



Journal of the Senate

Number 26

Wednesday, May 23, 1979

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

INTRODUCTION

By Senators Barron and Thomas—

SB 1305—A bill to be entitled An act relating to the Panama City Port Authority, Panama City, Bay County; amending s. 2, chapter 23466, Laws of Florida, 1945, relating to the composition of the Panama City Port Authority; eliminating the requirement that commissioners of said Authority be freeholders of the City of Panama City; providing an effective date.

Proof of publication of the required notice was attached.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1580 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representatives C. F. Jones and Dunbar—

HB 1580—A bill to be entitled An act relating to the Administrative Procedure Act; amending the introductory paragraph of s. 120.57, Florida Statutes, 1978 Supplement, and creating s. 120.575, Florida Statutes, providing a separate procedure with regard to proceedings involving state contracts; providing for the applicability of such procedures; adding subsection (15) to s. 120.68, Florida Statutes, 1978 Supplement, prohibiting the district court of appeal and the Supreme Court from enjoining or staying agency action with respect to state contracts; amending s. 120.73, Florida Statutes, 1978 Supplement, providing that nothing in the Administrative Procedure Act shall be construed to provide an alternative forum for those actions in eminent domain elsewhere provided by law; providing for severability; 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 HB 1586 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Ethics & Elections—

HB 1586—A bill to be entitled An act relating to campaign financing; amending s. 106.011(6), Florida Statutes, to include the election of the President of the Senate and Speaker of the House of Representatives within the definition of election; amending s. 106.07(1), (4)(g), and (5), Florida Statutes, to provide for reporting of expenditures; amending s. 106.08(1), Florida Statutes, 1978 Supplement, relating to contribution limi-

tations; amending s. 106.141(2), Florida Statutes, relating to the disposition of surplus funds; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

CS for HB 776 HB 1321 CS for HB 1390

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative L. J. Smith and others—

CS for HB 776—A bill to be entitled An act relating to residential construction; providing definitions; requiring building contractors or developers of one- or two-family residential dwelling units to notify prospective buyers of their right to have certain deposits placed in escrow; requiring the building contractor or developer to deposit certain funds in interest bearing escrow accounts; providing that the building contractor or developer shall be entitled to the interest in such accounts; providing for surety bonds; providing that the building contractor or developer may borrow funds for construction purposes; providing for the release of funds in escrow accounts; providing for priority; prohibiting certain claims; providing a penalty; providing for attorney's fees and court costs with respect to civil litigation; providing for maximum statewide standards; providing an effective date.

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

By Representatives Gordon and O'Malley—

HB 1321—A bill to be entitled An act relating to group, blanket, and franchise disability insurance; creating s. 627.669, Florida Statutes; requiring insurers who issue group, blanket, or franchise disability insurance to offer coverage for the necessary care and treatment of alcoholics; providing minimum limits of coverage; providing applicability; providing exceptions; providing for conditional repeal; providing an effective date.

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

By the Committee on Health & Rehabilitative Services and Representative Mica and others—

CS for HB 1390—A bill to be entitled An act relating to cancer control; creating the "Cancer Control and Research Act"; providing legislative intent; providing definitions; providing for the creation of a "Florida Cancer Control and Research Advisory Board"; providing for the appointment of members and a chairperson, terms of office, and powers and duties of the board; providing for the duties and responsibilities of the Secretary of the Department of Health and Rehabilitative Services with respect to the state cancer plan; providing for the creation of the Florida Cancer Control and Research Fund; repealing ss. 381.361, 381.371, and 381.381, Florida Statutes, relating to the responsibility of the Department of Health and Rehabilitative Services to formulate a plan for the care and treatment of cancer patients, educational programs for the prevention of cancer, and financial aid to cancer patients; providing for repeal and legislative review in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and 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 CS for HB 334 and HB 769 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Gordon and others—

CS for HB 334—A bill to be entitled An act relating to health care facilities and services; prohibiting commissions, kickbacks, rebates, and split fee arrangements for patient referrals to a hospital, nursing home, a clinical laboratory, a health maintenance organization, an abortion clinic, or a multiphasic health testing center; providing administrative penalties for violation of this referral prohibition; amending s. 395.12, Florida Statutes; providing that the public may have access to information received by licensing agencies, except for confidential medical information; providing an effective date.

