB 675

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 1181

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

**Report of Subcommittee to Standing Committee**

Subcommittee E recommends SB 1117 favorably with committee substitute to the Committee on Ways and Means.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator McKnight, by two-thirds vote SB 612 was withdrawn from the committee of reference and indefinitely postponed.

**REQUESTS FOR EXTENSION OF TIME**

May 15, 1979

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

SB 41 by Senator Steinberg	CS for SB 509 by Economic,
SB 43 by Senator Steinberg and others	Community and Consumer Affairs Committee, Senator Hair and others
SB 59 by Senator Gordon	
SB 104 by Senator Gordon	
SB 117 by Senator McKnight	SB 516 by Senator Scott
SB 173 by Senator Holloway	SB 549 by Senator Holloway
SB 189 by Senator MacKay	SB 562 by Senator Hill
SB 190 by Senator Henderson	SB 565 by Senator Holloway
SB 204 by Senator Poole and others	SB 570 by Senator Thomas
	SB 578 by Senator Gordon
SB 282 by Senator Grizzle	SB 607 by Senator Myers
SB 288 by Senator Scarborough	SB 612 by Senator McKnight
	SB 624 by Senator MacKay
SB 317 by Senator Henderson	SB 640 by Senator Johnston
SB 351 by Senator Stuart	SB 642 by Senator Poole
CS for SB 380 by Health and Rehabilitative Services Committee and Senator Henderson	SB 669 by Senator Winn
	SB 715 by Senator Barron and others
SB 395 by Senator Gorman	SB 751 by Senator Ware
SB 405 by Senator MacKay	SB 757 by Senator McClain
SB 434 by Senator Jenne	SB 758 by Senator McClain and others
SB 445 by Senator Poole	SB 764 by Senator Johnston
SB 484 by Senator McKnight	SB 768 by Senator Scott
SB 498 by Senator Scott	SB 778 by Senator Scarborough

SB 797 by Senator McClain	SB 920 by Senator Ware
SB 803 by Senator Jenne	SB 921 by Senator Hill
SB 807 by Senator Ware	SB 943 by Senator Peterson
SB 811 by Senator Hill	SB 948 by Senator Williamson
SB 821 by Senator Carlucci	
SB 822 by Senator Carlucci	SB 963 by Senator Stuart
SB 824 by Senator Carlucci	SB 971 by Senator Winn
SB 835 by Senator Hill	SB 983 by Senator Maxwell
SB 842 by Senator Don Childers	SB 991 by Senator McClain and others
SB 851 by Senator Johnston	SB 997 by Senator Winn
SB 855 by Senator McKnight	SB 1007 by Senator McClain
SB 858 by Senator Thomas	SB 1023 by Senator Williamson and others
SB 868 by Senator Henderson	
SB 876 by Senator Don Childers	SB 1053 by Senator McClain
	SB 1092 by Senator Jenne
SB 882 by Senator Winn	SB 1104 by Senator Dunn
SB 883 by Senator Winn	SB 1133 by Senator Henderson
SB 901 by Senator MacKay	SB 1148 by Senator Trask
SB 909 by Senator Williamson	HB 1546 by Regulated Industries & Licensing

May 16, 1979

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

SB 360 by Senators Scott, Ware and others	SB 958 by Senator Dunn
SB 867 by Senator Hair	SB 974 by Senator Hill
SB 929 by Senator Frank	SB 978 by Senator MacKay and others

May 15, 1979

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

SB 496 by Committee on Health and Rehabilitative Services	SB 1059 by Senators Peterson and Frank
SB 987 by Senator Chamberlin	SB 1093 by Senator Fechtel
	SB 1120 by Senator Grizzle
	SB 1121 by Senator Gordon
	SB 1160 by Senator Dunn

May 15, 1979

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

SB 684 by Senator Myers	SB 455 by Senator Dunn
SB 700 by Senator Hill	SB 500 by Senator Dunn
SB 781 by Senator Steinberg	SB 510 by Senator Spicola
SB 783 by Senator Skinner	SB 523 by Senator Spicola
SB 90 by Senator Johnston	SB 837 by Senator Stuart
SB 263 by Senator Carlucci	SB 840 by Senator Hill
SB 264 by Senator McKnight	SB 880 by Senator Stuart

May 16, 1979

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

SB 962 by Senator Ware

May 16, 1979

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

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

**MESSAGES FROM THE GOVERNOR**

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 168, 328, 338 and 742 which he had approved on May 14, 1979.



**Amendment 5—**  
Section 02  
Item 45

Insert:

Fixed Capital Outlay  
Conversion of Wood Boilers at  
Union Correctional Institution,  
Florida State Prison  
1979-80  
From General Revenue Fund 60,000

Explanation: Funds for this item were appropriated by the Appropriations Subcommittee but were inadvertently omitted from the bill.

Net Impact on General Revenue is \$60,000 in 1979-80

**Amendment 6—**Consideration deferred

Senator Gordon moved the following amendments which were adopted:

**Amendment 7—**

Section 01 Strike: Insert:  
Item 915  
Special Categories Transfer to Legal Antitrust  
Services Trust Fund Investigations

Explanation: This is a technical amendment needed to give authority for the use of the funds placed in this category.

Net Impact on General Revenue: None

**Amendment 8—**

Section 1 Strike: Insert:  
After item 984

In the last paragraph, after the words "provisions of" strike: The regulatory reform act of 1976

In the last paragraph, after the words "provisions of" insert: Section 11.61, Florida Statutes

**Amendment 9—**State Division of Cultural Affairs, Office of the Director—

Item 1148 Strike: Insert:  
Special Categories  
1979-80  
Develop Art Programs of Excellence  
From Grants and Donations Trust Fund \$ 100,000  
1980-81  
Develop Art Programs of Excellence  
From Grants and Donations Trust Fund \$ 100,000

Item 1148A  
Special Categories  
1979-80  
Emergency School Aid Act Grant/Duval County  
From Grants and Donations Trust Fund \$ 100,000  
1980-81  
Emergency School Aid Act Grant/Duval County  
From Grants and Donations Trust Fund \$ 100,000

To correct technical error—appropriation placed with wrong title

**Amendment 10—**Consideration deferred

Senator Vogt moved the following amendment which was adopted:

**Amendment 11—**

Section 01 Strike: Insert:  
Item 762  
Other Personal Services  
1979-80  
From General Revenue Fund 22,098 58,721

Explanation: This amendment provides additional O.P.S. funds to be placed in the State Courts Administrator's Office in the Supreme Court to meet a temporary need for additional data processing.

Net Impact on General Revenue is \$36,623 in 1979-80

Senator Peterson moved the following amendment which failed:

**Amendment 12—** Strike: Insert:  
Item 229  
Aid to Local Governments  
Commission on Spanish-Speaking  
Populace of Florida  
1979-80  
From General Revenue Fund 157,410 65,000  
1980-81  
From General Revenue Fund 157,410 65,000

Explanation: Reduces appropriation by \$92,410 each year and maintains funding at current level.

Senator Peterson moved the following amendment:

**Amendment 13—**  
Item 315  
Aid to Local Governments  
FEFP  
In the proviso language following this Item, in the 5th paragraph, the line after 1979-80, insert:  
Basic K-3 Programs 529,592  
In the 5th paragraph, the line after 1980-81, insert:  
Basic K-3 Programs 533,580

Senators Frank, Poole, Maxwell, Jenne, Winn, McKnight, Grizzle, Chamberlin and Fechtel offered the following substitute amendment which was moved by Senator Frank and adopted:

**Amendment 14—**  
Section Strike: Insert:  
Item  
315 Aid to Local Governments  
Page Florida Education Finance  
40 Program

Provided, however that if CS for HB 1036 or similar legislation becomes law, the base student allocation shall not be decreased. There shall be additional dollars appropriated commensurate with the increase in weighted FTE generated by the legislation, multiplied by base student allocation contained in the appropriations act.

Senator Peterson moved the following amendments which were adopted:

**Amendment 15—**  
Item 362  
In the proviso language following this item, add the following new language:  
Provided, however, the appropriations to the Knott Data Center are contingent upon the transfer by the Department of Administration of the positions and budget authority in Items 358—362 within the approved operating budgets to Auxiliary Enterprises in the State University System, effective July 1, 1979. All employees of the Knott Data Center shall become employees of the State University System in the Northwest Regional Data Center and shall continue to serve the management information system needs of the Department of Education.

Explanation: Transfers budget authority and positions of the Knott Data Center to Universities' Auxiliary Enterprises.

**Amendment 16—**  
Item 367  
Lump Sum  
Star Program  
From General Revenue Fund

In the proviso language following Item 367, after the last paragraph, add the following new paragraph:

None of the funds appropriated in Items 363 through 366 may be used in connection with the operation of a child care center.

Explanation: Provides that no funds appropriated in the Education and General Budget may be used to operate a day care center.

**Amendment 17—**

	Strike:	Insert:
Following Item 493 Create a new item		
Item 493A Special Categories		
Capitol Technical Center		
1979-80		
From General Revenue Fund		114,640
1980-81		
From General Revenue Fund		137,250

Explanation: Provides an appropriation for replacement of equipment and related expenses in the Capitol Technical Center ("Today in the Legislature") which was omitted by Subcommittee "A".

**Amendment 18—**

	Strike:	Insert:
Section 03		
Item 4A		
Fixed Capital Outlay		
Construction and Renovation of the		
Shands Teaching Hospital Clinics		
1979-80		
From Working Capital Fund	40,000,000	
and strike all proviso language following this item.		

Explanation: Deletes \$40,000,000 provided as a loan, to be released as needed, to the Shands Teaching Hospital Clinics for new construction and renovations.

**Amendment 19—**

Section 04  
Item OA Fixed Capital Outlay  
In the proviso language following this item strike: "Provided, further, bonds shall not be sold to generate funds for the 1979-80 appropriations." and add the following new language: Shands Teaching Hospital and Clinics Florida International University—Academic Building Two

Explanation: Deletes prohibition against selling bonds in 1979-80.

**Amendment 20—**

	Strike:	Insert:
Section 04		
Item 0A Fixed Capital Outlay		
1979-80		
From Public Education		
Capital Outlay and Debt Service Trust Fund	145,000,000	149,600,000
1980-81		
From Public Education		
Capital Outlay and Debt Service Trust Fund	145,000,000	160,500,000

Senator Gordon moved the following amendment which was adopted:

**Amendment 21—**

Section 04  
Item 0A Fixed Capital Outlay  
In the proviso language following this item add the following proviso language:  
Provided that the Board of Regents and the non profit corporation enter into an agreement which provides that the private non profit corporation shall pay a rental of \$4,000,000 a year to the Board of Regents for at least 10 years from the date of completion of construction and improvements and a lesser sum after the 10 year period, provided further that the Board of Regents agrees to turn the funds over to the University of Florida Foundation Endowment Fund with the further condition that only the income can be expended and then only for enhancing programs in health education and the basic sciences in undergraduate and graduate programs

Senator Vogt moved the following amendment which was adopted:

**Amendment 22—**

Section 01  
Item

Department of Health and Rehabilitative Services

Strike proviso preceeding Office of the Secretary on page 74: Provided that the Department of Administration is authorized to establish the appropriate trust funds in order that the Department of Health and Rehabilitative Services shall act as the interim fiscal agent to facilitate the transfer of the Vocational Rehabilitation Program from state administration. Provided, however, that no additional general revenue funds are required in excess of the amount appropriated in Item 540. Provided, also, that 14 positions in Item 519 and 11 positions in Item 547 are to be deleted upon completion of the Vocational Rehabilitation transfer.

Insert proviso as follows:

Provided, further, the Department of Administration shall approve an operating budget as of July 1, 1979 which will enable the Department of Health and Rehabilitative Services to continue operation of the Vocational Rehabilitation Program through September 30, 1979. Section 216.-262, F. S., notwithstanding the following positions are to be authorized for this purpose: Vocational Rehabilitation Services—850; Service Delivery Management and Support Services—35; Office of the Assistant Secretary for Programs—51. Provided, further, that after September 30, 1979, the Department of Administration is authorized to establish appropriate trust funds and accounts in order that the Department of Health and Rehabilitative Services may act as an interim fiscal agent to facilitate the transfer of the Vocational Rehabilitation Program from state administration, provided, however, that no additional general revenue will be required by these actions beyond those appropriated for this program.

Provided, further, that in the event U. S. Congressional action is taken which would allow the Vocational Rehabilitation Program to be administered by the State of Florida within the current organizational structure of the Department of Health and Rehabilitative Services, the Florida Legislature hereby authorizes the continued state administration of the Vocational Rehabilitation Program after September 30, 1979.

Explanation:

Provides authorization for the Department of Health and Rehabilitative Services to continue the Vocational Rehabilitation Program for one quarter in FY 1979-80 for transition and to continue program if Congressional action occurs which would allow current structure and operation.

**Senator Scarborough presiding**

Senator Johnston moved the following amendment which was adopted:

**Amendment 23—**

On page 171, insert a new Section 29: The uncommitted balance of the sum appropriated to the Department of General Services from the General Revenue Fund by Section 6, Chapter 78-127, Laws of Florida, as amended by Section 6, Chapter 78-371, Laws of Florida, hereby reverts to the General Revenue Fund.

The sum of \$1,000,000 is hereby appropriated from the General Revenue Fund to the Department of General Services to be used by the Department to immediately raze the remaining portions of the old Capitol building.

Renumber succeeding sections.

The vote was:

Yeas—21

Mr. President	Gordon	Jenne	Spicola
Barron	Gorman	Johnston	Tobiassen
Carlucci	Hair	Myers	Vogt
Childers, W. D.	Henderson	Neal	
Dunn	Hill	Scott	
Frank	Holloway	Skinner	

Nays—17

Anderson	Maxwell	Steinberg	Williamson
Chamberlin	McKnight	Stuart	Winn
Childers, D.	Peterson	Thomas	
Grizzle	Poole	Trask	
MacKay	Scarborough	Ware	

Votes after roll call:

Yea—McClain  
Nay—Fechtel

The President presiding

Senators McKnight and Anderson offered the following amendment which was moved by Senator McKnight and adopted:

Amendment 24—

Item 18B	Insert:	
Special Categories		
Local Government Study Commission		
From General Revenue Fund		\$5,000

Provided, that the funds appropriated in Item 18B are contingent upon SB 1108 or similar legislation becoming law. Further, provided that, these funds are to be used to conduct the study outlined in such legislation.

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

Amendment 25—

Section 02		
Item 133A		
Proviso after item on line 5 of proviso strike "required repairs at"		

Explanation: Deletes reference to repairs of St. Petersburg lab provides for completion of lab facility.

Senator MacKay moved the following amendment which was adopted:

Amendment 26—

Section 01	Strike:	Insert:
Item		
250 Salaries and Benefits		
1979-1980		
From General Revenue Fund	73,889,696	73,544,636
1980-81		
From General Revenue Fund	75,755,972	75,361,359

Insert Item		
259A Special Categories:		
Workhour Formula Funded in Region III		
1979-80		
From General Revenue Fund		345,060
1980-81		
From General Revenue Fund		394,613

Provided that funds appropriated in Item 259A are used to fund additional probation and parole staff in Region III on a pilot basis.

Explanation: This amendment provides for the funding of the Department of Corrections' probation and parole workhour formula in Region III to be established as a pilot program with 40 O.P.S. positions. The program is funded by applying a greater lapse factor on current positions in the major institutions which is available due to a high turnover in positions.

Net impact on General Revenue: None

Senator Tobiassen moved the following amendment:

Amendment 27—

Section 01	
Item 315	
Aid to Local Governments	
Florida Education Finance Program	
In the proviso language following this item insert the following new language:	

The district cost differential to be used in allocating the appropriation in item 315 shall be 1.00 for each school district.

Senator Dunn moved that consideration of Amendment 27 be deferred. The motion failed.

Amendment 27 failed.

Senator Maxwell moved the following amendment:

Amendment 28—

Section	Strike:	Insert:
Item 579 Special Categories		
Local Services Programs		
From Federal Aid Trust		
Fund Title XX		1,125,000
From Services Trust Fund		375,000

Insert Proviso after Item 579:

Provided, however, that of the funds appropriated in item 579, \$61,256 shall be allocated to the districts for contract negotiation for legal services to Title XX eligible clients. No funds shall be allocated for central administration or technical assistance.

Senator Vogt moved the following amendment to Amendment 28 which was adopted:

Amendment 28A—

Strike: lines 2, 3, 4

Amendment 28 as amended failed.

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

Amendment 29—

Section 01	Strike:	Insert:
Item 363		
Salaries and Benefits		
1979-80		
From General Revenue Fund	169,090,035	169,590,035
1980-81		
From General Revenue Fund	165,306,886	165,806,886

Amend Fifth Proviso Paragraph:

The Board of Regents shall allocate ~~\$3,693,867~~ *\$3,943,867* to the University of Florida Law School and ~~\$1,841,423~~ *\$2,091,423* to the Florida State University Law School plus adjustments provided by the legislature for the 1979-81 biennium for salary, inflationary and other increases. *\$250,000 of each allocation is for quality improvement programs.* Each university is free to add to said funding base from funds otherwise allocated and not restricted as to purpose.

