



Journal of the Senate

Number 24

Friday, May 18, 1979

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

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 1503 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative D. L. Jones and others—

HB 1503—A bill to be entitled An act relating to financial matters; amending s. 215.422(1) and (3)(b), Florida Statutes, 1978 Supplement; requiring inspection and approval of goods or services within 3 days of receipt by a state agency; requiring correction and return to the Department of Banking and Finance of erroneous vouchers within 5 days of receipt; specifying that, with respect to the penalty imposed when a warrant is not mailed within 45 days of the receipt of an invoice, such receipt may be by any office, division, bureau, section, subsection or other unit of the state agency; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 529 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 529—A bill to be entitled An act relating to medical care for minors; providing legislative intent; providing a procedure for a person who has assumed responsibility for the care of a minor, who is not the parent or legal guardian of the minor, to petition the circuit court for authority to consent to the provision of medical care and treatment for the minor; providing for notice and hearings; providing effect of such authority; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 981 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sheldon—

HB 981—A bill to be entitled An act relating to homes for the developmentally disabled; creating s. 393.17, Florida Statutes; prohibiting certain zoning restrictions; providing definitions; amending s. 163.3177(6)(f), Florida Statutes, relating

to required and optional elements of county and municipal comprehensive plans; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1574 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 1574—A bill to be entitled An act relating to transportation; creating a Coordinating Council on the Transportation Disadvantaged; providing powers and duties; requiring the Department of Transportation to provide for the planning and service development of transportation for the elderly, handicapped and other disadvantaged; providing for expenditures of state and federal funds for the transportation disadvantaged; providing for utilization of metropolitan planning organizations; providing for development of transportation improvement programs and designation of coordinated community transportation providers; providing effective and expiration dates.

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

The Honorable Philip D. Lewis, President

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

HB 1646

HB 1647

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources—

HB 1646—A bill to be entitled An act relating to environmental regulations; creating s. 403.089, Florida Statutes, establishing a coordinated permit processing system to be administered by the Department of Environmental Regulation; providing for a consolidated permit application packet; providing for preapplication planning meetings; providing for participation by affected agencies and local and federal regulatory agencies; providing for meeting locations; providing for additional meetings upon request; requiring a binding letter from each agency listing specific permits required; requiring that the permit processing times commence pursuant to chapter 120, Florida Statutes; providing an effective date.

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

By the Committee on Natural Resources—

HB 1647—A bill to be entitled An act relating to environmental permitting; creating ss. 161.0415, 253.1252, 373.107, 373.230, 373.310, 373.417, 403.0875, 403.7072, 403.8135, and 403.8535, Florida Statutes, requiring agencies to cite a specific rule when requesting information for permit application review under chapter 161, Florida Statutes, the "Beach and Shore Preservation Act," chapter 253, Florida Statutes, relating to regulation of construction of islands or the extension of or addition to existing lands or islands bordering on or being in the navigable waters of this state, parts I, II, III, and IV of Chapter 373, Florida Statutes, relating to water resources, and

parts I, IV, V, and VI of chapter 403, Florida Statutes, relating to environmental control; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

CS for HB 829 CS for HB 1214
 HB 1565 HB 1566 HB 1668

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representatives Flynn and Reynolds—

CS for HB 829—A bill to be entitled An act relating to sterilization of dogs and cats; providing for sterilization of dogs and cats given for adoption or sold by pet animal shelters and public pounds; providing that shelters or pounds shall require prospective owners of unsterilized animals to enter into legal contracts guaranteeing sterilization prior to adoption or purchase; requiring collection of certain deposits with respect thereto; providing for refund of deposits upon compliance with statements of promise; providing for forfeiture of deposits upon failure to comply; providing for costs; providing an effective date.

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

By the Committee on Judiciary and Representative Moffitt—

CS for HB 1214—A bill to be entitled An act relating to negligence; creating s. 768.091, Florida Statutes, providing recovery for mental, emotional, or physical injury proximately caused by negligent or wrongful conduct; providing an effective date and establishing applicability.

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

By the Committee on Natural Resources—

HB 1565—A bill to be entitled An act relating to environmental permit appeals; amending s. 403.804(1), Florida Statutes, eliminating the authority of the Environmental Regulation Commission to hear appeals of Department of Environmental Regulation permit decisions; providing for a method of reinstating appeals pending on the effective date of the act; providing an effective date.