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

By Representative Sheldon—

HB 769—A bill to be entitled An act relating to nursing homes; adding paragraph (h) to s. 381.494(3), adding subsection (3) to s. 381.495, and adding a new paragraph (d) to s. 400.102(1), all Florida Statutes; requiring nursing homes to indicate in certificate of need applications filed on or after October 1, 1979, whether they will provide services under Medicare and Medicaid; providing that statements of intent to provide such services shall be binding; authorizing the Secretary of the Department of Health and Rehabilitative Services to release nursing homes from providing such services under certain circumstances; adding a paragraph to s. 400.022(1), Florida Statutes, and amending subsection (2), entitling nursing home patients to information with respect to the care and retention of patients who receive or are eligible for Medicaid; requiring the prominent display of copies of the patient's statement of rights; providing that subsequent failure to provide such services shall subject the nursing homes to departmental sanction; providing for rules; providing for conditional repeal; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1145 and CS for HB 982 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 1145—A bill to be entitled An act relating to social and economic assistance; amending s. 409.266(1), Florida Statutes, 1978 Supplement, relating to determination of eligibility for Medicaid, to provide that interest on savings of \$1,250, rather than \$1,000, shall not be counted as income in determining a person's need for Medicaid; authorizing the department to suspend utilization of such disallowance under certain circumstances; providing an effective date.

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

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

CS for HB 982—A bill to be entitled An act relating to health care facilities; amending ss. 400.301, 400.304(1), (2) and (3), 400.311, 400.314, and 400.321, Florida Statutes, and ss. 400.307(1), (2) and (3) and 400.317, Florida Statutes, 1978 Supplement; extending the jurisdiction of the state and district nursing home ombudsman committees to adult congregate living facilities, adult foster homes, and other long-term care facilities; revising membership of said committees; providing for re-

ceiving, investigating and resolving complaints; providing for confidentiality; providing for conditional repeal; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 394 and CS for HB 738 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Price and Morgan—

HB 394—A bill to be entitled An act relating to forest protection; amending s. 590.02(4)(a), Florida Statutes, authorizing the Department of Agriculture and Consumer Services to purchase a schedule position bond to cover special forest officers; providing an effective date.

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

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

CS for HB 738—A bill to be entitled An act relating to x-ray equipment; authorizing the Department of Health and Rehabilitative Services to inspect x-ray equipment installed in any hospital or other health-care facility in this state to determine compliance with departmental standards; providing for adjustment of certain equipment in order to meet such standards; requiring registration of x-ray equipment by persons entering the state who own such equipment and who plan to install and use such equipment; prohibiting the selling or offering for sale of such equipment which does not meet departmental standards; providing for enforcement by the department and for imposition of an administrative fine for violations; providing an effective date.

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

The Senate recessed to reconvene at 9:00 a.m.

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

A quorum present—40:

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

Excused: Senator Thomas from 10:15 a.m. until 11:45 a.m.; Senators Gordon, W. D. Childers, Peterson, Vogt, Myers, Scott, McClain, Hair, periodically, conferees on SB 1297.

Prayer by the Rev. Edwin G. Barg, First Assembly of God Church, Pensacola:

We approach the throne of grace in the name of the Lord Jesus Christ, and as we gather together in this place today, may we recognize Almighty God who still controls the steering gear of this universe and may we recognize as well that our God is omnipotent and omnipresent.

Now in the face of these tremendous truths, may we acknowledge the tremendous responsibility that rests upon the shoulders of our chosen leaders of this state. I pray, O God, that you would grant to our leaders wisdom and understanding in the decisions that are to be made this day. I pray as well that our leaders would make the decisions in accordance with their convictions rather than the mere opinions of men. We are indeed thankful that the word of God informs us that if any man lack

wisdom, let him ask of God who giveth liberally and upbraideth not. We thank thee, Oh God, for the United States of America and for this great state of Florida, and as we the people look to the leaders whom we have chosen, I trust that you will create a real spirit of unity and that decisions may be made that will make this a better state and a better nation.

We realize that men well governed should seek after no other liberty, for there can be no greater liberty than a good government. While a just government protects all in their religious rights, true religion affords government its surest support. Therefore, may we acknowledge Jesus Christ as our only hope of salvation and that through Him we find all things that pertain unto life and godliness. Again we ask that by the Spirit of God divine direction will be given in all the deliberations of this day, and may the rich blessings of God rest upon this nation, this state, and our leaders.

And now may the peace and joy of Jesus Christ, the guiding influence of our God be our portion. In Jesus' name. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 23, 1979:

- | | |
|----------------------------|----------------|
| HB 1531 | CS for SB 759 |
| CS for SB 1278 | SB 854 |
| SB 440 | CS for SB 956 |
| SB 84 | SB 920 |
| CS for SB 210 | SB 967 |
| SB 291 | CS for SB 1017 |
| SB 294 | SB 1163 |
| SB 305 | CS for SB 1168 |
| SB 356 | SB 1176 |
| SB 132 | SB 1203 |
| SB 408 | SB 1217 |
| SB 487 | SB 1208 |
| CS for SB 492 | SB 1222 |
| CS for SB 503 | HB 1582 |
| SB 619 | HB 1674 |
| CS for SB 590 | HB 1675 |
| CS for SB's 627, 480, 616, | HB 1676 |
| 1060, 1086, and 1068 | HB 1677 |
| SB 698 | HB 654 |
| SB 722 | |

Consent Calendar to be considered at 10:00 a.m.