On motion by Senator Barron, by two-thirds vote SB 1297 as amended was read the third time by title.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on SB 1297.

Senators Dunn, Barron, MacKay, Carlucci, Skinner, Hair, Myers, Jenne, Steinberg, Stuart, Anderson, Henderson, Johnston and Gordon offered the following amendment which was moved by Senator Dunn and adopted by two-thirds vote:

Amendment 30—

Item	Insert:
250 Comprehensive Study of State Policy on Marijuana Use and Control	\$ 380,000

The amount appropriated in item 250 is subject to the condition and limitation that: the funds appropriated shall be used and expended to fund a comprehensive study (employing, in part, the services of a competent independent consultant firm or service) of the state policy on the use and control of marijuana in Florida, which study shall include the identification of the law enforcement and social problem created by existing laws and policies, the social and economic costs of marijuana control; current and future enforcement options and a cost-benefit analysis of each option; evaluation of optional enforcement decriminalization strategies; evaluation of proper role of federal, state or local law enforcement in marijuana control; public opinion polls or sampling; and other appropriate matters.

Senator Don Childers moved the following amendment which failed:

**Amendment 31—**

Section 01  
Item 316 Aid to Local Governments  
FEFP-Adult Programs

In the 3rd paragraph in the proviso language following this item, on the 4th line, strike "33,482" and insert 36,499

Senators Neal and Henderson offered the following amendment which was moved by Senator Neal and adopted by two-thirds vote:

**Amendment 32—**

Section 01	Strike:	Insert:
Following Item 371A add the new Item		
Item 371B Special Categories		
New College Endowment Fund		
1979-80		
From General Revenue Fund		2,500,000

Senator Chamberlin moved the following amendment:

**Amendment 33—**

Section 01  
Item

Strike proviso following Item 589:  
Provided that funds appropriated in Item 589 shall be used to purchase adoption placement services for children with special needs, with or without subsidy at a rate not to exceed \$785 per placement.

Insert to following proviso after Item 589:  
Provided that funds appropriated in Item 589 shall be used to purchase adoption placement services for children with special needs, with or without subsidy.

Senator Vogt moved the following substitute amendment which was adopted by two-thirds vote:

**Amendment 34—**

Strike proviso following item 589 and insert proviso following item 589: Provided that funds appropriated in Item 589 shall be used to purchase adoption placement services for children with special needs, with or without subsidy at a rate not to exceed \$1,000 per placement.

Senators Chamberlin and Grizzle offered the following amendment which was moved by Senator Chamberlin and failed:

**Amendment 35—**

Section 1	Strike:	Insert:
Item 612		
Aid to Local Governments Community Mental Health Services		
1979-80		
From the General Revenue Fund	\$12,661,724	\$13,255,585
1980-81		
From the General Revenue Fund	\$17,181,591	\$18,654,894
Item 615		
Aid to Local Governments Purchased Client Service-Baker Act		
1979-80		
From the General Revenue Fund	\$15,354,523	\$15,489,885
1980-81		
From the General Revenue Fund	\$15,954,195	\$16,097,679
General Revenue Impact:		
1979-80	\$729,223	\$1,616,787
1980-81		

Explanation: To provide for a deinstitutionalization project for Pinellas County residents who are currently institutionalized in G. Pierce Wood Hospital.

Senators McKnight and Thomas offered the following amendment which was moved by Senator McKnight and failed:

**Amendment 36—**

Section 1	Strike:	Insert:
Item 651		
Special Categories		
Start-up Funds—ICF/MR's		
From General Revenue		
Fund 1979-80		\$ 1,801,624

Insert proviso following Item 651:  
Funds appropriated in item 651 are contingent upon passage of SB 97.

Explanation:

To provide for funds to be advanced to operators of ICF/MR's until federal funds are received.

Senator Holloway moved the following amendment which failed:

**Amendment 37—**

Section 1	Strike:	Insert:
Item 672		
Special Categories		
Kidney Disease Program		
1979-80		
From the General Revenue Fund	434,000	1,434,000
1980-81		
From the General Revenue Fund	469,588	1,469,588

Explanation:

Provides for an expansion of the Kidney Disease Program to cover patients with end-stage kidney disease who are not covered by Medicare.

Financial Impact:

1979-80	1980-81
1,434,000	1,469,588

Senator McKnight moved the following amendment which was adopted by two-thirds vote:

**Amendment 38—**

Section 1  
Item 682

Insert proviso after existing proviso following item 682:  
Provided, further, that funds appropriated in item 682 shall be distributed in accordance with the provisions of SB 482 or HB 773 if said bills become law.

Senators Frank, Poole, Chamberlin, McKnight and Steinberg offered the following amendment which was moved by Senator Frank and failed to receive the required two-thirds vote for adoption:

**Amendment 39—**

Section	Strike:	Insert:
Item		
315 pg 41		
Aid to Local Governments		
Florida Education Finance		
Program		
The following are the weighted FTE		
program caps:		
1979-80	1979-80	1979-80
Specific Learning Disability		
Part-Time Programs	57,245	59,055
Vocational K-12	208,841	212,403
1980-81	1980-81	1980-81
Specific Learning Disability		
Part-Time Programs	53,451	57,656
Vocational K-12	193,006	199,224

The vote was:

Yeas—22

Anderson	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Ware
Chamberlin	Hill	Poole	Williamson
Childers, D.	Jenne	Scott	Winn
Dunn	Johnston	Spicola	
Frank	McClain	Steinberg	

Nays—15

Mr. President	Gordon	Neal	Tobiassen
Barron	Gorman	Peterson	Trask
Childers, W. D.	Henderson	Skinner	Vogt
Fechtel	Maxwell	Thomas	

Senator Chamberlin moved that the Senate reconsider the vote by which SB 1297 was placed on third reading. The motion failed.

Senators Frank, Poole and Chamberlin offered the following amendment which was moved by Senator Frank and failed:

**Amendment 40—**

Section Item	Strike:	Insert:
316 Aid to Local Governments Florida Education Finance Program—Adult Programs		
The following are the weighted FTE program caps:		
1979-80	1979-80	1979-80
Adult Vocational Programs	84,383	88,859
Adult Basic and High School Programs	33,482	34,991
1980-81	1980-81	1980-81
Adult Vocational Programs	81,876	91,409
Adult Basic and High School Programs	33,127	36,253

SB 1297 as amended was read by title, passed and ordered engrossed. 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
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

**Nays—1**

**Chamberlin**

On motion by Senator Gordon, the rules were waived and SB 1297 after being engrossed was ordered immediately certified to the House.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to meet upon adjournment of the afternoon session to consider Senate Bills 653, 654 and 655, HB 67, SB 749, House Bills 654, 1674, 1675, 1676 and 1677, SB 890, SM 891, HJR 50, Senate Bills 503 and 506, and proposed amendments to Rule 4.6; request for introduction of bill relating to limitations on actions; request for introduction of bill relating to mobile home parks; request for introduction of bill relating to vocational rehabilitation; request for introduction of bill relating to motor vehicle inspections.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to consider SB 408 this day.

On motion by Senator Gordon, the rules were waived and staff of the Ways and Means Committee was instructed to make title amendments and technical changes in SB 1297 as necessary.

On motion by Senator Barron, by two-thirds vote SB 979 was added to the end of the special order calendar.

On motion by Senator Barron, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 2:30 p.m.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 443 was withdrawn from Ways and Means Subcommittee E.

On motion by Senator Holloway, the rules were waived and by two-thirds vote HB 1548 was withdrawn from the Committee on Transportation.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SB 1141 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 867, 464, 466 and CS for HB 469 were withdrawn from the Committee on Governmental Operations.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 1:07 p.m. to reconvene at 2:30 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:30 p.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
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Senator Scarborough moved that the rules be waived and the Senate revert to Messages from the House of Representatives for the purpose of taking up HB 1039. The motion failed.

**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 refused to concur in Senate Amendments 1 and 2 to HB 1046 and requests the Senate to recede; and has further amended, passed as further amended and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Community Affairs—

**HB 1046**—A bill to be entitled An act relating to financial matters pertaining to political subdivisions; adding subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for review of municipal retirement systems by the Auditor General; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert the following:

Section 1. Section 112.61, Florida Statutes, 1978 Supplement, is amended to read:

112.61 Legislative intent.—It is the intent of the Legislature in implementing the provisions of s. 14 of Art. X of the State Constitution, relating to governmental retirement systems, that such retirement systems or plans be managed, administered, operated, and funded in such a manner as to maximize the protection of public employee retirement benefits. *This act hereby establishes minimum standards for the operation and funding of public employee retirement systems and plans.*

Section 2. Section 112.625, Florida Statutes, is created to read:

112.625 Definitions.—As used in this act:

(1) "Retirement system or plan" means any employee pension benefit plan supported in whole or part by public funds, provided such plan is not:

(a) An employee benefit plan described in Section 4(a) of the Employee Retirement Income Security Act of 1974, which is not exempt under section 4(b)(1) of such act;

(b) A plan which is unfunded and is maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees;

(c) A coverage agreement entered into pursuant to Section 218 of the Social Security Act;

(d) An individual retirement account or an individual retirement annuity within the meaning of Section 408, or a retirement bond within the meaning of Section 409, of the Internal Revenue Code of 1954;

(e) A plan described in Section 401(d) of the Internal Revenue Code of 1954; or

(f) An individual account consisting of an annuity contract described in Section 403(b) of the Internal Revenue Code of 1954.

(2) "Plan administrator" means the person so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated. If no plan administrator has been designated, the plan sponsor shall be considered the plan administrator.

(3) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(4) "Benefit increase" means a change or amendment in the plan design or benefit structure which results in increased benefits for plan members or beneficiaries.

(5) "Governmental entity" means the state for the Florida Retirement System, and the municipality or special district which is the employer of the member of a local retirement system or plan.

(6) "Normal pension or retirement benefits" means any retirement benefit other than a disability retirement benefit.

(7) "Statement value" means the amortized value of bonds and the market value of stocks as of a particular reporting date.

(8) "Average final compensation" means the average of the member's earnings, excluding payments for accumulated leave, compensatory time, and overtime, over a period of time which the governmental entity has established by statute, charter, or ordinance.

(9) "Named fiduciary" means the person or persons so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated.

Section 3. Section 112.63, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.63, F.S., 1978 Supp., for present text.)

112.63 Actuarial reports.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial reports pre-

pared and certified by an enrolled actuary. The actuarial report shall consist of, but shall not be limited to, the following:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the system, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the system and the extent of unfunded accrued liabilities, if any.

(b) A plan to amortize any unfunded liability pursuant to s. 112.64 and a description of actions taken to reduce the unfunded liability.

(c) A description and explanation of actuarial assumptions.

(d) A schedule illustrating the amortization of unfunded liabilities, if any.

(e) A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports.

(f) A statement by the enrolled actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this act.

(2) The frequency of actuarial reports shall be at least every 3 years commencing from the last actuarial report of the plan or system, or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to the effective date of this act. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of Administration through the Division of Retirement shall furnish a copy of each actuarial report to the Division of Retirement within 60 days of receipt from the actuary.

(3) In conjunction with, and prior to, any increased benefits, a statement prepared and certified by an enrolled actuary shall be required indicating that to the best of his knowledge such benefit increases are funded in compliance with s. 112.64. Such statement shall be filed with the plan administrator at least 90 days prior to the adoption and enactment of any benefit increase and, thereafter, shall be made available for inspection upon request.

(4) In the event that a local government does not prepare the actuarial report, the Division of Retirement shall collect such data and perform such actuarial reviews as may be necessary in order to bring such local government into compliance. The Division of Retirement shall charge the local government for the cost of services rendered in order to bring it into compliance with the provisions of this subsection and, if payment is not received within 60 days of the receipt of a statement of said charges or if the payment is disputed and said payment is not received from the responsible local government within 30 days of the date of exhaustion of all administrative and legal remedies as provided for in chapter 120, the Division of Retirement shall certify the amount due to the Comptroller who shall forward the same amount to the Division of Retirement from any funds due to the local government under any revenue sharing or tax sharing fund established by the state, except as otherwise provided by the State Constitution. The Division of Retirement shall promulgate rules to implement the provisions of this section.

(5) Payments made to the fund as required by this chapter shall be based on the normal and supplemental costs contained in the state-accepted version of the most recent actuarial valuation.

Section 4. Section 112.64, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.64, F.S., 1978 Supp., for present text.)

112.64 Administration of funds.—

(1) Employee contributions shall be deposited in the retirement system or plan on at least a monthly basis. Employer

contributions shall be deposited on at least a quarterly basis; provided that any revenues received from any source by an employer which are specifically collected for the purpose of allocation for deposit into a retirement system or plan shall be so deposited within 30 days of receipt by the employer. All employers and employees participating in the Florida Retirement System and other existing retirement systems which are administered by the Division of Retirement shall continue to make contributions on at least a monthly basis.

(2) From and after October 1, 1980, for those plans in existence on October 1, 1980, the total contributions to the retirement system or plan shall be sufficient to meet the normal cost of the retirement system or plan and to amortize the unfunded liability, if any, within 40 years of said date; however, nothing contained in this subsection shall permit those retirement systems or plans that receive premium tax funds pursuant to chapter 175 or chapter 185 to amortize their unfunded liabilities over a period longer than that which remains under their current amortization schedule as provided by chapter 175 or chapter 185 except as permitted under such chapters.

(3) For a retirement system or plan which comes into existence after October 1, 1980, the unfunded liability, if any, shall be amortized within 40 years of the first plan year.

(4) The net increase, if any, in unfunded liability under the plan arising from plan amendments adopted shall be amortized within 30 plan years.

(5) The net experience loss, if any, under the plan since the preceding valuation shall be amortized within 15 years.

(6) The net loss, if any, resulting from changes in actuarial assumptions under the plan since the preceding valuation shall be amortized over a period of 30 plan years.

(7) If the amortization schedule for unfunded liability is to be based on a contribution derived in whole or in part from a percentage of the payroll of the system or plan membership, the assumption as to payroll growth shall not exceed the average payroll growth for the 3 years prior to the development of the amortization schedule; unless, however, a transfer, merger, or consolidation of government functions or services occurs, in which case, the assumptions for payroll growth may be adjusted and may be based on the membership of the retirement plan or system subsequent to such transfer, merger, or consolidation. The Division of Retirement shall review the reasonableness of the payroll growth assumptions used and shall require the use of assumptions, which in the opinion of the actuary, are his best estimates.

(8) Nothing contained in section 112.64 shall result in the allocation of chapter 175 or chapter 185, Florida Statutes, premium tax funds to any other retirement system or plan or for any other use than the exclusive purpose of providing retirement benefits for firefighters or police officers.

Section 5. Section 112.65, Florida Statutes, 1978 Supplement, is amended to read:

*(Substantial rewording of section. See s. 112.65, F.S., 1978 Supp., for present text.)*

**112.65 Limitation of benefits.—**

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, shall be limited in the following manner:

(a) If such member retires on or after age 62 and does not receive social security benefits, his normal pension benefit shall not exceed 100 percent of the member's average final compensation.

(b) If such member retires on or after age 62 and receives social security benefits, the sum of the member's normal pension benefit and the primary social security benefit for which the member is or was eligible to receive upon attaining age 62 shall not exceed 100 percent of the member's average final compensation.

(c) If such member retires prior to age 62, the member's normal pension benefit shall not exceed 100 percent of the member's average final compensation. Upon attaining age 62, the sum of the member's pension benefit and the primary social

security benefit which the member is eligible to receive at age 62 shall not exceed 100 percent of the member's average final compensation multiplied by the sum of one plus the percentage change in the Consumer Price Index for all urban consumers issued by the Bureau of Labor Statistics of the United States Department of Labor over the period between the calendar year of retirement and the calendar year in which the member attains age 62; provided such limitation shall not apply until the member actually receives social security benefits.

(d) If a member retires on disability retirement, his disability retirement benefit shall not exceed 100 percent of the member's average final compensation or final compensation, whichever is greater.

(e) Nothing contained in this subsection shall apply to supplemental retirement benefit or to pension increases attributable to cost-of-living increases or adjustments.

(f) Upon death of a retiree the social security benefit of the surviving beneficiary or beneficiaries shall not be subject to the limitations of benefits provided in this subsection.

(g) As used in this subsection the term "social security benefits" shall not apply to social security benefits earned exclusively through nongovernmental employment.