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

By the Committee on Natural Resources—

HB 1566—A bill to be entitled An act relating to environmental permit appeals; repealing s. 253.76, Florida Statutes, eliminating the authority of the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund to hear appeals of decisions of the Department of Environmental Regulation under chapter 253, Florida Statutes; providing for a method of reinstating appeals pending on the effective date of the act; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 1668—A bill to be entitled An act relating to alcoholic beverages; creating s. 561.66, Florida Statutes, providing legislative intent with respect to the application of beverage law within Indian reservations or land held in trust for Indians; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1643 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1643—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 671.105(2)(e), Florida Statutes, relating to the application of the code; amending s. 671.201(9) and (37), Florida Statutes, redefining the terms “buyer in ordinary course of business” and “security interest”; amending s. 672.107(1) and (2), Florida Statutes, including oil and gas within the term minerals as goods; amending s. 672.702(3), Florida Statutes, eliminating lien creditors with respect to seller’s remedies under certain circumstances; amending s. 675.116(2), Florida Statutes, clarifying language relating to transfers and assignments; amending s. 679.102(1), Florida Statutes, relating to the policy and subject matter of the secured transactions provisions of the Uniform Commercial Code; amending s. 679.103, Florida Statutes, relating to the perfection of security interests in multiple state transactions; amending s. 679.104(1), (5), (6), (7), (8), and (11), Florida Statutes, and adding subsection (12) thereto, relating to transactions excluded from the secured transactions provisions of the Uniform Commercial Code; amending s. 679.105(1), (2), and (3), Florida Statutes, redefining various terms and adding the terms “deposit account,” “encumbrance,” “mortgage,” “advances made pursuant to a commitment,” and “transmitting utility”; creating a new subsection (5); providing legislative intent; amending s. 679.106, Florida Statutes, redefining the terms “account” and “general intangibles” and eliminating the definition of the term “contract right”; creating s. 679.114, Florida Statutes, relating to consignment; amending s. 679.203, Florida Statutes, combining the concepts of attachment and enforceability of security interests; amending s. 679.204, Florida Statutes, relating to after-acquired property and future advances; amending s. 679.205, Florida Statutes, relating to the use or disposition of collateral without accounting; amending s. 679.301, Florida Statutes, relating to persons who take priority over unperfected security interests and to the rights of lien creditors; amending s. 679.302(1)(c) and (e), (3), and (4), Florida Statutes, and adding paragraph (g) to subsection (1) of said section, relating to the use of filing to perfect security interests; amending s. 679.304(1) and (5)(a), Florida Statutes, relating to the perfection of certain security interests; amending s. 679.305, Florida Statutes, deleting the term “instruments” from a list of collateral in which a security interest may be perfected by possession, without filing; amending s. 679.306(1), (2), (3), and (4), Florida Statutes, relating to proceeds and the secured party’s rights on the disposition of collateral; amending s. 679.307(2), Florida Statutes, relating to the protection of a buyer of goods under the code; amending s. 679.308, Florida Statutes, relating to the purchase of chattel paper and instruments; amending s. 679.312(1), (3), (4), (5), and (6), Florida Statutes, 1978 Supplement, and adding subsection (7) thereto, relating to priorities among conflicting security interests in collateral; amending s. 679.318(2), (3), and (4), Florida Statutes, relating to defenses against an assignee; amending s. 679.401, Florida Statutes, relating to filing to perfect a security interest; amending s. 679.402, Florida Statutes, relating to financing statements; amending s. 679.403(2), (3), (4), and (5), Florida Statutes, and adding subsections (6) and (7) thereto, relating to what constitutes filing, the duration of filing, the effect of lapsed filing and the duties of the filing officer; amending s. 679.404, Florida Statutes, relating to termination statements; amending s. 679.405(1) and (2), Florida Statutes, relating to assignments of security interests; amending s. 679.406, Florida Statutes, relating to the release of collateral; amending s. 679.407(1), Florida Statutes, relating to duties of filing officers; creating s. 679.408, Florida Statutes, relating to filings by consignors or lessors; amending s. 679.501(3), Florida Statutes, relating to default; amending s. 679.502(2), Florida Statutes, relating to the collection rights of secured parties; amending s. 679.504(1)(a), (2), and (3), Florida Statutes, relating to the secured party’s right to dispose of collateral after default and the effect of disposition; amending s. 679.505(2), Florida Statutes, relating to compulsory disposition of collateral; amending s. 680.101, Florida Statutes, relating to the effective date and transition period under the Uniform Commercial Code; creating s. 680.108, Florida Statutes, relating to transition provisions on place of filing; creating s. 680.109, Florida Statutes,

relating to required refilings; creating s. 680.110, Florida Statutes, providing for transition provisions with respect to priorities; creating s. 680.111, Florida Statutes, providing a presumption; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1679 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

HB 1679—A bill to be entitled An act relating to corrections; amending s. 944.24(2), Florida Statutes, providing that the welfare of a child born in a correctional institution shall be within the jurisdiction of the appropriate circuit court; providing that the Department of Corrections shall provide facilities for such mothers and children; providing that this act shall be implemented within existing resources; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1347 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rosen—

HB 1347—A bill to be entitled An act relating to county prisoners; creating s. 951.25, Florida Statutes, authorizing the sale of services or items produced by county prisoners in home rule counties operating under a home rule charter adopted pursuant to ss. 10, 11, and 24 of Article VIII of the Constitution of 1885, as preserved by Article VIII, s. 6(e) of the Constitution of 1968 to the state or the public; providing for rules; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1689 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Education, Higher and Representative Burnsed and others—

CS for HB 1689—A bill to be entitled An act relating to education; creating chapter 248, Florida Statutes, consisting of ss. 248.011-248.154, Florida Statutes, consolidating postsecondary education provisions; specifying purpose and mission; providing for the composition of the State University System; providing for differentiated missions; providing for additional appropriations to the Board of Regents; providing for deposit of certain funds; providing for applicability of certain sections; providing for additional compensation for university employees; providing for transfer of certain funds; creating a Board of Regents to be responsible for coordinating the individually governed universities; providing powers and duties; creating university boards of trustees to adopt policies governing the operation of the universities; providing powers and duties; providing that both may defray civil action costs for members; providing that university boards of trustees may secure liability insurance, and shall govern student admissions, establish and collect fees, certify direct-support organizations, invest funds, collect delinquent accounts, adopt disciplinary rules, maintain student records, issue Associate of Arts degrees, create divisions of sponsored research, provide procedures relating to faculty, eliminate sexual discrimination in granting faculty salaries, regulate traffic, and provide for police officers; providing for

funding of the State University System to include enrollment planning, categorical and matching programs, cost estimating, and quality improvement funds; defining the State Community College System; creating the State Community College Coordinating Board; providing powers and duties; creating community college boards of trustees; providing such boards with powers similar to university boards of trustees; providing for admissions of students; providing for community college funding; providing for articulation and acceleration mechanisms; providing for postsecondary consortiums; creating the State Tuition Voucher Fund to aid students attending certain independent colleges; providing for scholarships and financial aid; retaining miscellaneous provisions; transferring various sections to conform to the act; renumbering and amending ss. 240.191, 240.221(1), 240.181, 240.182, 240.103(1) and (2), 239.77, 239.78, 241.621, 241.73, 241.731, 241.735, 239.53(1), 239.54, 239.56(1) and (2), 239.58(1), (4) and (6), 230.7535, 230.754(2), 230.755, 230.7601, 230.763, 230.7651, 230.767, 230.771(1), 230.776, 239.47(6), 239.684(1) and (2), 239.685(4), 239.705(1), 239.71, 239.735, 239.74, 239.745, 239.755, 239.76, 240.031(1), 239.65(1), 239.665, 241.13, 241.471, 240.141(2)(d), and 240.0421, Florida Statutes, ss. 239.671 and 239.72(2) and (3), Florida Statutes, 1978 Supplement, and repealing ss. 241.478(4), 230.753(2)(a) and 240.031(2), Florida Statutes, all to conform to the act; amending s. 20.15(3), (4)(c), (5), and (6), Florida Statutes, and repealing subsection (7) thereof, and amending ss. 112.3145(1)(a), 201.08(3), 216.031(1), 216.311(1), 229.512(1) and (12), 231.609(2), 233.0671(3), 235.02, 235.055(1), 235.149, 235.15, 235.155, 235.16, 235.18, 235.19(1), 235.42(10), 243.141, 243.151, 284.34, and 650.03(5), Florida Statutes, and ss. 229.561(2)(a), 235.195(1), 235.435 and 283.26(1), Florida Statutes, 1978 Supplement, to conform to the act; amending s. 447.203(2), Florida Statutes, allowing employees of the State University System to be removed from the Board of Regents collective bargaining unit; creating s. 229.054, Florida Statutes, providing responsibilities of the State Board of Education; repealing various sections in chapters 230, 239, 240, and 241, Florida Statutes; providing for conditional repeal; creating the Florida Endowment Trust Fund for Eminent Scholars Act; providing for establishment of a Trust Fund for Eminent Scholars to be administered by the associated foundation at each university; providing for challenge grants to the state universities from the fund to be matched on a one-to-one basis by donations collected by the foundation at each university; providing for reallocation of unmatched grant moneys; providing for establishment of endowed chairs; providing for selection of holders of such chairs; providing an appropriation; appropriating specified amounts for public education facility capital outlay projects for fiscal years 1979-1980 and 1980-1981; providing effective dates.