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

Section 6. Sections 112.656, 112.657, and 112.658, Florida Statutes, are created to read:

**112.656 Fiduciary duties; certain officials included as fiduciaries.—**

(1) A fiduciary shall discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

(2) Each retirement system or plan shall have one or more named fiduciaries with authority to control and manage the administration and operation of the retirement system or plan. However, the plan administrator, and any officer, trustee, and custodian, and any counsel, accountant, and actuary of the retirement system or plan who is employed on a full-time basis shall be included as fiduciaries of such system or plan.

(3) A retirement system or plan may purchase insurance for its named fiduciary to cover liability or losses incurred by reason of act or omission of the fiduciary.

**112.657 Disability determination.—**Any member of a retirement system or plan who is not now a member of such plan and who has not previously participated in such plan, on or after January 1, 1980, shall be eligible to receive disability retirement benefits only when such member's disability conforms to the following criteria:

(1) The disability must be a medically determined physical or mental impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

(2) The disability must be permanent.

(3) The member must be able to demonstrate that he or she is not only unable to do his or her previous work, but must demonstrate that he or she has an actual wage loss.

(4) Nothing herein shall prohibit a retirement system or plan from containing additional criteria or standards for determining disability retirement eligibility which are more restrictive than those required by this act.

**112.658 Auditor General to determine compliance of the Florida Retirement System.**

(1) *The Auditor General shall determine through the examination of actuarial reviews, financial statements, and the practices and procedures of the Division of Retirement, the compliance of the Florida Retirement System with the provisions of this act.*

(2) *The Auditor General is hereby authorized to employ, as necessary, an independent consulting actuary to assist in the determination of compliance.*

(3) *The Auditor General shall employ the same actuarial standards to monitor the Division of Retirement as the Division of Retirement uses to monitor local governments.*

Section 7. Section 112.66, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 112.66, F.S., 1978 Supp., for present text.)*

112.66 General provisions.—The following general provisions relating to the operation and administration of any retirement system or plan covered by this part shall be applicable:

(1) The provisions of each retirement system or plan shall be contained in a written plan description which shall include a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the plan. Such plan description shall be furnished to a member of the system or plan upon initial employment or participation in such plan and, thereafter, on an annual basis.

(2) Each retirement system or plan shall provide for a plan administrator.

(3) Any provision in a legal agreement, contract, or instrument which purports to relieve a fiduciary of a retirement system or plan from responsibility or liability is void as being against public policy.

(4) A civil action may be brought by a member or beneficiary of a retirement system or plan to recover benefits due to him under the terms of his retirement system or plan, to enforce his rights, or to clarify his rights to future benefits under the terms of the retirement system or plan.

(5) The governmental entity responsible for the administration and operation of a retirement system or plan may sue or be sued as an **entity**.

(6) There shall be timely adequate written notice given to any member or beneficiary whose claim for benefits under the terms of his retirement system or plan has been denied, setting forth the specific reasons for such denial. Unless otherwise provided by law, the terms of the retirement system or plan shall provide for a full and fair review in those cases where a member or beneficiary has had his claim to benefits denied.

(7) The assets and liabilities of a retirement system or plan shall remain under the ultimate control of the governmental unit responsible for the retirement system or plan, unless an irrevocable trust has been established for the purpose of managing and controlling the retirement system or plan, in which case the board of trustees shall retain ultimate control over the assets and liabilities of the retirement system or plan. Additionally the governmental unit may elect to delegate and relinquish the ultimate control of the assets and liabilities of the retirement system or plan to such irrevocable trust.

(8) The instrument or instruments, ordinance or statute under which a retirement system or plan operates shall provide that all assets of the retirement system or plan shall be held in trust by the board of trustees or where an irrevocable trust does not exist by the governmental entity.

(9) No plan shall discriminate in its' benefit formula based on color, national origin, sex or martial status. Nothing herein shall preclude a plan from actuarially adjusting benefits or offering options based upon sex, age, early retirement, or disability.

Section 8. Subsection (1) of section 121.135, Florida Statutes, is amended to read:

*(Substantial rewording of subsection. See s. 121.135(1), F. S., for present text.)*

121.135 Reports relative to local and state retirement systems.—

(1) Commencing in the year 1980, and every third year thereafter, the Division of Retirement shall make a report to the Legislature regarding the actuarial conditions of locally administered retirement plans or systems operated by the political subdivisions of the state and the compliance of such retirement plans or systems with the provisions of this act.

Section 9. Subsections (9), (10), (11) and (12) are added to section 218.31, Florida Statutes, to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(9) *"Verified report" means a report that has received such test or tests by the department so as to accurately and reliably present the data which has been submitted by units of local government for inclusion in said report.*

(10) *"Short-term debt" means any debt with a maturity of less than 1 year from the date of issuance.*

(11) *"Revenue bonds" means any obligations issued by a unit to pay the cost of a project or improvements thereof or combination of one or more projects or improvements thereof, and payable from the earnings of such project and any other special funds authorized to be pledged as additional security therefor.*

(12) *"Limited revenue bonds" means any obligations issued by a unit to pay the cost of a project or improvement thereof or combination of one or more projects or improvements thereof, and payable from funds, exclusive of ad valorem taxes, special assessments or earnings from such projects or improvements.*

Section 10. Subsections (1) and (2) of section 218.32, Florida Statutes, are amended and subsection (5) is added to said section to read:

218.32 Financial reporting; units of local government.—

(1) Every unit of local government shall submit a copy of a financial report covering their operations during the preceding fiscal year within 180 ~~90~~ days after the close of the fiscal year. The financial reports shall contain such information and be in such form as may be required by the department, *and, except for municipalities with annual budgets of less than \$100,000, shall be completed by the Auditor General or another independent certified public accountant.*

(2) The department shall annually file a *verified report*, by ~~June~~ ~~March~~ 1, with the Governor and Legislature showing the revenues, both locally derived revenues and intergovernmental transfers, and expenditures of such units *and any additional items of data or analyses thereof as developed by the department. The report shall include, but not be limited to, analyses of:*

(a) *Local government pension plans.*

(b) *Short-term debt, if any.*

(c) *General obligation, revenue, limited revenue, and special assessment debt.*

(d) *Other data or analyses thereof as developed by the department.*

(5) *Any notice of sale or official statement issued by a unit of local government for the purpose of offering bonds shall be filed with the Department of Banking and Finance within 30 days after delivery of bonds.*

Section 11. Part V of chapter 218, Florida Statutes, consisting of sections 218.50, 218.501, 218.502, 218.503, and 218.504, is created to read:

#### PART V LOCAL GOVERNMENT FINANCIAL EMERGENCIES ACT

218.50 *Short title.—This part shall be known as the Local Government Financial Emergencies Act.*

218.501 *Purpose.—The purpose of this act is:*

(1) *To preserve and protect the fiscal solvency of units of local government.*

(2) *To assist local governmental units in providing their essential services without interruption, and in meeting their financial obligations.*

**(3) To assist units of local government through the improvement of local financial management procedures.**

**218.502 Definitions.**—As used in this part, except where the context clearly indicates a different meaning, "unit of local government" means a county, municipality, or special district.

**218.503 Determination of financial emergency.**—

**(1) A unit of local government shall be in a state of financial emergency when any of the following conditions occur:**

**(a) Failure within the same fiscal year in which due to pay short-term loans from banks, or failure to make bond debt service payments when due.**

**(b) Failure to transfer at the appropriate time, due to lack of funds:**

1. Taxes withheld on the income of employees; or
2. Employer and employee contributions for:
  - a. Federal Social Security; or
  - b. Any pension, retirement, or benefit plan of an employee.
- (c) Failure for one pay period to pay, due to lack of funds:
  1. Wages and salaries owed to employees; or
  2. Retirement benefits owned to former employees.

**(2) A unit of local government shall notify the Governor and the Legislative Auditing Committee when one or more of the above conditions have occurred, or will occur if action is not taken to assist the unit of local government.**

**(3) Upon notification that one or more of the conditions in subsection (1) exist, the Governor shall have authority to implement measures as set forth in this part to resolve the financial emergency. Such measures may include, but shall not be limited to:**

**(a) Restricting the use of a local government's state revenue sharing funds to the payment of outstanding debt obligations.**

**(b) Requiring approval of the local unit's budget by the Governor.**

**(c) Authorizing a state loan to the unit of local government and providing for repayment of same.**

**(d) Prohibiting a unit of local government from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.**

**(e) Making such inspections and reviews of records, information, reports, and assets of the unit of local government, in which inspections and reviews the appropriate local officials shall cooperate.**

**(f) Establishing a financial emergencies board to oversee the activities of the local government. The Board, if established, shall be appointed by the Governor. The Governor shall select a chairman and such other officers as are necessary. The Board shall adopt such rules as are necessary for conducting Board business. The Board shall have:**

**1. Authority to make such reviews of records, reports, and assets of the local government as needed.**

**2. Authority to consult with the officials of the unit of local government and appropriate state officials regarding any necessary steps to bring the books of account, accounting systems, financial procedures, and reports of the local government into compliance with state requirements.**

**3. Authority to review the operations, management, efficiency, productivity, and financing of functions and operations of the unit of local government.**

**The recommendations and reports made by the board shall be submitted to the Governor for appropriate action.**

**(g) Requiring and approving a plan, to be prepared by the appropriate state agency in conjunction with the unit of local government, prescribing actions that will cause the local unit to no longer be subject to this section. Such plan shall include, but not be limited to:**

**1. Providing for payment in full of all payments due or to come due on debt obligations, pension payments, all payments and charges imposed or mandated by federal or state law, and for all judgments and past due accounts, as priority items of expenditures.**

**2. A basis of priority budgeting or zero based budgeting, resulting in the elimination of the lowest priority items which are not affordable.**

**3. A prohibition on a level of operations which can be sustained only with nonrecurring revenues.**

**(h) During the financial emergency period, the local governmental unit may not seek application of laws under the bankruptcy provisions of the United States Constitution except upon the prior approval of the Governor.**

**218.504 Cessation of state action.**—The Governor shall have the authority to terminate all state actions pursuant to this part. Cessation of state action shall not occur until the Governor is notified that the unit of local government:

**(1) Has established and is operating an effective financial accounting and reporting system.**

**(2) Has corrected or eliminated the fiscal emergency conditions outlined in s. 218.503.**

**(3) No new fiscal emergency conditions exist.**

Section 12. Paragraph (c) of subsection (3) of section 11.45, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to said subsection to read:

**11.45 Definitions; duties; audits; reports.—**

**(3)**

**(c) In addition to the conditions outlined in paragraph (b), the Auditor General may audit a unit of local government when the Division of Retirement determines that a local governmental unit has not adequately funded its retirement system pursuant to actuarial requirements as set forth in part VII of chapter 112.**

Section 13. Authorization for state technical and advisory assistance.—The Department of Community Affairs, in cooperation with the appropriate state agencies, is authorized upon request to provide units of local government with technical and advisory assistance regarding the issuance of bonds. Such assistance shall include but not be limited to:

**(1) Training courses in debt management for local government officials.**

**(2) Advice on the use of local systems of budgeting, accounting, auditing, and reporting to improve local financial management.**

**(3) Other assistance provided for in s. 163.03.**

Section 14. Authorization for study of fiscal indicators.—The Florida Advisory Council on Intergovernmental Relations is hereby authorized and directed to study specific indicators which may predict potential financial emergencies. Indicators to be studied may include but shall not be limited to:

**(1) Per capita debt.**

**(2) Ratio of debt to per capita income.**

**(3) Property tax collection rate.**

**(4) Ratio of debt to property valuation.**

**(5) Ratio of debt to revenues/expenditures.**

**(6) Ratio of debt service to revenue.**

**(7) Trend analysis of:**

**(a) Population and income.**

**(b) Property valuations.**

**(8) Ratio of pension costs to total personnel costs.**

The council shall file a report of its findings and recommendations with the Governor and Legislature by March 1, 1980.

Section 15. Subsection (5) is added to section 166.241, Florida Statutes, to read:

166.241 Fiscal years, financial reports, appropriations, and audits.—

(5) Nothing in this section shall be construed as prohibiting the Auditor General or certified public accountant from reviewing municipal retirement systems in accordance with the annual postaudit of financial accounts.

Section 16. Part II of chapter 165, Florida Statutes, consisting of sections 165.201, 165.202, 165.203, 165.210, 165.211, 165.213, 165.215, 165.218, 165.221, 165.225, 165.230, 165.232, and 165.235, Florida Statutes, is created to read:

## PART II

### SPECIAL DISTRICTS

165.201 Short title.—This part shall be known and may be cited as the "Special Districts Disclosure Act of 1979."

165.202 Legislative findings and intent.—

(1) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this public trust is best secured by certain minimum standards of accountability designed to inform the public and appropriate general purpose local governments of their status and activities. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this act shall constitute evidence of inactivity of that district.

(2) Realizing that special districts are created to serve special purposes, it is the legislative intent of this act that special districts cooperate and coordinate their activities with the units of general purpose local government in which they are located. The reporting requirements set forth in this act shall be the minimum level of cooperation necessary to provide services to the citizens of Florida in an efficient and equitable fashion.

165.203 Definitions.—As used in this part, except where the context clearly indicates a different meaning, the following words or terms shall have the following meanings:

(1) "Special district" means a local unit of special purpose government, except district school boards, community college districts, water management districts created under chapter 373, and regional planning districts, created pursuant to special law or under the provisions of general law for the purpose of performing prescribed specialized functions, including urban service functions, within limited boundaries.

(2) "Unit of local general purpose government" means a county or municipality established by general or special law.

(3) "Local governing body" means the governing body of a unit of local general purpose government.

(4) "Dependent special district" means a special district whose governing head is the local governing body, ex officio or otherwise, or whose budget is established by the local governing authority.

(5) "Independent special district" means a special district whose governing head is an independent body, either appointed or elected, and whose budget is established independently of the local governing body.

165.210 Designation of registered office and agent.—

(1) Prior to October 1, 1979, or no later than 1 year subsequent to its creation, each independent special district in the state shall designate a registered office and a registered agent and file same with the clerk of the board of county commissioners of the county or counties in which it is located. The registered agent shall be an agent of the district upon whom any process, notice, or demand required or permitted by law to be served upon the district may be served. A registered agent shall be an individual resident of this state whose address is identical with the registered office of the district. The registered office may be, but need not be, the same as the place of business of the special district.

(2) The district may change its registered office or change its registered agent, or both, upon filing such information with the clerk of the board of county commissioners of the county or counties in which it is located.

165.211 Meetings; notice; required reports.—

(1) The governing body of each independent and dependent special district shall advertise the day, time, place, and purpose of its special meetings, at least 7 days prior to such meetings, in a newspaper of general paid circulation in the county or counties in which the special district is located. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper published in the county is published fewer than 5 days a week. It is further the legislative intent that the newspaper selected shall be one of general interest and readership in the community, and not one of limited subject matter, pursuant to chapter 50. The special district governing body shall file annually a schedule of its regular meetings with the clerk of the board of county commissioners in the county or counties in which it is located. Said schedule shall include the date, time, and location of each scheduled meeting.

(2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.

(3) Meetings of the governing body of the special district shall be held in a public building where available within the district or in the county courthouse of the county in which the district is located.

(4) Prior to October 1, 1979, or no later than 1 year subsequent to its creation, each independent special district shall file a copy of the document authorizing its creation, by whatever method the creation occurred, with the clerk of the board of county commissioners of the county or counties in which it is located. Subsequent amendments to the document shall be filed within 30 days of their adoption in the same manner as the original.

(5) The board of county commissioners may, in its discretion, review and approve the budget and tax levy of any special district located solely within its boundaries. If the board chooses not to exercise that authority, the budget of each special district shall still be filed as a public record with the clerk of the board of county commissioners.

(6) Each independent special district shall file with the clerk of the board of county commissioners of each county in which it is located a copy of the local government financial reports required by ss. 218.32 and 218.34, or their successors.

(7) Prior to July 1, 1980, or no later than 1 year subsequent to its creation, each independent special district shall file a long-range plan of operations and, if applicable, a plan of termination with the governing body of the county or counties in which it is located. The long-range plan shall include a description of the special purpose or purposes for which the district was created, a listing of any improvements necessary to accomplish those purposes, a proposed schedule of completion of any improvements, the maturity schedule, terms of issuance, amounts of bonded indebtedness authorized and outstanding, and a statement of any anticipated bonded indebtedness, or other long-term financial obligations. Modification or updates to the plan shall be filed annually.

(8) Each independent special district shall make provisions for an annual independent postaudit of its financial records, and said audit shall be filed with the clerk of the board of county commissioners of the county or counties in which the district is located.

(9) Each independent special district to be created after July 1, 1979, shall be approved at the discretion of the local governing body except those districts created by a special act of the legislature or a judicial order by the appropriate circuit or district court.

165.213 Effect of failure to file certain reports.—

(1) If an independent special district fails to file the reports required under s. 165.210, s. 165.211, s. 218.32, or s. 218.34, the clerk of the board of county commissioners shall notify the district's registered agent and the board of county commis-

sioners of the county where the district, or, in the case of a multicounty district, of any county in which the district, is located.

(2) Within 30 days after receiving the notice provided by subsection (1), the board shall call a hearing on the question of dissolving the district.

(3) Within 30 days after voting to convene a hearing, the board of county commissioners shall hold a hearing with notice thereof served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the name and place of the hearing and that all interested parties may appear and be heard. The notice shall also state that all persons, other than holders of bonds, having claims against the district shall present them at the time of the hearing, it being understood that the rights of bondholders shall not be impaired by dissolution.

**165.215 Continuation or termination of the district.—**

(1) If, at the hearing, the district board has not appeared to show evidence of the district's activity by filing the required reports, the board of county commissioners may declare the district dissolved. If the district board has made a good faith effort to file the required reports, the board of county commissioners shall grant an additional 30 days before holding the hearing.

(2) If, at the hearing, the district board shows evidence of having filed the required reports, the board of county commissioners shall terminate the dissolution proceedings.

(3) Failure of the board of county commissioners to take any of the actions described in subsections (1) and (2) shall automatically terminate the dissolution proceedings.

(4) Any action taken by the board of county commissioners pursuant to this section shall be reviewable by certiorari in a court of competent jurisdiction.

**165.218 Board of county commissioners or its appointee as trustees for dissolved district; distribution of assets and title to real property; levy of taxes; delivery of records.—**

(1) If the board of county commissioners dissolves the district pursuant to s. 165.215(1), the board shall thereupon constitute, or alternatively shall appoint, a board of trustees for the purpose of assumption of the debts, services, responsibilities, and obligations of the district and disposition of the property of the district. The board may continue the operation of the district as a dependent special district if it deems such operations necessary.

(2) Any surplus funds or assets remaining to the credit of the district, after provision is made for payment of the district's debt, shall be credited to the county. If the district was located in more than one county, the surplus shall be apportioned according to the proportion in each county of the assessed valuation of taxable property in the district. Title to real property owned by the district shall be transferred to the county in which the property is located.

(3) If the assets of the district are insufficient to pay any outstanding bonded indebtedness and any other remaining indebtedness of the district, the board of county commissioners shall assume all liabilities, obligations, and responsibilities then remaining. The board of county commissioners shall levy taxes, within the limits of the authority of the district, to retire the debt according to its terms.

(4) Notwithstanding the provisions of subsection (2), after payment of the district debts, any remaining property of a district located within the corporate limits of a municipality shall, upon dissolution of the district, vest in the city in which located and the property of the district lying outside the corporate limits of any municipality shall vest in the county until the formation of a city embracing such territory, at which time it shall vest in the municipality.

(5) When the proceedings are completed, the board of county commissioners shall deliver the books and records of the district to the clerk of the circuit court.

**165.221 Power of trustees to convey assets.—**The board of trustees may convey to another governmental unit all assets of the dissolving district:

(1) If the other unit assumes all debts and obligations of the dissolving district and undertakes to continue to furnish the service or services provided by the dissolving district; and

(2) If the consent of all the known holders of valid indebtedness against the district has been obtained, or provision has been made for payment of the nonassenting holders.

**165.225 Sufficiency of notice.—**The proclamation of inactive status or the notice and hearing requirements provided in this part shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the repeal of any special laws or their devolution to the status of an ordinance of a local general purpose government, capable of being amended as any other ordinance of that unit of government.

**165.230 Special acts relating to certain special districts.—**Any existing special act affecting a particular special district which is either dissolved, transferred, or made dependent under the provisions of this part shall become an ordinance of the applicable local general purpose government on the effective date of final action taken under the provisions of this part, subject to modification or repeal as other ordinances. It is the intent of the Legislature to extend to the units of local general purpose government of this state the power to modify or repeal, pursuant to dissolution procedures under this act, the provisions of any special act designated herein enacted prior to October 1, 1979, in any manner not expressly prohibited by general law.

**165.232 Constitutional and statutory status of tax levy; intent.—**If the special district was authorized, by law, to levy an ad valorem tax, the constitutional and statutory status of such authority shall not be impaired. It is the legislative intent that proceedings under this part are in no way meant to affect the constitutional or statutory authorization to levy ad valorem tax as a special district. If a special district dissolved under this part was headed by a board, however designated or appointed, all of the board's statutory powers, duties and functions, records, personnel, property, indebtedness, and unexpended balances of appropriations, allocations, or other funds are transferred to the unit of local government to which the special district is transferred, and the board is abolished unless, at the option of the unit of local government to which the special district is transferred, the local governing authority retains the board as a "council" with advisory powers only.

**165.235 Maintenance of roads; continuation of access.—**Any roads or streets within a special district which have been maintained in whole or in part by any county for a period of 7 years or more shall be open for access to the general public unless closed by action of the county commission in said county. Any prior action by a special district closing any road or street so maintained by the county shall be void and of no effect except upon ratification by the county commission.

Section 17. Subsection (3) is added to section 75.05, Florida Statutes, to read:

**75.05 Order and Service.—**

(3) In the case of independent special districts as defined in 218.31(7), a copy of the complaint shall be served on the Department of Banking and Finance of the Office of the Comptroller.

Section 18. Section 75.04, Florida Statutes, is amended to read:

**75.04 Complaint.—**

(1) The complaint shall set out the plaintiff's authority for incurring the bonded debt or issuing certificates of debt, the holding of an election and the result when an election is required, the ordinance, resolution, or other proceeding authorizing the issue and its adoption, all other essential proceedings had or taken in connection therewith, the amount of the bonds or certificates to be issued and the interest they are to bear; and, in case of a drainage, conservation or reclamation district, the authority for the creation of such district, for the issuance of bonds, for the levy and assessment of taxes and all other pertinent matters.

(2) In the case of independent special districts as defined in 218.31(7), Florida Statutes, the complaint shall allege the creation of a trust indenture established by the petitioner for a bonded trustee acceptable to the court who shall certify the proper expenditure of the proceeds of the bonds.

Section 19. The provisions of this part II shall be in addition to the provisions of part I of this chapter.

Section 20. Every special district governed by the provisions of this act shall comply with the provisions of s. 274.05, Florida Statutes.

Section 21. This act shall take effect July 1, 1979.

House Amendment 2—strike the entire title and insert the following:

A bill to be entitled An act relating to the review and management of government finances; 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 subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for review of municipal retirement systems by the Auditor General; creating part II of chapter 165, Florida Statutes; providing a short title; Florida Statutes; providing a short title; providing legislative intent; providing definitions; providing that special districts shall designate a registered agent and office; providing for meetings; requiring certain reports; providing for approval of special districts created after July 1, 1979; providing for dissolution proceedings upon failure to report; providing for review; providing for disposition of the assets, liabilities, responsibilities, and records of a dissolved district; providing for repeal or modification of certain special acts; providing for the status of a tax levy; providing for continuation of access; adding subsection (3) to section 75.05, Florida Statutes; providing for a copy of the complaint in bond validation proceedings shall be served on the Department of Banking and Finance; removing exclusivity of the proceedings set forth in part I of chapter 165, Florida Statutes; providing for compliance with s. 274.05, Florida Statutes; providing an effective date.

On motions by Senator Johnston the Senate reconsidered the vote by which Senate Amendments 1 and 2 were adopted.

By permission Senator Johnston withdrew Senate Amendments 1 and 2.

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

Amendment 1—On page 1, strike everything after "Section 1." and insert: This act may be known and cited as the "Local Government Financial Emergency and Accountability Act."

Section 2. Paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended, and paragraph (d) is added to said subsection, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a) 1. The Auditor General shall ~~have the power and duty~~ annually to make postaudits and performance audits of the accounts and records of all state agencies, as defined in this section, and to make postaudits of the accounts and records of all district school boards, and district boards of trustees of community colleges, and ~~county agencies~~ as defined in this section.

2. ~~The Auditor General may at any time, and shall have the power to make postaudits and performance audits of the accounts and records of all governmental entities created pursuant to law other authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts. The postaudits and performance audits referred to in this subparagraph above shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. All agencies, other than state agencies as defined in this section, district school boards, and district boards of trustees of community colleges shall have the power to have a performance audit or postaudit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. The authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts other than district school boards, district boards of trustees of community colleges, and those county agencies as defined in this section shall have the power and duty to~~

3. ~~Each local governmental entity created pursuant to law for which entity a postaudit was not performed pursuant to subparagraph 1. or subparagraph 2., except municipalities with annual budgets of less than \$100,000, shall require that an annual postaudit of its their accounts and records be completed shall, within 6 months after the end of its their respective fiscal year, be completed by an independent certified public accountant retained by it them and paid from its their public funds; except when prior notification by the Auditor General or the Legislative Auditing Committee indicates that the Auditor General shall conduct the audit.~~

4. ~~Any postaudit required to be performed under subparagraph 3. shall be submitted to the Auditor General no later than 7 months after the end of the fiscal year of the governmental entity. If the Auditor General does not receive the postaudit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audits the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that the local unit of government has failed to comply. Upon notification the department shall withhold any funds payable to such governmental entity until the required postaudit is received by the Auditor General. If the Auditor General does not receive the postaudit within such period, and if the governmental entity is not a county and if no funds are available for the state to withhold from such governmental entity, the Legislative Auditing Committee shall prepare a local bill to dissolve the governmental entity, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and Speaker of the House of Representatives for introduction.~~

5. ~~The Auditor General in consultation with the Board of Accountancy, shall review all audits completed for local units of government by an independent certified public accountant.~~

(d) ~~The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by ss. 11.45(3), 23.0115, 165.091, part VII of chapter 112, part III of chapter 218, and section 10 of this act. The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such audits is to determine the efficiency and effectiveness of the reporting system in~~

monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

Section 3. Section 112.63, Florida Statutes, 1978 Supplement, is amended to read:

112.63 Actuarial reviews.—

(1) Each retirement system or plan coming under the provisions of this part shall have regularly scheduled actuarial reviews made by an enrolled actuary who is a member of the Society of Actuaries or of the American Academy of Actuaries.

(2) The frequency of such actuarial reviews shall be at least every 3 years, and an actuarial opinion or statement shall be required in conjunction with, and prior to, the adoption of any increased benefits to be provided under the retirement plan or system.

(3) The actuarial review shall contain, but not be limited to, the following information and such other information as the retirement system or plan deems pertinent or which the Department of Administration may require:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system or plan, and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate under actuarial standards to amortize the unfunded liability pursuant to s. 112.64(2);

(b) Valuation of present and prospective assets and liabilities of the system or plan, and the extent of unfunded accrued liabilities; and

(c) Actions, if any, required to amortize the unfunded liability pursuant to s. 112.64(2).

(4) Beginning July 1, 1980, each retirement system or plan of a unit of local government shall maintain, in accurate and accessible form, the following information:

(a) For each active and inactive member of the system, a number or other means of identification, date of birth, sex, date of employment, period of credited service, split, if required, between prior service and current service, and occupational classification;

(b) For each active member, current pay rate, cumulative contributions together with accumulated interest, if credited, age at entry into system, and current rate of contribution;

(c) For each inactive member, average final compensation or equivalent, and age at which deferred benefit is to begin;

(d) For each retired member and other beneficiary, a number or other means of identification, date of birth, sex, beginning date of benefit, type of retirement, type and amount of monthly benefit, and type of survivor benefit; and

(e) Such additional information as may be required by the division.

(5) No unit of local governments shall agree to a proposed change in retirement benefits unless the administrator of the system, prior to adoption of the change by the governing body, and prior to the last public hearing thereon, has issued a statement of the actuarial impact of the proposed change upon the local retirement system, consistent with the actuarial review, and has furnished a copy of such statement to the division. Such statement shall also indicate whether the proposed changes are in compliance with s. 14, Art. X of the State Constitution and with this part.

(6) The results of each actuarial review shall be certified by the actuary making the actuarial review and shall be filed within 60 days thereof with the administrator of the retirement system or plan. Thereafter, the results of such actuarial review shall be made available for inspection to the members of the particular retirement system or plan upon request. Additionally, each retirement system or plan covered by this part which is not administered directly by the Department of Administration through the Division of Retirement shall furnish a copy of each actuarial review to the Division of Retirement within 60 days of receipt from the actuary.

(7) Upon receipt, pursuant to subsection (6), of an actuarial review, or upon receipt, pursuant to subsection (5), of a statement of actuarial impact, the division shall review and comment on the actuarial valuations and statements. If the division finds that the actuarial valuation is not complete, accurate or based on reasonable assumptions, or if the division does not receive the actuarial review or statement of actuarial impact, the division shall notify the local government and request appropriate adjustment. If after a reasonable period of time, a satisfactory adjustment is not made, the division shall perform an actuarial review or prepare the statement of actuarial impact. Before the division performs an actuarial valuation or statement, the affected local government may petition for a hearing under the provisions of s. 120.57. The cost to the division of performing such actuarial review or preparing such statement shall be charged to the governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the division within 60 days after receipt by the governmental entity of the request for payment, the division shall certify to the Comptroller the amount due, and the Comptroller shall pay such amount to the division from any funds payable to the governmental entity of which the employees are covered by the retirement system or plan.

Section 4. Section 112.665, Florida Statutes, is created to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state, based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Issue an annual report to the Legislature and to the Governor detailing its activities, findings, and recommendations concerning all governmental retirement systems, which report shall be made public and may include legislation proposed to carry out such recommendations; and

(e) Adopt reasonable rules to administer the provisions of this part.

(2) The division may subpoena actuarial witnesses, review books and records, hold hearings, and take testimony. A witness shall have the right to be accompanied by counsel.

Section 5. Section 165.091, Florida Statutes, is amended to read:

165.091 Department of Community Affairs; general powers and duties.—

(1) The department shall:

(a) Conduct studies of county, municipal, and special district formation and boundary reorganization problems throughout the state.

(b) Conduct studies relating to the need for, and the feasibility of, formation and service delivery adjustments that will strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner.

(c) Conduct studies relating to the fiscal conditions of units of local government. Prior to consideration of any special law to incorporate, merge, or dissolve a municipality, determine that the conditions herein or otherwise prescribed by law have been met. No such special law shall be enacted unless a statement by the department is attached to the original copy of the bill stating whether all of the conditions herein or otherwise prescribed have been met.

(d) Submit each year a written report to the governor and legislature summarizing the studies conducted, their findings and recommendations, and any findings in respect to federal-state-county-municipal-special district relationships or problems and providing any additional information required under this chapter or pertinent thereto.

(2) Factors to be studied may include demographic and land area characteristics; per capita assessed valuation; per capita tax burden in relation to per capita personal income; need for organized municipal services; topographic features; cost and adequacy of governmental services and controls; future needs for such services and controls; and the probable effect of alternative courses of action on the tax incidence, service quality, local governmental structure, growth, environmental development, and other aspects of the community.

(2)(3) On or before July 1 ~~March 1~~ of each year, the department, based on information provided by the Comptroller and the Departments of Administration and Revenue, and specifically noting any additional information developed through other means, shall develop and publish a general census of local government and report with respect to each county, municipality, and special district in the state. Information in the general census of local government shall be developed from any information maintained by any state agency and shall be consistent with standards developed by the United States Bureau of the Census and with s. 23.0115. Information in the census shall be summarized and organized to facilitate easy comparisons of major financial, economic, and demographic information for similar units of local government.†

(a) Total population, as indicated by the last preceding federal census or other official state population estimate authorized by state law.

(b) Total equalized assessed valuation of taxable property, as indicated by the most recent official state sources of such data.

(c) Total revenues received by each unit of local government during its most recent fiscal year for which data are available, from:†

1. State aid, which for this purpose shall comprise any moneys authorized or appropriated by the legislature and allocated for support of any unit of local government, excluding any moneys paid to any such unit in fulfillment of a specific contractual obligation between it and the state.

2. All local general revenue sources of each such unit, which for this purpose shall comprise all receipts, exclusive of amounts from borrowing, state aid, federal government grants in aid, federal revenue sharing or block grants, and any charges and earnings derived from and used in the operation of water supply, electric power, gas supply, transit system, or other proprietary activities.

3. All federal general aid and federal or state grants in aid or block grants received.

(d) Such other census items as may be necessary.

Section 6. Subsections (1) and (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Financial reporting; units of local government.—

(1)(a) Each unit of local government, within 90 days after the close of its fiscal year, shall complete a balance sheet and statement of operations, as of the close of its fiscal year, prepared in compliance with generally accepted government accounting principles and showing all assets, liabilities, equities, income, and expenditures of the unit of local government.

(b) Each Every unit of local government shall submit a copy of a financial report covering its their operations during the preceding fiscal year within 180 90 days after the close of the fiscal year. The financial report reports shall be consistent with the standards established by the United States Bureau of the Census and shall contain such information and be in such form as may be required by the department to adequately assess the financial conditions of the unit of local government. The information in the financial report submitted to the department shall be completed by a certified public accountant retained by the unit of local government and paid from its public funds. The certified public accountant shall certify that the report

has been completed in accordance with instructions provided by the department and is produced from the audited financial statements required by s. 11.45(3).