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

The Senate recessed.

The Senate was called to order by the President at 9:00 a.m. A quorum present—37:

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

Excused: Senators Carlucci, Don Childers and Spicola.

Prayer by Senator Peterson:

Let us pray. Great Father, we are here this morning first of all to glorify thy name and to thank you for your spirit in our lives.

Father, in the last days of this session of the legislature, give us a lot of patience with each other, patience to understand the other's point of view; patience to do what we should do. Father, give us the strength to stand up and be strong when we know we are right. And, above all, keep us in your faith so that we may always do your will. We ask in Christ's name. Amen.

REPORTS OF COMMITTEES

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 279, SB 1200

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

The Committee on Transportation recommends the following pass: SB 550 with 5 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: CS for CS for HB 312

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

The Committee on Transportation recommends the following pass: SB 828 with 2 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 559 with 2 amendments

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

The Committee on Transportation recommends the following pass: SB 873 with 3 amendments

The Committee on Governmental Operations recommends the following pass: SB 391

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 422, SB 1006

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1289

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

The Committee on Transportation recommends the following pass:

SB 1247 with 2 amendments HB 115
SB 1249 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 294

The Committee on Education recommends the following pass:

SB 1012 SB 767 SB 615 with
HB 538 1 amendment

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

CS for HB 110 HB 770 SB 903

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

The Committee on Education recommends a Committee Substitute for the following: SB 1265

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 896

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

The Committee on Rules and Calendar recommends a Committee Substitute for the following: SB 749

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

The Committee on Rules and Calendar recommends a Committee Substitute for the following: SB 503

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

The Committee on Commerce to which was referred the following appointment: Wallace E. Orr, Tallahassee, Secretary of the Department of Labor and Employment Security, to serve at the Pleasure of the Governor—reports that in view of the fact that section 20.171, Florida Statutes, does not contain any confirmation requirement relative to the Department of Labor and Employment Security, no vote was taken by the Committee.

The Committee on Natural Resources and Conservation recommends that the Senate confirm the appointment made by the Governor of Thomas L. Hires, Sr., Tampa, Member of the Game and Fresh Water Fish Commission, for term ending January 6, 1983.

The Committee on Transportation recommends that the Senate confirm the appointment made by the Governor of William N. Rose, Frederick, Maryland, Secretary of the Department of Transportation, to serve at the Pleasure of the Governor.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business under the original reference.

Report of Subcommittee to Standing Committee

The Select Subcommittee on the Patrol of Roads and Accident Investigations by the Florida Highway Patrol (SB 672) of the Transportation Committee recommends

- (1) The Senate Transportation Committee conduct a study during the 1979-80 interim to determine the feasibility of implementing the intent of SB 672.

The staff should be directed to contact each sheriff and advise him that the Legislature is considering the possibility of limiting the Florida Highway Patrol's role in road patrol and accident investigations to the state highway system. The sheriffs should be made aware that if they don't move to address this area, then the Legislature will very likely do so.

- (2) In reviewing the feasibility of implementing the intent of SB 672, the Committee should be cognizant of the adverse effects that could result if a fee system is established at the local level in order to finance the additional personnel and equipment needed by the counties.

- (3) It is recommended that no action on SB 672 be taken by the Committee.

—to the standing committee.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 44, 561, 688, 942, 965, 1142, CS for SB 932, CS for SB 970 and HB 295 were withdrawn from the Committee on Ways and Means.

On motion by Senator Johnston, the rules were waived and the Committee on Health and Rehabilitative Services was granted permission to consider SB 1302 on May 21.

On motion by Senator MacKay, the rules were waived and the Committee on Education was granted permission to consider SB 615 this day.

On motion by Senator Winn, the rules were waived and the Committee on Executive Business was granted permission to extend time of adjournment of the meeting May 21 until completion of the agenda.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to extend time of adjournment of the meeting May 22 until completion of the agenda.