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of such failure to report. Following receipt of notification of failure to report the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that such unit of local government has not complied with paragraph (b). Upon notification the departments shall withhold any funds payable to such unit of local government until the required financial report is received by the Department of Banking and Finance. If the Department of Banking and Finance fails to receive the financial report within such period, and if the unit of local government is not a county and if no funds are available for the state to withhold from such unit of local government, the department shall report such failure to the Legislative Auditing Committee. Upon receipt of the report of such failure, the Legislative Auditing Committee shall prepare a local bill to dissolve the unit of local government, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and Speaker of the House of Representatives for introduction.

(2) The department shall annually file a report, by May 1 March 1, with the Governor and Legislature showing, in detail, the numbers and types of units of local government, the revenues, both locally derived revenues and derived from intergovernmental transfers, and expenditures of such units, retirement information on all local retirement systems as provided by the Division of Retirement of the Department of Administration, bonded indebtedness of all units of local government as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

Section 7. Section 218.37, Florida Statutes, is created to read:

218.37 Duties of Division of Bond Finance.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(a) Provide information, upon request of a unit of local government, on the preliminary planning of a new bond issue;

(b) Collect, maintain, and make available information on outstanding bonds of local units of government;

(c) Serve as a clearinghouse for information on all local bond issues;

(d) Undertake or commission studies on methods to reduce the costs of state and local bond issues;

(e) Recommend changes in law and in local practices to improve the sale and servicing of local bonds;

(f) Issue a regular newsletter to issuers, underwriters, investors, and the public, describing proposed new bond issues, new bond sales, refundings, and other pertinent information relating to local and state bonds; the division may charge fees for subscriptions to the newsletter;

(g) Issue an annual report to the Legislature describing the operations of the division relating to this section and s. 218.38; and

(h) Provide the Department of Banking and Finance with current available information on all outstanding bond issues and new bond issues of units of local government.

(2) The Division of Bond Finance of the Department of General Services may adopt rules to implement the provisions of this section and s. 218.38.

(3) The governing board of the Division of Bond Finance shall appoint an Advisory Council to consult and assist the division with the implementation of this section; said council shall consist of the following:

(a) Two representatives of the municipal investment banking industry;

- (b) Two representatives of local units of government; and
- (c) Two representatives from the general public.

(d) A member of the council is not entitled to a salary for duties performed as a member of the council, except that the members, other than public officers, shall receive the per diem authorized for legislators, and each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

Section 8. Section 218.38, Florida Statutes, is created to read:

**218.38 Notice of bond issues required; verification.—**

(1) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds shall furnish the Division of Bond Finance of the Department of General Services a complete description of all outstanding and new bond issues, and shall also give prior notice of all proposed new bond issues in such form and at such times as the division specifies. Failure to submit prior notice of a proposed new bond issue shall not affect the validity of the bond issue.

(2) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds shall, on dates established by the Division of Bond Finance of the Department of General Services, verify the information held by the division relating to the bonded obligations of the unit of local government.

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide a complete description of all outstanding and new bond issues pursuant to subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that such unit of local government has not complied with this section. Upon notification the departments shall withhold any funds payable to such unit of local government until such verification is received by the division. If a unit of local government fails to furnish such verification or fails to issue a description of its bonds, and if the unit of local government is not a county and no funds are available for the state to withhold from such unit of local government, the division shall report such failure to the Legislative Auditing Committee. Upon receipt of such report, the Legislative Auditing Committee shall prepare a local bill to dissolve the unit of local government, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and the Speaker of the House of Representatives for introduction.

Section 9. Part V of chapter 218, Florida Statutes, consisting of sections 218.50, 218.501, 218.502, 218.503, 218.504, and 218.505, is created to read:

**PART V**

**LOCAL GOVERNMENT FINANCIAL EMERGENCIES ACT**

218.50 Short title.—This part shall be known as the "Local Government Financial Emergencies Act."

218.501 Purpose.—The purpose of this act is:

(1) To preserve and protect the fiscal solvency of units of local government.

(2) To assist local governmental units in providing their essential services without interruption, and in meeting their financial obligations.

(3) To assist units of local government through the improvement of local financial management procedures.

218.502 Definition.—As used in this part, except where the context clearly indicates a different meaning, "unit of local government" means a county, municipality, or special district.

218.503 Determination of financial emergency.—

(1) A unit of local government shall be in a state of financial emergency when any of the following conditions occur:

(a) Failure within the same fiscal year in which due to pay short-term loans from banks, or failure to make bond debt service payments when due.

(b) Failure to transfer at the appropriate time, due to lack of funds:

- 1. Taxes withheld on the income of employees; or
- 2. Employer and employee contributions for:

a. Federal Social Security; or

b. Any pension, retirement, or benefit plan of an employee.

(c) Failure for one pay period to pay, due to lack of funds:

- 1. Wages and salaries owed to employees; or
- 2. Retirement benefits owed to former employees.

(d) Budget deficits in two consecutive fiscal years.

(e) Material deviations from established accounting and auditing standards.

(f) Serious actuarial problems with a pension fund.

(g) Likelihood that the financial problems of a governmental body will adversely affect other local governments or the state.

(2) Upon determination by the Governor or the Legislative Auditing Committee that one or more of the above conditions has occurred, or will occur if action is not taken to assist the unit of local government, the Governor may implement measures to resolve the financial emergency. Such measures may include, but shall not be limited to:

(a) Requiring approval of the local unit's budget by the Governor.

(b) Authorizing a state loan to the unit of local government and providing for repayment of same.

(c) Prohibiting a unit of local government from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making inspections and reviews of records, information, reports, and assets of the unit of local government, in which inspections and reviews the appropriate local officials shall cooperate.

(e) Establishing a financial emergencies board to oversee the activities of the local government. The board, if established, shall be appointed by the Governor. The Governor shall select a chairman and such other officers as are necessary. The board shall adopt such rules as are necessary for conducting board business. The board shall have:

1. Authority to make such reviews of records, reports, and assets of the local government as needed.

2. Authority to consult with the officials of the unit of local government and appropriate state officials regarding any necessary steps to bring the books of account, accounting systems, financial procedures, and reports of the local government into compliance with state requirements.

3. Authority to review the operations, management, efficiency, productivity, and financing of functions and operations of the unit of local government.

The recommendations and reports made by the board shall be submitted to the Governor for appropriate action.

(f) Requiring and approving a plan, to be prepared by the Financial Emergency Board in conjunction with the unit of local government, prescribing actions that will cause the local unit to no longer be subject to this section. Such plan shall include, but not be limited to:

1. Providing for payment in full of all payments due or to come due on debt obligations, pension payments, all payments and charges imposed or mandated by federal or state law, and for all judgments and past due accounts, as priority items of expenditures.

2. A basis of priority budgeting or zero based budgeting, resulting in the elimination of the lowest priority items which are not affordable.

3. A prohibition on a level of operations which can be sustained only with nonrecurring revenues.

(g) During the financial emergency period, the local governmental unit may not seek application of laws under the bankruptcy provisions of the United States Constitution except upon the prior approval of the Governor.

218.504 Cessation of state action.—The Governor shall have the authority to terminate all state actions pursuant to this part. Cessation of state action shall not occur until the Governor has determined that the unit of local government:

- (1) Has established and is operating an effective financial accounting and reporting system.
- (2) Has corrected or eliminated the fiscal emergency conditions outlined in s. 218.503.
- (3) No new fiscal emergency conditions exist.

218.505 Authorization for study of fiscal indicators.—The Florida Advisory Council on Intergovernmental Relations shall study specific indicators which may predict potential financial emergencies. Indicators to be studied may include but shall not be limited to:

- (1) Per capita debt;
- (2) Ratio of debt to per capita income;
- (3) Property tax collection rate;
- (4) Ratio of debt to property valuation;
- (5) Ratio of debt to revenues/expenditures;
- (6) Ratio of debt service to revenue;
- (7) Trend analysis of:
  - (a) Population and income; and
  - (b) Property valuations.
- (8) Ratio of pension costs to total personnel costs.

The council shall file a report of its findings and recommendations with the Governor and Legislature by March 1, 1980.

Section 10. (1) Prior to January 1, 1980, or no later than 1 year after its creation, whichever date is later, each special district shall file, with the clerk of the governing body of each county in which the special district is located and with the Auditor General, a copy of the document, together with any amendments thereto, which created the special district. Any subsequent amendment to such document shall be filed in the same manner within 30 days after the adoption of such amendment. For purposes of this section, the term "special district" means a local unit of special government, except a school district or a community college district, created pursuant to law for the purpose of performing prescribed specialized functions, which functions may include urban service functions, within limited boundaries.

(2) If a special district fails to file any document required by subsection (1), the clerk of the governing body of the county or the Auditor General shall notify the Department of Revenue and the Department of Banking and Finance that such special district has not complied with subsection (1). The state shall withhold any funds payable to such special district until such document has been filed. If a special district fails to file any document required by subsection (1), and if no funds are available for the state to withhold from such special district, the clerk of the governing body of the county or the Auditor General shall report such failure to the Legislative Auditing Committee. Upon receipt of such report the Legislative Auditing Committee shall prepare a local bill to dissolve the special district, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and the Speaker of the House of Representatives for introduction.

Section 11. Subsection (3) is added to section 75.05, Florida Statutes, to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Department of Banking and Finance.

Section 12. Subsection (1) of section 121.135, Florida Statutes, is hereby repealed.

Section 13. This act shall take effect September 1, 1979.

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

Amendment 2—On page 1 in title, line 3, after "amending" strike the remainder of title and insert: A bill to be entitled An act relating to the review and management of government finances; amending s. 11.45(3)(a), Florida Statutes, and adding s. 11.45(3)(d), Florida Statutes; authorizing the Auditor General to make postaudits and performance audits of certain governmental entities; requiring an independent post-audit of certain governmental entities of local government; requiring that such independent postaudit be filed with the Auditor General; requiring the Auditor General to review independent audits; prescribing sanctions for failure to file; requiring the Auditor General to make performance audits of the local government financial reporting system; amending s. 112.63, Florida Statutes, 1978 Supplement; prescribing standards for actuarial review of public retirement systems and plans; requiring certain retirement systems or plans to maintain certain information; prohibiting changes in benefits under a local retirement system without a hearing and statement of actuarial impact; requiring actuarial reviews and statements of actuarial impact to be filed with the Division of Retirement of the Department of Administration; authorizing the division under certain circumstances to perform such review or prepare such statement at the expense of the governmental entity of which the employees are covered by the system or plan; creating s. 112.665, Florida Statutes; prescribing duties of the Division of Retirement of the Department of Administration with respect to public employee retirement systems and plans; amending s. 165.091, Florida Statutes; requiring the Department of Community Affairs to study the fiscal conditions of units of local government; deleting certain powers and duties of the department; prescribing standards for the census of local government; amending s. 218.32(1), (2), Florida Statutes; requiring units of local government to file certain financial information and financial reports; prescribing sanctions for failure to file required reports; requiring the Department of Banking and Finance to file a report on local government finances; creating s. 218.37, Florida Statutes; prescribing duties of the Division of Bond Finance of the Department of General Services with respect to bonds of units of local government; providing for the creation of a Bond Advisory Council to assist the division; creating s. 218.38, Florida Statutes; requiring units of local government to provide certain information to the division; prescribing sanctions for failure to provide such information; creating Part V, chapter 218, Florida Statutes; providing criteria for the Governor to declare a unit of local government to be in a state of financial emergency; authorizing the Governor to take certain actions to resolve the emergency; providing for the termination of the emergency measures; authorizing the Florida Advisory Council on Intergovernmental Relations to study fiscal indicators; adding s. 75.05(3), Florida Statutes; requiring a copy of complaints be served on the Department of Banking and Finance; requiring special districts to file certain documents with the clerk of the governing body of each county in which the district is located and with the Auditor General; prescribing sanctions for failure to file such documents; repealing s. 121.135(1), Florida Statutes, relating to a survey of local retirement systems; providing an effective date.

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

HB 1046 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Skinner

*The Honorable Philip D. Lewis, President*

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

By Senator Scott—

**SB 9**—A bill to be entitled An act relating to beach erosion; amending s. 161.141, Florida Statutes; amending s. 161.161, Florida Statutes, 1978 Supplement; amending ss. 161.181, 161.191, 161.211, Florida Statutes; providing for publicly financed beach erosion control projects; providing exceptions for private inlet maintenance and improvement work from establishing erosion control lines; conforming the roles of the Department of Natural Resources and the Board of Trustees of Internal Improvement Trust Fund to the requirements of chapter 75-22, Laws of Florida; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 3, lines 4-11, strike all of said lines and insert: trustees shall decide whether, in light of existing needs throughout the state, the project should be pursued. In determining the priority of projects to be undertaken, the board of trustees shall consider the relative need for protective measures, the availability of necessary equipment, and the anticipated local and federal contribution and cooperation. If the board of trustees determines that the requested project should be pursued, it shall forthwith

**Amendment 2**—On page 3, line 15, after the period insert: *The Department of Natural Resources shall adopt regulations which establish a procedure for, or guidelines for describing the establishment of erosion control lines.*

On motions by Senator Scott, the Senate concurred in House Amendment 1, refused to concur in House Amendment 2 and the House was requested to recede.

SB 9 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

#### SPECIAL ORDER

**SB 473**—A bill to be entitled An act relating to interest and usury; creating s. 687.13, Florida Statutes; exempting certain loans to alien borrowers from provisions relating to interest and usury; providing an effective date.

—was read the second time by title.

Senator Steinberg moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 13 through 16 and insert: chapter, other than s. 687.071, shall not apply to any loan made by any international bank agency or any bank including Edge Act Corporations organized under the laws of the United States or this state to borrowers who are neither residents nor citizens of the United States if such loan is clearly related to, and usual in, international or foreign business.

**Amendment 2**—On page 1 in title, line 4, strike “alien borrowers” and insert: borrowers who are not residents or citizens of the United States

On motion by Senator Steinberg, by two-thirds vote SB 473 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Myers

**SB 646**—A bill to be entitled An act relating to the registration of public employee labor organizations; amending s. 447.02(1), Florida Statutes; clarifying the definition of the term “labor organization”; amending s. 447.305, Florida Statutes; revising certain procedures and requirements for the registration of public employee labor organizations; providing an effective date.

—was read the second time by title.

Ways and Means Subcommittee E offered the following amendments which were moved by Senator Johnston and adopted:

**Amendment 1**—On page 1, line 25, strike “, however,” and insert: *that*

**Amendment 2**—On page 2, lines 7-12, strike “No such employee organization which is not currently registered shall be allowed to participate in a representation hearing, to participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be in such form as” and insert: *Further, if such employee organization is not registered, it may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be under oath and in such form as*

**Amendment 3**—On page 3, line 12, following the period “:” insert: *In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registered labor organization may annually submit a copy of its current constitution and by-laws.*

**Amendment 4**—On page 3, line 16, insert: after the word “renewal” and before the word “with” *under oath*

Pending further consideration of SB 646 as amended, on motions by Senator Johnston, the rules were waived and by two-thirds vote HB 1086 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Johnston—

**HB 1086**—A bill to be entitled An act relating to the registration of public employee organizations; amending s. 447.02(1), Florida Statutes, clarifying the definition of the term “labor organization”; amending s. 447.305, Florida Statutes, revising the procedures and requirements for registration of public employee organizations; providing an effective date.

—a companion measure, was substituted for SB 646 and read the second time by title.

Senator Johnston moved the following amendment:

**Amendment 1**—On page 1, line 13, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meaning ascribed to them in this section:

(1) The term "labor organization" means any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state provided that an employee organization as defined in s. 447.203(11) shall be included in this definition at such time as it seeks to register pursuant to s. 447.305.

Section 2. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(1) Every employee organization seeking to become a certified bargaining agent for public employees shall register with the commission pursuant to the procedures set forth in s. 120.60, prior to requesting recognition by a public employer for purposes of collective bargaining and, ~~or~~ prior to submitting a petition to the commission for purposes of requesting certification as an exclusive bargaining agent. Further, if such employee organization is not registered, it may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be under oath and in such form as the commission may prescribe and a representation election, shall adopt a constitution and bylaws and shall register with the commission by filing a copy thereof, together with a report in a form prescribed by the commission, and an amended report whenever changes are made, which shall include:

(a) The name and address of the organization and of any parent organization or organization with which it is affiliated.

(b) The names and addresses of the principal officers and all representatives of the organization.

(c) The amount of the initiation fee and of the monthly dues which members must pay.

(d) The current annual financial statement of the organization.

(e) The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses address where such person or persons can be reached.

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(g) A copy of the current constitution and bylaws of the employee organization. Evidence that the organization has complied with the registration and reporting requirements of part I of this chapter and evidence that its business agent is licensed in accordance with the provisions of s. 447.04.