On motions by Senator Dunn, the rules were waived and the Committee on Governmental Operations was granted permission to consider Senate Bills 370, 958, 277 and 874 on May 21, and if necessary, May 22.

On motion by Senator Hair, the rules were waived and the Committee on Judiciary-Civil was granted permission to extend time of adjournment of the meeting May 22 until completion of the agenda.

REQUESTS FOR EXTENSION OF TIME

May 18, 1979

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

SB 591 by Senator Frank SB 966 by Senator Maxwell
SB 615 by Senator Maxwell SB 975 by Senator Peterson

May 18, 1979

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

CS for SB 315 by Judiciary- SB 1138 by Senator Dunn
Criminal Com- SB 1139 by Senator Frank
mittee and SB 1153 by Senator Vogt
Senator Spicola SB 1173 by Senator Peterson
SB 1049 by Senator Vogt SB 1204 by Senator Dunn
SB 1073 by Senator MacKay SB 1213 by Senator Dunn
SB 1080 by Senator Stuart SB 1232 by Senator Trask
SB 1123 by Senator Stuart

May 18, 1979

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

SB 957 by Senator McClain

May 18, 1979

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

SB 672 by Senator Gordon HB 1149 by Committee on
SB 850 by Senator Holloway Transportation
SB 959 by Senator Holloway HB 1556 by Committee on
HB 862 by Representative Veterans Affairs
Barrett

Committee Appointment

The President announced the appointment of Senator McKnight as alternate conferee on the conference committee on CS for HB's 619 and 917.

The President introduced the Honorable George Bush, United States Congressman from Texas, former ambassador to China and former director of the CIA, and invited him to the rostrum where he addressed the Senate.

On motion by Senator Thomas, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 981—A bill to be entitled An act relating to tax on cigarettes; adding s. 210.05(5), Florida Statutes, 1978 Supplement, authorizing the sale of stamped but untaxed cigarettes by agents or wholesale dealers to the Seminole Indian Tribe or members thereof for retail sale; providing an effective date.

—as amended passed on May 17.

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

Amendment 3—On page 1, line 11, after the word "Subsection" insert: (2) is amended and subsection

Senator Williamson moved the following amendment which was adopted:

Amendment 4—On page 1 in title, lines 2 and 3, strike the words: "adding s. 210.05(5), Florida Statutes, 1978 Supplement," and insert: amending s. 210.05(2), Florida Statutes, 1978 Supplement, and adding subsection (5) to said section; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to contract with the United States Bureau of Engraving and Printing for the design of the cigarette stamps;

SB 981 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE ORDER NUMBER 79-31 (Order of Reinstatement)

WHEREAS, ROLLIN W. ZIMMERMAN was suspended as Sheriff of Brevard County, Florida, by former Governor Reubin O'D. Askew, pursuant to Executive Order Number 78-52, dated September 6, 1978, and

WHEREAS, pursuant to a stipulation entered into by ROLLIN W. ZIMMERMAN and the State of Florida, all criminal charges against ROLLIN W. ZIMMERMAN have been dismissed in exchange for the payment of a civil penalty in the amount of \$7,800.00. A copy of the Stipulation and Nolle Prosequi Order are attached and made a part of this Executive Order.

NOW, THEREFORE, I, BOB GRAHAM, as Governor of the State of Florida, by the power vested in me by the Constitution and Laws of Florida, do hereby promulgate the following Executive Order, effective at 12:00 Noon, June 4, 1979:

1. That ROLLIN W. ZIMMERMAN be reinstated as Sheriff of Brevard County, Florida at the above time and date.

2. That Executive Order Number 78-52 is hereby revoked and the suspension of ROLLIN W. ZIMMERMAN is terminated, pursuant to Section 7(a), Article IV, Florida Constitution, 1968.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 17th day of May, 1979.

Bob Graham
GOVERNOR

ATTEST:

George Firestone
SECRETARY OF STATE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

CASE NO.: M-78-1296-CF-A

STATE OF FLORIDA, Plaintiff,

vs.

ROLLIN W. ZIMMERMAN, Defendant.

STIPULATION

COMES NOW the Defendant ROLLIN W. ZIMMERMAN by and through his undersigned attorneys and the Assistant Special Prosecutor WILLIAM HATHAWAY and stipulate that:

1. ROLLIN W. ZIMMERMAN denies all criminal guilt and responsibility for the conduct alleged in the Information filed herein. That ROLLIN W. ZIMMERMAN admits and accepts all civil responsibility for campaign law violations contained in said Information.