(h) A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.

(2) A registration granted to an employee organization pursuant to the provisions of this section shall run for one year from the date of issuance. A registration shall be renewed annually by filing application for renewal under oath with the commission, which application shall reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal, whichever is applicable. Each application for renewal of registration shall include a current annual ~~Every employee organization shall file annually with the commission a~~ financial report, signed by its president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as the commission may prescribe:

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization;

(d) Direct and indirect loans made to any officer, employee, or member which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment.

(3) A registration fee shall accompany each application ~~the initial report filed with the commission, and an annual financial reporting fee shall accompany each annual financial report filed with the commission. Such money shall be deposited in the General Revenue Fund. The amount charged for an application for registration or renewal of registration shall not exceed \$15, and the amount charged for an annual reporting fee shall not exceed \$15. All such money collected by the commission shall be deposited in the General Revenue Fund.~~

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Division of Labor of the Department of Labor and Employment Security.

~~(5)~~(4) Every employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the commission.

~~(5)~~ A copy of the current constitutions and bylaws of the state and national groups with which the employee organization is affiliated or associated shall accompany each annual report.

~~(6)~~ An employee organization which is not registered as provided in this section is prohibited from requesting recognition by a public employer or submitting a petition requesting a representation election. This prohibition shall be enforced by injunction upon petition of the commission to the appropriate circuit court.

Section 3. This act shall take effect July 1, 1979.

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

Amendment 1A—On page 3, line 15, strike the word: "registered" and insert: registering

Amendment 1 as amended was adopted.

Senator Johnston moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the registration of public employee labor organizations; amending s. 447.02(1), Florida Statutes; clarifying the definition of the term "labor organization"; amending s. 447.305, Florida Statutes; revising certain procedures and requirements for the registration of public employee labor organizations; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1086 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

447.307 Certification of employee organization.—

Nays—None

SB 646 was laid on the table.

SB 696 was taken up and on motions by Senator Johnston the rules were waived and by two-thirds vote HB 1493 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Johnston—

HB 1493—A bill to be entitled An act relating to the certification of public employee collective bargaining agents; amending s. 447.203(3)(d), (4)(a) and (5), Florida Statutes, deleting the procedural limitations on applications for designation of managerial and confidential employees, and revising the definitions of “managerial employees” and “confidential employees”; amending s. 447.307(2), and (3)(a) and (d), Florida Statutes, and adding subsection (5) to said section, clarifying the procedure for intervention in certification proceedings; providing for judicial enforcement of orders assessing election costs; providing certain limitations on new elections; providing a procedure for decertification of bargaining agents; providing an effective date.

—a companion measure, was substituted for SB 696 and read the second time by title.

Senator Johnston moved the following amendment:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert: Section 1. Paragraph (d) of subsection (3) and paragraph (a) of subsection (4) of section 447.203, Florida Statutes, are amended to read:

447.203 Definitions.—As used in this part:

(3) “Public employee” means any person employed by a public employer except:

(d) Those persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein, upon application of the public employer or of an organization filing a petition for certification pursuant to s. 447.307.

(4) “Managerial employees” are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs, and who also:

1. Formulate or assist in formulating policies which are applicable to bargaining unit employees;

2. May reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations;

3. Have a role in the administration of agreements resulting from collective bargaining negotiations;

4. Have a significant role in personnel administration;

5. Have a significant role in employee relations;

6. Are included in the definition of administrative personnel contained in s. 228.041(10); except that collective bargaining contracts entered into prior to the effective date of this law shall remain in effect for the period of such contracts, and, upon the expiration of these existing contracts, the provisions of this subparagraph shall apply; or

7. Have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.

Section 2. Subsection (2), and paragraphs (a) and (d) of subsection (3), of section 447.307, Florida Statutes, are amended, and subsection (5) is added to said section to read:

(2) If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the commission for certification as the bargaining agent for a proposed bargaining unit. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit, indicating that such employees desire to be represented for purposes of collective bargaining by the petitioning employee organization. Once a petition for certification has been filed by an employee organization, any registered employee organization desiring placement on the ballot in any election to be conducted pursuant to this section may be permitted by the commission to intervene in the proceeding upon filing a motion to intervene, accompanied by dated statements signed by at least 10 percent of the employees in the proposed unit, indicating that such employees desire to be represented for the purposes of collective bargaining by the moving employee organization. Any employee, employer, or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation, or are otherwise invalid, shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition.

(3)(a) The commission or one of its designated agents shall investigate the petition to determine its sufficiency; if it has reasonable cause to believe that the petition is sufficient, the commission shall provide for an appropriate hearing upon due notice. Such a hearing may be conducted by an agent of the commission. If the commission finds the petition to be insufficient, it may dismiss the petition. If the commission finds upon the record of the hearing that the petition is sufficient, it shall immediately:

1. Define the proposed bargaining unit and determine which public employees shall be qualified and entitled to vote at any election held by the commission.

2. Identify the public employer or employers for purposes of collective bargaining with the bargaining agent.

3. Order an election by secret ballot, the cost of said election and any required run-off election to be borne equally by the parties, except as the commission may provide by rule. The commission's order assessing costs of an election may be enforced pursuant to the provisions of this part.

(d) No petition may be filed seeking an new election may be conducted in any appropriate bargaining unit to determine the exclusive bargaining agent representative if a representation representative election has been conducted within the preceding 12-month period. Furthermore, if a valid collective bargaining agreement covering any of the employees in a proposed unit is in effect, a petition for certification may be filed with the commission only during the period extending from 150 days to 90 days immediately preceding the expiration date of said agreement, or at any time subsequent to its expiration date but prior to the effective date of any new agreement. The effective date of a collective bargaining agreement means the date of ratification by both parties, if the agreement becomes effective immediately or retroactively; or its actual effective date, if the agreement becomes effective after its ratification date.

(5)(a) Any employee or group of employees who no longer desires to be represented by the certified bargaining agent may file with the commission a petition to revoke certification. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the unit, indicating that such employees no longer desire to be represented for purposes of collective bargaining by the certified bargaining agent. The time of filing said petition shall be governed by the provisions of paragraph (d) of subsection (3), relating to petitions for certification. Any employee or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation, or are otherwise invalid, shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition. The commission or one of its designated agents shall investigate the petition to determine its sufficiency. If the commission finds the petition to be insufficient it may dismiss the petition. If the commission finds that the petition is sufficient, it shall immediately:

1. Identify the bargaining unit and determine which public employees shall be qualified and entitled to vote in the election held by the commission.

2. Identify the public employer or employers.

3. Order an election by secret ballot, the cost of said election to be borne equally by the parties, except as the commission may provide by rule. The commission's order assessing costs of an election may be enforced pursuant to the provisions of this part.

(b) If a majority of the employees voting in such election vote against the continuation of representation by the certified bargaining agent, the certification of the employee organization as the exclusive bargaining agent for the employees in the bargaining unit shall be revoked.

(c) If a majority of the employees voting in such election do not vote against the continuation of representation by the certified bargaining agent, the certification of the employee organization as the exclusive bargaining agent for the employees in the unit shall be retained by the organization.

Section 3. This act shall take effect July 1, 1979.

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

Amendment 1A—On page 1, line 16, strike the words "who also" and insert: to whom one or more of the following applies [~~who also~~]

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

Amendment 1B—On page 4, lines 25-27, strike the words, "The time of filing of said petition shall be governed by the provisions of paragraph (d) of subsection (3), relating to petitions for certification."

Amendment 1 as amended was adopted.

Senator Johnston moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to collective bargaining by public employees; amending s. 447.203(3)(d), (4)(a), Florida Statutes; deleting the procedural limitations on applications for designation of managerial and confidential employees, and clarifying the definition of "managerial employees"; deleting obsolete language; amending s. 447.307(2), (3)(a), (d), Florida Statutes, and adding s. 447.307(5), Florida Statutes; providing procedures for intervention in proceedings for certification of public employee collective bargaining agents; providing for enforcement of orders of the Public Employees Relations Commission assessing election costs; providing certain limitations on new elections; providing a procedure for decertification of bargaining agents; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1493 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Maxwell

SB 696 was laid on the table.

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

CS for SB 680—A bill to be entitled An act relating to elective surgery performance records; requiring each hospital and each ambulatory surgical center as a condition of licensure to maintain and update performance records on elective surgery performed at such facility; requiring that copies of such records be provided to the public; providing an effective date.

—was read the first time by title and SB 680 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 680 was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, after "prescribes" insert: , but shall in no case reveal the names of any patient

Amendment 2—On page 1, line 26, strike "shall" after the word "Examiners" and insert: and the Board of Osteopathic Medical Examiners shall jointly

On motion by Senator Gordon, by two-thirds vote CS for SB 680 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	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	McClain	Steinberg	

Nays—None

By the Committee on Commerce and Senator MacKay—

CS for SB 791—A bill to be entitled An act relating to insurance; amending s. 624.521(1), Florida Statutes; adding s. 624.523(1)(u), Florida Statutes; providing for the deposit of certain funds into the Insurance Commissioner's Regulatory Trust Fund; repealing s. 624.522, Florida Statutes, eliminating the Insurance Commissioner's Clearing Account; repealing s. 626.989(7), Florida Statutes, as amended, eliminating funding of the Division of Insurance Fraud by assessment of fire and casualty insurers; providing an effective date.

—was read the first time by title and SB 791 was laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for SB 791 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

Vote after roll call:

Yea—Chamberlin

SB 468—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08(1), Florida Statutes; requiring such tax to be paid only on the initial debt of a mortgage, trust deed, security agreement, or other evidence of indebtedness which secures future advances; requiring such tax to be paid on future advances at the time such advances are made; providing a penalty; amending s. 201.09, Florida Statutes; providing an exemption for a mortgage, trust deed, security agreement, or other evidence of indebtedness which evidences an exempt promissory note; amending s. 201.21, Florida Statutes; providing additional conditions under which notes and other written obligations are exempt from the excise tax; adding s. 201.23(1)(c), Florida Statutes; exempting certain notes and written obligations executed outside the state from the excise tax; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Ware:

**Amendment 1**—On page 5, line 4, strike “This act shall take effect July 1, 1979.” and insert: The tax imposed by subsection (1) of section 201.08, Florida Statutes, shall also be payable upon documents which convey or transfer any beneficial interest in any lands, tenements, or other realty or any interest therein, even though such interest may be designated as personal property, notwithstanding the provisions of subsection (4) of s. 689.071, Florida Statutes. The tax shall be paid upon execution of any such document.

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

Senator Ware moved the following substitute amendment which was adopted:

**Amendment 2**—On page 1, line 25, insert a new section 1, and renumber existing section 1 and subsequent sections. Said new section 1 shall read:

Section 1. Subsection (4) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to lands, etc.—

(4) *The tax imposed by subsection (1) of this section shall also be payable upon documents which convey or transfer any beneficial interest in any lands, tenements, or other realty or any interest therein, even though such interest may be designated as personal property, notwithstanding the provisions of s. 689.071(4). The tax shall be paid upon execution of any such document.*

Senator Hair moved the following amendment which was adopted:

**Amendment 3**—On page 1, between lines 24 and 25, insert: Section 1. Subsection (1) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to lands, etc.—

(1) On deeds, instruments, or writings whereby any lands, tenements, or other realty, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, on each \$100 of the consideration therefor the tax shall be 40 30 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 40 30 cents for each \$100 or fractional part thereof of the consideration therefor.

Section 2. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under the provisions of this chapter shall be *distributed as follows*:

(1) *Six-sevenths of the total taxes collected under the provisions of this chapter shall be paid into the state treasury to the credit of the General Revenue Fund of the state, to be used and expended for the purposes for which said General Revenue Fund was created and exists by law.*

(2) *One-seventh of the total taxes collected under the provisions of this chapter shall be paid into the state treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in such fund pursuant to this section may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used and may be used to pay the cost of the collection and enforcement of the tax levied by this chapter.*

Section 3. Section 201.021, Florida Statutes, is hereby repealed.

(Renumber subsequent sections.)

Senator Ware moved the following amendments which were adopted:

**Amendment 4**—On page 2, line 30, after the period, “.”, insert: *The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.*

**Amendment 5**—On page 4, lines 19-22, after the word “removal” strike all of said lines and insert: *of the document or documents representing one or more collateral obligations for a reasonable commercial purpose not exceeding 60 days, shall not invalidate the exemption provided by this section.*

**Amendment 6**—On page 5, lines 1-3, after the word “secured”, strike: all of said lines and insert: *only by a mortgage, deed of trust, or similar security agreement encumbering real estate located outside the State of Florida, and if such promissory notes, nonnegotiable notes, or other written obligations for payment of money are brought into this state for deposit as collateral security under a wholesale warehouse mortgage agreement or for inclusion in a pool of mortgages deposited with a custodian as security for obligations issued by an agency of the United States Government or for inclusion in a pool of mortgages to be serviced for the account of a customer by a mortgage broker licensed or exempt from licensing under chapter 494.*

**Amendment 7**—On page 5, line 4, strike all of said line and insert: Section 6. This act shall take effect upon becoming a law.

Senator Hair moved the following amendment which was adopted:

**Amendment 8**—On page 1 in title, line 2, after the semicolon, insert: amending s. 201.02(1), Florida Statutes; providing for an increase in the excise tax on deeds and other instruments relating to realty; amending s. 201.15, Florida Statutes; providing for distribution of taxes collected pursuant to chapter 201, Florida Statutes, to the General Revenue Fund of the state and to the Land Acquisition Trust Fund; repealing s. 201.021, Florida Statutes, which imposes a surtax on documents relating to realty;

Senator Ware moved the following amendment which was adopted:

**Amendment 9**—On page 1 in title, lines 3-21, strike all of said lines and insert: adding subsection (4) to s. 201.02, Florida Statutes; providing for the imposition of the tax on deeds on documents which convey any beneficial interest in lands, tenements, or other realty, even though the interest is designated as personal property; amending s. 201.08(1), Florida Statutes; requiring such tax to be paid only on the initial debt of a mortgage, trust deed, security agreement, or other evidence of indebtedness which secures future advances; requiring such tax to be paid on future advances at the time such advances are made; providing a penalty; amending s. 201.09, Florida Statutes; providing an exemption for a mortgage, trust deed, security agreement, or other evidence of indebtedness which evidences an exempt promissory note; amending s. 201.21, Florida Statutes; providing that the exemption provided by said section shall apply when specific collateral is pledged, or where the collateral obligation is temporarily removed; adding paragraph (c) to s. 201.23(1), Florida Statutes; including among foreign notes exempt under that subsection certain promissory notes executed outside the state, if secured by a mortgage on foreign real estate; providing an effective date.

On motion by Senator Ware, by two-thirds vote SB 468 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	Grizzle	McKnight	Thomas
Anderson	Hair	Neal	Tobiassen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yeas—Chamberlin, Myers

Consideration of CS for SB 820 was deferred.

SB 830—A bill to be entitled An act relating to motor vehicle title certificates and license plates used in law enforcement operations; creating s. 319.231, Florida Statutes; providing for the issuance of fictitious or false certificates of title for motor vehicles used in law enforcement operations; amending s. 320.025(1), Florida Statutes; providing for the issuance of motor vehicle license plates to fictitious or false persons when motor vehicles so registered are to be used in law enforcement operations; providing for confidentiality of certain records; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 830 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
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 875—A bill to be entitled An act relating to the Good Samaritan Act; amending s. 768.13, Florida Statutes, 1978 Supplement; providing immunity from civil liability for law enforcement officers who, whether or not in the line of duty, render emergency care or treatment to persons or animals; providing immunity from civil liability for employers of law enforcement officers; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 875 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 887—A bill to be entitled An act relating to deer and wild turkey; amending s. 372.99(5), Florida Statutes, 1978 Supplement; prohibiting the sale or possession for sale of deer or wild turkey; providing penalties; 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 Skinner and adopted:

Amendment 1—On page 1, line 15, after "turkey" insert: *except under permit issued by the commission*

On motion by Senator Skinner, by two-thirds vote SB 887 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1005—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.17(2), Florida Statutes; requiring that certain applications for alcoholic beverage licenses include approval of the plans of the establishment; amending s. 561.19(1), Florida Statutes; providing that a license takes effect upon certification of compliance with sanitary requirements; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 30, strike the word "The" and insert: If the application is for a license for consumption on the premises the

Amendment 2—On page 2, lines 3 and 4, strike everything after the period

On motion by Senator Gorman, by two-thirds vote SB 1005 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	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Scott

SB 1016—A bill to be entitled An act relating to the State Manpower Planning Act; amending s. 13.998, Florida Statutes; renaming said act the State Employment and Training Act; amending s. 13.9981, Florida Statutes; providing definitions; amending s. 13.9982, Florida Statutes; renaming the State Manpower Services Council the State Employment and Training Council; providing the structure and duties of said council;

providing that the Balance of the State Prime Sponsor Advisory Council be appointed by the Governor according to the provisions of the Comprehensive Employment and Training Act and be within the Department of Labor and Employment Security; creates the Division of Employment and Training within the Department of Labor and Employment Security; amending s. 13.9989, Florida Statutes; requiring said division to provide staff services to certain councils established pursuant to the Comprehensive Employment and Training Act; transferring the State Manpower Services Council from the Department of Community Affairs to the Department of Labor and Employment Security; creating s. 13.9990, Florida Statutes; creating the Balance of State Private Industry Council; transferring the office of Manpower Planning from the Department of Community Affairs to the Division of Employment and Training of the Department of Labor and Employment Security; repealing ss. 13.9984, 13.9985, 13.9986, and 13.9987, Florida Statutes, relating to duties of the State Manpower Services Council, regional manpower planning districts and advisory boards, regional manpower planning advisory boards and their duties, and the authority of comprehensive regional planning councils; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Stuart and adopted:

**Amendment 1**—On pages 2-11, beginning on line 12 of page 2, strike everything after the enacting clause and insert: Section 1. Sections 13.998, 13.9981, and 13.9982, Florida Statutes, are amended to read:

13.998 Short title.—This part shall be known and may be cited as the “State Employment and Training Act State Manpower Planning Act.”

13.9981 Definitions.—When used in this part:

(1) “CETA” means the Comprehensive Employment and Training Act amendments of 1978 and regulations promulgated thereunder. “Manpower planning unit” means a local agency or organization engaged in planning for single or multijurisdictional entities receiving manpower planning or manpower revenue sharing funds from the United States Government.

(2) “Agency representatives” means representatives of agencies of state, local, or Federal Government involved in or related to the delivery of manpower services, including educational institutions.

(3) “Client representatives” means persons eligible to receive manpower services, persons currently receiving manpower services, or persons who have received manpower services in the last 2 years.

(4) “Public representatives” means representatives of the public at large.

(5) “Regional manpower planning advisory board” means a board recognized by the State Manpower Services Council as having responsibility for coordinating manpower planning within a state comprehensive planning region as defined by the Department of Administration and which serves in an advisory capacity to a comprehensive regional planning council.

(6) “State comprehensive planning regions” means the planning regions established by the Department of Administration pursuant to s. 23.0116.

(7) “Comprehensive regional planning council” means a regional planning council created pursuant to chapters 160 and 163.

(2)(8) “State Employment and Training Manpower Services Council” means the council as established in s. 13.9982.

(3)(9) “Balance of the State Prime Sponsor Advisory Council” means the council as established in s. 13.9988 which is responsible for advising the Governor on the implementation of the Comprehensive Employment and Training Act of 1973, as amended, in the balance of the state.

(4)(10) “State prime sponsor” means the chief elected official of the state, the Governor, who is responsible for imple-

menting those titles and sections of the Comprehensive Employment and Training Act amendments of 1978 ~~of 1973, as amended~~, reserved for the state, both statewide and in the balance of the state.

(5)(11) “Balance of the state” means those counties in the state for which the Governor is responsible, as defined in Title I of the Comprehensive Employment and Training Act amendments of 1978 ~~of 1973, as amended~~.

(6)(12) “Balance of the state planning districts” are composed of the counties as grouped by the Director of the Division of Employment and Training within a state comprehensive planning region which fall within the balance of the state and are not part of a local prime sponsor or consortium as defined in Title I of the Comprehensive Employment and Training Act amendments of 1978 ~~of 1973, as amended~~.

(7)(13) “Balance of the state prime sponsor district advisory boards” means those boards as established in s. 13.9988.

(8)(14) “Prime sponsor” means any unit of general purpose government or combination of units of general purpose government designated by the United States Government as the recipient of manpower funds under Title I, s. 101 ~~102~~ of the Comprehensive Employment and Training Act amendments of 1978 ~~of 1973, as amended~~.

13.9982 State Employment and Training Establishment of the State Manpower Services Council; membership.—

(1) There is established within the Department of Labor and Employment Security Community Affairs the State Employment and Training Manpower Services Council, hereinafter referred to as the “council.”

(2) The council shall consist of the following members or their designees.

(a) The Secretary of the Department of Commerce.

(b) The Secretary of the Department of Administration.

(c) The Secretary of the Department of Community Affairs.

(d) The Secretary of the Department of Professional and Occupational Regulation.

(e) The Secretary of the Department of Health and Rehabilitative Services.

(f) The Director of the Division of Vocational Education representing the Commissioner of Education.

(g) The Secretary of the Department of Transportation.

(h) The Director of the Division of Employment Security, Department of Commerce.

(i) A representative of each regional manpower planning advisory board who shall be a representative of a prime sponsor of manpower programs within the region, where applicable, and who may be the chairman of the regional manpower planning board.

(j) For the purpose of achieving a balance of public, agency, and client representation on the council, the Governor shall appoint 12 at-large members of which three must be from business and industry and three must be from labor, who shall serve for a term of 2 years and who may be reappointed for one additional term. Vacancies in the membership provided for in this paragraph shall be filled in the same manner as the original appointments.

(2) The council and chairperson shall be appointed by the Governor according to the provisions of CETA.

(3) It shall be the duty of the council to carry out all functions and responsibilities required of it in CETA.

Section 2. Section 13.9984, Florida Statutes, as amended by chapters 77-123 and 77-174, Laws of Florida, and sections 13.9985, 13.9986, and 13.9987, Florida Statutes, are hereby repealed.

Section 3. Sections 13.9988 and 13.9989, Florida Statutes, are amended to read:

13.9988 Balance of the State Prime Sponsor Advisory Council and district advisory boards; membership; duties.—

(1) There is established in the Department of Labor and Employment Security the Balance of the State Prime Sponsor Advisory Council which shall be appointed by the Governor according to the provisions of CETA to conform to the Comprehensive Employment and Training Act of 1973, as amended, Title I, Section 104.

(2) The council shall carry out the duties as required of it under CETA. The council shall be composed of 18 members appointed by the Governor according to the following specifications:

(a) Agency representatives. The following three division directors shall serve on the council for the duration of their time in office:

1. The director of the Division of Vocational Education of the Department of Education.

2. The director of the Division of Employment Security of the Department of Commerce.

3. The director of the Division of Labor of the Department of Commerce.

(b) District Representatives. At least one-third of the membership of the Balance of the State Prime Sponsor Advisory Council shall be composed of representatives of the balance of the state prime sponsor district advisory boards. The district advisory board members within a district shall select one representative from the public or client sector to recommend to the Governor for appointment as the district representative to the Balance of the State Prime Sponsor Advisory Council. The Governor shall appoint such representatives to the Balance of the State Prime Sponsor Advisory Council for 1-year terms and may reappoint such representatives for one additional 1-year term.

(c) At-large representatives. The Governor shall appoint at-large representatives from among the following groups: Business, labor, community-based organizations, blacks, women, Spanish-speaking persons, veterans, offenders, and migrant and seasonal farm workers. The at-large representatives shall serve a term of 1 year and may be reappointed for one additional 1-year term. The number of at-large representatives shall not exceed the number necessary to achieve a full membership of 18 persons.

(3) Within each balance of the state planning district there is hereby created a district advisory board, which shall be appointed and constituted and shall function as required by CETA. It is the duty of the Balance of the State Prime Sponsor Advisory Council to advise the Governor on the utilization of funds authorized by the Comprehensive Employment and Training Act of 1973, as amended, for the balance of the state. This advisory responsibility shall include:

(a) The development of recommendations regarding program plans and basic goals, policies, and procedures in the balance of the state.

(b) The monitoring and provision of objective evaluations of employment and training programs conducted in the balance of the state.

(c) The provision for continuing analysis of needs for employment, training, and related services in the balance of the state.

(4) The Board of County Commissioners of each county within each balance of the state planning district shall recommend three representatives, one each from the client, agency, and public sectors, to the Governor, and, upon appointment by the Governor, such representatives shall constitute the balance of the state prime sponsor district advisory boards. Members of the boards shall be appointed for 1-year terms and may be appointed for one additional 1-year term. The boards shall make recommendations to the Balance of the State Prime Sponsor Advisory Council regarding the utilization of funds allocated to the district under the Comprehensive Employment and Training Act of 1973, as amended.

(5) Any vacancy in the membership of the balance of the state prime sponsor advisory council or the balance of the state prime sponsor district advisory boards shall be filled in the same manner as the original appointment.

13.9989 Administration.—

(1) The Division of Employment and Training of the Department of Labor and Employment Security There shall be an administrative unit entitled the Office of Manpower Planning which shall staff the state prime sponsor, the State Employment and Training Manpower Services Council, and the Balance of the State Prime Sponsor Advisory Council, the Balance of the State Private Industry Council, and any other boards or councils required to be established by the state prime sponsor under CETA.

(2) The Division of Employment and Training Office of Manpower Planning shall be responsible for carrying out the duties and responsibilities assigned to the state prime sponsor under CETA the Comprehensive Employment and Training Act of 1973, as amended, with the advice of its councils the Balance of the State Prime Sponsor Advisory Council and the State Manpower Services Council.

(3) The Office of Manpower Planning shall be located within the office of the Secretary of Community Affairs, who shall serve as chairperson of the State Manpower Services Council.

(3)(4) The Director of the Division of Employment and Training The Office of Manpower Planning shall have a director, selected by the Governor, who shall supervise the division unit and have the authority, upon delegation from the Secretary of Labor and Employment Security, to sign contracts on behalf of the state prime sponsor with program operators contracting with the state under the Comprehensive Employment and Training Act amendments of 1978 of 1973, as amended.

(4)(5) The director of the Division of Employment and Training Office of Manpower Planning shall have the authority, upon delegation from the Secretary of Labor and Employment Security, to make rules for the administration of this part and the administration of the Comprehensive Employment and Training Act amendments of 1978 of 1973, as amended. In addition, and prior, to the procedures provided by chapter 120, such rules shall be subject to the consent of the State Manpower Services Council and the Balance of the State Prime Sponsor Advisory Council for each council's respective jurisdiction.

(5) The Division of Employment and Training may assume such duties delegated to it by the United States Government and its agencies for the purpose of obtaining federal funding for carrying out the purposes of CETA in this state.

Section 4. Section 13.9990, Florida Statutes, is created to read:

13.9990 Balance of the State Private Industry Council.—

(1) There is established a Balance of the State Private Industry Council. The council shall be appointed by the Governor according to the provisions of CETA and shall perform such responsibilities as specified by CETA.

(2) The council shall participate with the Balance of the state prime sponsor in the development and implementation of programs designed to utilize private industry in providing employment and training programs for economically disadvantaged persons.

Section 5. The State Manpower Services Council, created and established by s. 13.9982, Florida Statutes, and renamed herein as the State Employment and Training Council, is hereby transferred by a type four transfer from the Department of Community Affairs to the Department of Labor and Employment Security pursuant to s. 20.06(4), Florida Statutes.

Section 6. The Office of Manpower Planning, created and established by s. 13.9989, Florida Statutes, is hereby transferred by a type four transfer pursuant to s. 20.06(4), Florida Statutes, from the Department of Community Affairs to the Division of Employment and Training which is hereby created within the Department of Labor and Employment Security. All the powers, duties, and functions of the Office of Manpower Planning and its director shall be vested in the Secretary of Labor and Employment Security and may be delegated to the Director of the Division of Employment and Training and such other assistants as may be designated by the secretary. The

Division of Employment and Training shall be headed by a director who shall be appointed by the Secretary of Labor and Employment Security.

Section 7. Paragraph (d) is added to subsection (1) of section 20.171, Florida Statutes, 1978 Supplement, and subsections (12) and (13) of section 20.18, paragraph (f) of subsection (3) of section 229.8055, and paragraph (a) of subsection (2) of section 230.66, all Florida Statutes, 1978 Supplement, are amended to read:

20.171 Department of Labor and Employment Security.—

(1) The following divisions of the Department of Labor and Employment Security are established:

(d) *Division of Employment and Training.*

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

~~(12) The powers, duties, and functions of the State Manpower Services Council is transferred to the Department of Community Affairs by a type four transfer as defined in subsection 20.06(4).~~

(12)~~(13)~~ The powers, duties, and functions of the Division of Economic Opportunity and the Division of Migrant Labor are transferred by a type four transfer to the Division of Community Services.

229.8055 Environmental education.—

(3) There is hereby created an environmental education program for the state educational system. To administer this program, there is hereby created an Office of Environmental Education in the Office of the Deputy Commissioner for Education Management. Responsibility for the administration of the environmental education program shall rest with the Department of Education, and the administration of the program shall be pursuant to rules and regulations adopted by the State Board of Education. In developing the environmental education program, the office shall have the power and duties of:

(f) Developing an estimate of manpower needs in government, science, and industry relative to environmental protection. The estimate shall be revised annually and distributed to the senior high schools, community colleges, and colleges and universities within the state. The office shall review the adequacy of existing educational and training programs to respond to the estimated manpower needs and annually report to the commissioner and the Legislature regarding the adequacy of such programs. The State *Employment and Training Manpower Services Council* is authorized and directed to provide such technical assistance as is necessary for the development and revision of the manpower needs estimate and for the review of educational and training programs as described herein.

230.66 Industry services training program.—

(2)(a) To assist the department in carrying out the provisions of this act, there is hereby created the Industry Services Advisory Council which shall consist of 11 members. The council shall consist of the Director of the Division of Economic Development of the Department of Commerce, who shall serve as chairman, the Director of the Division of Labor, and the Director of the Division of Employment Security, *and the Director of the Division of Employment and Training of the Department of Labor and Employment Security of said department, the Director of the Office of Manpower Planning of the Department of Community Affairs*, and seven members appointed by the State Board of Education pursuant to s. 20.15 (10) from two or more names nominated for each position by the Commissioner of Education. Each appointive member shall be appointed for a term of 4 years, except that in case of a vacancy the appointment shall be for the unexpired term. Any of the appointive members of the council may be removed for cause. The Director of the Division of Vocational Education, or his designee, shall serve as executive secretary.

Section 8. If section 13.9988, Florida Statutes, or sections 13.998, 13.9981, 13.9982, 13.9984, and 13.9987, Florida Statutes, are repealed in accordance with the intent expressed in the Sundown Act, it is the intent of the Legislature that said sections as amended by this act shall also be repealed on the same date as is therein provided or if section 230.66(2), Florida Statutes, 1978 Supplement, is repealed in accordance with the

intent expressed in the Sundown Act, it is the intent of the Legislature that said subsection as amended by this act shall also be repealed on the same date as is therein provided.

Section 9. In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, s. 13.9990, Florida Statutes, as created by this act, shall be repealed on October 1, 1981 and the Balance of the State Private Industry Council shall be subject to legislative review as required by s. 11.611(4), (5), and (6), Florida Statutes, 1978 Supplement.

Section 10. This act shall take effect July 1, 1979, except that the provisions of ss. 1, 3, 5, 6, and 7 relating to the transfer of functions from the Department of Community Affairs to the Department of Labor and Employment Security shall take effect October 1, 1979.

**Amendment 2**—On pages 1 and 2 in title, strike lines 2 through and including line 31 on page 1 and strike lines 1 through and including line 8 on page 2 and insert a new title to read:

An act relating to the State Manpower Planning Act; amending ss. 13.998, 13.9981, and 13.9982, Florida Statutes; renaming the act the "State Employment and Training Act"; providing a definition of CETA; deleting obsolete definitions; modifying definitions; renaming the State Manpower Services Council the State Employment and Training Council; modifying the structure and duties of the council; repealing ss. 13.9984, 13.9985, 13.9986, and 13.9987, Florida Statutes, relating to duties of the State Manpower Services Council, regional manpower planning districts and advisory boards, duties of regional manpower planning advisory boards, and authority of comprehensive regional planning councils; amending s. 13.9988, Florida Statutes; providing for a Balance of the State Prime Sponsor Advisory Council within the Department of Labor and Employment Security and providing for its duties; providing for district advisory boards; amending s. 13.9989, Florida Statutes; providing that the Division of Employment and Training shall provide staff services to the State Employment and Training Council and other councils established pursuant to CETA; providing for the Division of Employment and Training to perform the duties previously performed by the Office of Manpower Planning; deleting reference to the Secretary of Community Affairs as the Chairperson of the State Manpower Services Council; providing for cooperation of the Division of Employment and Training with the United States Government to obtain federal funding and carry out the purposes of CETA; creating s. 13.9990, Florida Statutes, establishing the Balance of the State Private Industry Council; transferring the renamed State Manpower Services Council by type four transfer from the Department of Community Affairs to the Department of Labor and Employment Security; transferring the Office of Manpower Planning by type four transfer from the Department of Community Affairs to the Division of Employment and Training which is created within the Department of Labor and Employment Security; providing for the Director of the Division of Employment and Training to be appointed by the Secretary of Labor and Employment Security and to perform certain assigned duties upon delegation from the Secretary of Labor and Employment Security; adding paragraph (d) to s. 20.171(1) and amending ss. 20.18(12) and (13), 229.8055(3)(f), and 230.66(2)(a), all Florida Statutes, 1978 Supplement, to conform; providing for conditional repeal; providing for legislative review of s. 13.9990, Florida Statutes, and for potential 1985 repeal thereof in accordance with the provisions of the Sundown Act; providing effective dates.