2. ROLLIN W. ZIMMERMAN and the State agree that 106.19(1975), F.S., is a necessarily lesser included offense of 106.07(1975), F.S., the statute charged in the Information filed herein.

3. That ROLLIN W. ZIMMERMAN, pursuant to 106.19(2), (1975), F.S., agrees to pay a civil penalty in the amount of \$7,800.00 (Seven Thousand Eight Hundred Dollars and No/100), into the General Revenue Fund of the State of Florida.

4. Upon receipt of said civil penalty, the State does agree to Nol. Pros. the five (5) felony charges contained in the Information filed herein.

5. Pursuant to this Stipulation, the ends of justice have been met and further criminal and civil proceedings are unwarranted.

THOMAS R. TOWNSEND, JR., ESQUIRE MOSS, YOUNG, DENMAN & MURRAY, P. A. 114 Derby Street P.O. Box 1450 Cocoa, Florida 32922 (305)636-0202 Attorney for ROLLIN W. ZIMMERMAN

WILLIAM HATHAWAY, Assistant Special Prosecutor County Courthouse Annex 124 N. Riverside Drive New Smyrna Beach, Florida 32069 (904)427-5271 State Attorney

IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, IN AND FOR BREVARD COUNTY, FLORIDA

JUDGE: VOLIE WILLIAMS DOCKET NO: M78-1296-CF-A

CHARGE: WILFULLY CERTIFYING CORRECTNESS OF INCORRECT, FALSE OR INCOMPLETE CAMPAIGN REPORT (Five Counts)

STATE OF FLORIDA

vs.

ROLLIN W. ZIMMERMAN

NOLLE PROSEQUI

The State of Florida, by and through the undersigned Assistant State Attorney, announces and hereby files, this, its Nolle Prosequi with respect to the above-styled case(s) now pending in this Court; and by said action, the above-styled case(s) (are) dismissed.

GROUND'S APPLICABLE TO NOLLE PROSEQUI:

Pursuant to the Stipulation filed herein whereby ROLLIN W. ZIMMERMAN paid a civil penalty, the ends of justice have been met. Further criminal proceedings are unwarranted.

Dated this 4th day of May A.D., 1979, at New Smyrna Beach, Volusia County, Florida.

WM. F. HATHAWAY ASSISTANT STATE ATTORNEY

—which was referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 651 and SB 779.

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 1348.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 2 and passed SB 9, as amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

SB 1297—A bill to be entitled An act making appropriations; providing moneys for the annual periods beginning July 1, 1979 and July 1, 1980, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 11.61, 27.34(2), 27.54(3), 112.075, 215.32(2)(c), 216.22, 216.221, 216.262, 216.29, 216.292, 216.301, 216.351, 228.195(4), 230.765, 257.22, 393.063(6), and 402.17(3), Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motions by Senator Gordon, the Senate refused to concur in the House amendments to SB 1297 and the House was requested to recede, and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1597 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 1597—A bill to be entitled An act relating to housing; creating part IV of chapter 420, Florida Statutes, the Farmworker Housing Assistance Act; providing purpose and a finding and declaration of necessity; establishing the Farmworker Housing Assistance Trust Fund; authorizing the Secretary of Community Affairs to make grants from the fund and specifying eligible activities; providing procedures and requirements

for application; providing for rules; providing for application of the Florida Residential Landlord and Tenant Act; providing for access; providing an appropriation; providing for reversion of the remaining balance of the fund to the General Revenue Fund in 5 years; providing an effective and expiration date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1015 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation—

HB 1015—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 125.0165, Florida Statutes, expanding the present permissible uses of the discretionary 1 percent sales tax which may be adopted in charter counties for rapid transit to explicitly include related costs of expressways and bus systems; reenacting and amending s. 212.055, Florida Statutes, to incorporate the amendment to s. 125.0165 in a reference thereto; providing an effective date.

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

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to consider HB 1597 and SB 1078 on May 21.

ENROLLING REPORTS

SB 270	SB 435	SB 46	SB 709
SB 343	SB 663	SB 410	SB 1273

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 18, 1979.

Joe Brown, Secretary

SM 1290 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 18, 1979.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 17 was corrected and approved.

The Senate adjourned at 9:25 a.m. to convene at 8:30 a.m., Monday, May 21, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.