On motion by Senator Stuart, by two-thirds vote SB 1016 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

SB 1026—A bill to be entitled An act relating to the auditing of claims against the state; amending s. 17.03(1), Florida Statutes; authorizing the Comptroller to use generally accepted auditing procedures for testing or sampling; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 1026 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Scott

SB 1122—A bill to be entitled An act relating to county government; amending s. 125.01(6), Florida Statutes, and adding subsection (7) to said section; providing procedures for placing the burden for paying for the costs of services and programs specially for the benefit of unincorporated areas of a county on the residents and property within such area; providing a procedure by which the county remits to a municipality or municipalities the identified cost of such service or program; prohibiting the expenditure of county revenues for certain services or projects under certain circumstances; directing the Advisory Council on Intergovernmental Relations to study the relationship of federal and state shared revenue programs and file a report of its findings; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 27, strike "may" and insert: shall

Amendment 2—On page 2, line 28, strike "if" and insert: where

Pending further consideration of SB 1122 as amended, on motions by Senator Stuart, the rules were waived and by two-thirds vote HB 1568 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Ways and Means.

On motion by Senator Stuart—

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

—a companion measure, was substituted for SB 1122 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1568 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

SB 1122 was laid on the table.

By the Committee on Commerce and Senator Jenne—

CS for SB 1132—A bill to be entitled An act relating to organizers, proposed directors, certain officers, certain stock subscribers, and majority control stockholders of a state bank, trust company, or savings and loan association; adding s. 659.02(3), Florida Statutes, and amending s. 659.14(1), Florida Statutes, relating to state banks and trust companies; adding s. 665.031(2)(e), Florida Statutes, 1978 Supplement, adding s. 665.704(2)(e), Florida Statutes, and amending s. 665.715, Florida Statutes, relating to savings and loan associations; requiring the organizers and proposed directors, certain officers, certain stock subscribers and majority control stockholders of such institutions to file a set of fingerprints with the Department of Banking and Finance; providing for processing; providing an effective date.

—was read the first time by title and SB 1132 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 1132 was read the second time by title.

On motion by Senator McClain, further consideration of CS for SB 1132 was deferred.

SB 1164—A bill to be entitled An act relating to the dedication and approval of subdivision plats; amending s. 177.081(1), Florida Statutes; deleting the requirement that a mortgagee execute the subdivision plat; providing that a mortgagee shall either execute the subdivision plat, or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 13 and 14, insert: Section 1. Subsection (4) of section 177.101, Florida Statutes, is amended to read:

177.101 Vacation and annulment of plats subdividing land.—  
 (4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than 2 weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171 the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable time frame for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond, shall be attached to the application. If such tract

or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(Renumber subsequent sections.)

**Amendment 2**—On page 1 in title, strike all of lines 3 through and including line 7 and insert: 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

Pending further consideration of SB 1164 as amended, on motion by Senator Hair, the rules were waived and by two-thirds vote HB 1563 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Hair—

**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.

—a companion measure, was substituted for SB 1164 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1563 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1164 was laid on the table.

**SB 1188**—A bill to be entitled An act relating to notaries public; amending s. 117.03, Florida Statutes; providing that certain acknowledgments before a notary public constitute an oath; providing penalties; amending ss. 117.07, 695.03(2), Florida Statutes; providing a method of taking acknowledgments by a notary; repealing s. 117.02, Florida Statutes, which provides that women over 18 years of age are eligible to be appointed as notaries public upon the same terms and conditions as notaries being appointed by the Governor, and provides that a woman notary public who subsequently changes her name may use such name under which the commission was issued until such commission expires and shall then apply for a new commission using her legal name; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, strike all of lines 12 through and including line 16 and insert: acknowledgement, the notary public shall affix thereto:

(1) A notary seal which includes his name and the words "Notary Public—State of Florida at Large"; the statement "My commission expires on . . . (date commission expires) . . ."; and his signature; or

(2) The typed, printed, or handwritten statement "I am a Notary Public of the State of Florida at Large, and my commission expires on . . . (date commission expires) . . .", together with his signature beneath which his name is typed or stamped.

Senator Hair moved the following amendments which were adopted:

**Amendment 2**—On page 2, strike all of lines 7 through and including line 16 and insert: 117.07 Must state time of expiration of commission and affix seal.—

(1) Unless date of expiration of commission is included on the notary seal, every notary public in the state shall add to his official signature to any certificate of acknowledgment made before him a statement of the time of the expiration of his commission as notary public in words and figures as follows: "My commission expires . . ." (Herein insert the date when the commission expires). . . ."

(2) A notary seal shall be affixed to all documents notarized, which may be of the rubber stamp or impression type and shall include the words "Notary Public—State of Florida at Large." The seal shall ~~must~~ also include the name of the notary public and the date of expiration of the commission of the notary public ~~be found in shape and separate from the expiration stamp.~~

**Amendment 3**—On page 3, line 8, strike "County and State indicated above" and insert: State of Florida

**Amendment 4**—On page 3, strike all of lines 16 through and including line 17

(Renumber subsequent section.)

**Amendment 5**—On page 1 in title, after the semicolon on line 8, strike everything on lines 8 through line 17 and on line 18 strike the words "commission using her legal name;"

On motion by Senator Hair, by two-thirds vote SB 1188 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

By the Committee on Commerce and Senator Jenne—

**CS for SB 1245**—A bill to be entitled An act relating to international banking corporations, international bank agencies and representative offices; amending s. 659.67(5)(a), Florida Statutes; clarifying language and adding a requirement that the actual value of assets in excess of liabilities of an international banking corporation must be at least \$10 million to be licensed as a representative office; adding s. 659.67(6)(f), (g), Florida Statutes; prescribing the scope of operation of an international banking corporation which has been licensed as an international bank agency; prohibiting international bank agencies and foreign banks operating under the federal International Banking Act of 1978 and international banking corporations from establishing branches as defined under the federal International Banking Act of 1978; amending s. 659.67(7)(a), Florida Statutes; providing for reserves or securities and placement of reserves or securities in state and national banks in this state; providing severability; providing an effective date.

—was read the first time by title and SB 1245 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for SB 1245 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—38

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

Nays—None

HB 269—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending ss. 349.03, 349.04(2)(c), (f) and (h), and 349.041(2), Florida Statutes, providing for the removal of members of the authority; extending financial disclosure and conflict of interest provisions to said members; providing that any lease of real property by the authority shall be a public record; restricting the ability of the authority to sell land; providing that charges for services and facilities of the Jacksonville Expressway System may be increased or imposed only with approval of the council of the City of Jacksonville; providing an exception; providing certain bidding procedures; providing that the authority shall use the legal services of the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 269 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	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

HB 280—A bill to be entitled An act relating to sale or conveyance of state lands; amending s. 253.111, Florida Statutes, providing that state lands may be sold to a county upon determination of the board of county commissioners by resolution that such land will be devoted to a public purpose; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 280 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Grizzle

SB 451—A bill to be entitled An act relating to citrus; amending s. 601.158(7), Florida Statutes, 1978 Supplement; providing for an extension of time during which the producer

excise tax for citrus harvesting research and development may be imposed; providing for a referendum of producers.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 451 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 465 was taken up and on motion by Senator Trask, the rules were waived and by two-thirds vote HB 994 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Trask—

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.

—a companion measure, was substituted for SB 465 and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 994 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 465 was laid on the table.

SB 979—A bill to be entitled An act relating to metric conversion; providing legislative intent; providing definitions; providing for interstate metric coordination; providing that the Commissioner of Agriculture shall administer the act; creating the Florida Metric Council; providing powers and duties of the council; providing for the status of legal references; providing for metric conversion with respect to state statutes and rules; providing for metric conversion at the local level; providing for rounding; providing for public hearings under described circumstances; providing for the metric conversion of court rules; providing legislative guidelines; exempting certain actions required by the act from antitrust law; providing dates at which conversion shall be implemented; providing severability; providing for repeal and legislative review in accordance with the Sundown Act; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, lines 14 and 20, strike "Governor" and insert: Administrator

Senator Tobiassen moved the following amendment which failed:

**Amendment 2**—On page 10, between lines 16 and 17, insert: Section 17. There is hereby appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services the sum of \$103,500 for the fiscal year 1979-1980 and the sum of \$100,000 for the fiscal year 1980-1981 to be allocated solely for carrying out the purposes of this act. These appropriations include salaries for two permanent positions.

(Renumber subsequent sections.)

Senator Tobiassen moved that the Senate reconsider the vote by which Amendment 2 failed. The motion failed.

On motion by Senator Tobiassen, by two-thirds vote SB 979 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Mr. President	Fechtel	MacKay	Scott
Anderson	Frank	Maxwell	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Childers, W. D.	Hill	Peterson	Tobiassen
Dunn	Jenne	Poole	Williamson

Nays—10

Chamberlin	McClain	Skinner	Ware
Childers, D.	Neal	Trask	
Johnston	Scarborough	Vogt	

Votes after roll call:

Nay—Spicola

Yea to Nay—Scott

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

**CS for SB 820**—A bill to be entitled An act relating to the Florida Resource Recovery and Management Act; amending s. 403.706(2)(b) and (4), Florida Statutes, 1978 Supplement, providing that nothing in the act, in any special or local act, or in any rule shall be construed to limit the authority of municipalities to regulate solid waste disposal under certain circumstances unless included within a resource recovery program created by interlocal agreement, special or local act; providing an effective date.

—was read the first time by title and SB 820 was laid on the table.

On motions by Senator Carlucci, by two-thirds vote CS for SB 820 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—35

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

Nays—None

Vote after roll call:

Yea to Nay—Spicola

The Senate resumed consideration of—

**CS for SB 1132**—A bill to be entitled An act relating to organizers, proposed directors, certain officers, certain stock subscribers, and majority control stockholders of a state bank, trust company, or savings and loan association; adding s. 659.02(3), Florida Statutes, and amending s. 659.14(1), Florida Statutes, relating to state banks and trust companies; adding s. 665.031(2)(e), Florida Statutes, 1978 Supplement, adding s. 665.704(2)(e), Florida Statutes, and amending s. 665.715, Florida Statutes, relating to savings and loan associations; requiring the organizers and proposed directors, certain officers, certain stock subscribers and majority control stockholders of such institutions to file a set of fingerprints with the Department of Banking and Finance; providing for processing; providing an effective date.

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 4, lines 27 and 28, strike "Section 6. This act shall take effect upon becoming a law." and insert: *Section 6. Section 659.565, Florida Statutes, is created to read:*

*659.565 Investigations; subpoenas, hearings, witnesses.*

(1)(a) *The department may make investigations within or outside of this state as it deems necessary to determine whether a person has engaged or is about to engage in an unlicensed banking act or practice.*

(b) *The department may require or permit a person to file a statement in writing, under oath or otherwise as the department determines, as to all the facts and circumstances concerning the matter to be investigated.*

(2) *In the course of conducting an investigation, the department may gather evidence in the matter and shall have, but shall not be limited to, the following powers: administering oaths, examining witnesses, and issuing subpoenas.*

(3) *Subpoenas for witnesses whose evidence is deemed material to any investigation made pursuant to subsection (1)(a) may be issued by the department under the seal of the department, or by any county court judge or clerk of the circuit court or county court, commanding such witnesses to be or appear before the department at a time and place to be therein named and to bring such books, records, and documents for inspection; and such subpoenas may be served by an authorized representative of the department.*

(4)(a) *In the event of substantial noncompliance with a subpoena issued by the department pursuant to this section, the department may apply to the circuit court of the county in which the person subpoenaed resides or has its principal place of business for an order requiring the subpoenaed person to appear and produce such documents or things that were specified in such subpoena.*

(b) *The application shall show that the subpoena has been properly served and issued pursuant to the powers granted in the act and shall show actions or inactions constituting substantial noncompliance.*

(c) *A copy of the application shall be served upon the person subpoenaed by a person authorized by the department who shall file an affidavit showing the time, place, and date of service.*

(d) *A hearing on the application may be heard seven (7) days after service and any person showing that he will be substantially affected by the investigation may appear and object to the subpoena. The court may grant or deny the application, in whole or part, under such conditions as it deems appropriate.*

(e) *Subject to applicant's fifth amendment rights, failure to comply with an order granting an application for enforcement of a subpoena shall be a contempt of court.*

(5) *Witnesses shall be entitled to the same fees and mileage as they may be entitled by law for attending as witnesses in the circuit court, except where such examination or investigation is held at the place of business or residence of the witness.*

(6) In addition to the provisions of section 658.10, the records and material compiled by the department in an investigation under this chapter are confidential until such investigation is complete. Such records and material shall remain confidential until the department's investigation is complete, or if the department has submitted the material or any part of it to any law enforcement agency for further investigation or for the filing of a criminal prosecution, until that agency has completed its investigation or prosecution.

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

**Amendment 2**—On page 1 in title, strike all of lines 1 through 6, and insert: A bill to be entitled An act relating to state banks, trust companies, and state savings and loan associations; adding s. 659.02(3), Florida

**Amendment 3**—On page 1 in title, lines 19 and 20, strike "providing an effective date." and insert: creating section 659.565, Florida Statutes; providing that the Department of Banking and Finance shall have certain investigatory powers; providing contempt sanctions; providing for witness fees; providing for the confidentiality of records or materials gained by such investigation until investigation or prosecution is complete; providing an effective date.

On motion by Senator Jenne, by two-thirds vote CS for SB 1132 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Scott            Ware

Votes after roll call:

Nay to Yea— Scott, Ware

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

**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 HB 1348 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Rosen and Evans—

**HB 1348**—A bill to be entitled An act relating to education; amending s. 230.2311(1) and (3), Florida Statutes; providing for instruction for adults in the basic skills programs of school districts; amending s. 232.246(3), Florida Statutes, 1978 Supplement, entitling students not meeting basic skills or functional literacy requirements for graduation to an additional year of special instruction; creating s. 236.0815, Florida Statutes, providing for the inclusion of such students in the basic program for grades 10 through 12 for funding purposes; providing an effective date.

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

On motions by Senator Peterson, by two-thirds vote HB 1348 was withdrawn from the Committee on Education and by two-thirds vote placed on the special order calendar.

**SPECIAL ORDER, continued**

On motion by Senator Peterson, by two-thirds vote HB 1348 was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 13, strike all of Section 3 after the comma and insert: and is being provided special instruction designed to remedy his identified deficiencies, shall not be reported in membership in the basic program of grades 10, 11, and 12 as provided by s. 236.081 beyond his senior year. The additional educational services provided these students shall be funded from the district's receipts of state compensatory funds.

**Amendment 2**—On page 1 in title, lines 11, 12 and 13, strike "inclusion of such students in the basic program for grades 10 through 12 for funding purposes; providing an effective date." and insert: inclusion of certain students within the basic programs; providing an effective date.

On motion by Senator Peterson, by two-thirds vote HB 1348 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Peterson, the rules were waived and HB 1348 was ordered immediately certified to the House.

On motion by Senator McKnight, by two-thirds vote SR 1159 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKnight—

**SR 1159**—A resolution honoring Dr. John W. DeMilly, Jr., and the Homestead Rodeo Association.

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

Yeas—37

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

Nays—None

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

**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 HB 1039 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hazouri and others—

**HB 1039**—A bill to be entitled An act relating to county boundaries; repealing chapter 78-421, Laws of Florida, and re-

enacting s. 7.10, Florida Statutes, relating to the legal description of Clay County; providing for reimbursement of certain expenses and for preservation of existing zoning; amending s. 7.44, Florida Statutes, relating to the boundaries of Monroe County; 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.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote SB 725 was removed from the calendar and recommitted to the Committee on Rules and Calendar.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to consider HB 1039 and SB 725 this day.

On motion by Senator Vogt, by two-thirds vote SB 1276 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Fechtel, by two-thirds vote Senate Bills 348 and 285 were withdrawn from the committees of reference and indefinitely postponed.

#### ENROLLING REPORTS

SB 85, SB 53 and SB 398 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 16, 1979.

*Joe Brown, Secretary*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 15 was corrected and approved as follows:

Page 433, column 2, strike line 37 and insert: —was read the first time by title and SB 187 was laid on the table. On motion by Senator Fechtel, by two-thirds vote CS for SB 187 was read the second time by title.

Page 434, column 2, strike line 6 and insert: —was read the first time by title and SB 280 was laid on the table. On motion by Senator Anderson, by two-thirds vote CS for SB 280 was read the second time by title.

The Senate adjourned at 4:31 p.m. to convene at 8:30 a.m., Thursday, May 17, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.