Local Bill Calendar to be considered at 3:00 p.m.

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Wednesday, May 23, 1979:

- | | | |
|---------------|---------------|---------------|
| CS for SB 566 | SB 523 | SB 1071 |
| SB 916 | SB 927 | CS for SB 386 |
| SB 947 | SB 892 | CS for SB 864 |
| SB 1116 | CS for HB 189 | SB 1231 |
| SB 886 | SB 774 | SB 474 |
| SB 879 | CS for SB 162 | SB 488 |

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar requests that the following bills be withdrawn from the Committee and placed on the Local Bill Calendar for Wednesday, May 23, 1979:

- | | | | |
|---------|---------|---------|---------|
| SB 506 | SB 1295 | SB 1300 | HB 945 |
| SB 538 | SB 1296 | SB 1305 | HB 1161 |
| SB 1294 | SB 1299 | HB 557 | HB 1199 |

Respectfully submitted,
Dempsey J. Barron, Chairman

On motion by Senator Barron, the rules were waived and by two-thirds vote the bills contained in the foregoing report were withdrawn from the Committee on Rules and Calendar.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 706

The Committee on Judiciary-Criminal recommends the following pass: SB 1015

The Committee on Transportation recommends the following pass: HB 1149 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: HB 170 with 2 amendments

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 32 with 2 amendments

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

The Committee on Commerce recommends the following pass: SB 963

The Committee on Judiciary-Criminal recommends the following pass: SB 1129 with 1 amendment

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 940

The Committee on Commerce recommends the following pass: SB 1256

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

The Committee on Commerce recommends the following pass: SB 1104

The Committee on Natural Resources and Conservation recommends the following pass: SB 1031 with 1 amendment

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1397

The Committee on Natural Resources and Conservation recommends the following pass: HB 315 with 2 amendments

The Committee on Transportation recommends the following pass: HJR 609 with 4 amendments

The Committee on Ways and Means recommends the following pass: SB 1165 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: HB 1601

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

The Committee on Education recommends the following pass: SB 1029 with 1 amendment

The Committee on Governmental Operations recommends the following pass: HB 1513 with 2 amendments

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

The Committee on Commerce recommends the following pass:

SB 403 with 6 amendments	SB 824 SB 883	SB 1156 SB 865
SB 640 with 4 amendments		

The Committee on Education recommends the following pass:

SB 382	CS for HB 1689 with 2 amend- ments
HB 684 with 2 amendments	
SB 628	

The Committee on Education recommends the following pass:
CS for HB 1036 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 1123 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 1184, SB 1248, HB 1132, HB 1603

The Committee on Judiciary-Criminal recommends the following pass: SB 1098 with 3 amendments, SB 231

The Committee on Judiciary-Criminal recommends the following pass: SB 1219 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1260 with 1 amendment, CS for SB 1265

The Committee on Transportation recommends the following pass:

SB 1304 with 6 amendments	HB 1556 with 2 amendments
HB 1543	HB 1662 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 1161, SB 1244

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

The Committee on Commerce recommends the following pass:

SB 130 with 1 amendment	SB 920 with 2 amendments
SB 395	SB 1283 with 1 amendment
SB 624 with 2 amendments	CS for
CS for SB 759	HB 440 with 1 amendment
SB 821 with 6 amendments	HB 1546 with 1 amendment
SB 851	HB 1592
SB 822	

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

SB 1121 with 2 amendments	HB 575 with 3 amendments
---------------------------	--------------------------

The Committee on Judiciary-Civil recommends the following pass:

SB 146	SB 1115 with 1 amendment
CS for	SB 1179
SB 844 with 2 amendments	HB 678 with 2 amendments
SB 856	HB 1620
SB 924	

The Committee on Judiciary-Criminal recommends the following pass:

SB 500 with 2 amendments	SB 837
SB 510 with 2 amendments	HB 437 with 4 amendments

The Committee on Ways and Means recommends the following pass:

CS for	SB 135
SB 31 with 2 amendments	SB 137
CS for SB 102	CS for SB 149

SB 208	SB 817
SB 310	CS for
SB 335 with 1 amendment	SB 952 with 1 amendment
SB 364	SB 1072 with 2 amendments
CS for SB 385	SB 1076 with 1 amendment
SB 443 with 2 amendments	SB 1088
SB 505	SB 1197 with 3 amendments
SB 521	CS for SB 1189
SB 604	SB 1230
SB 640 with 1 amendment	SB 1254
HB 698	HB 1597 with 1 amendment

The Committee on Commerce recommends the following pass:

SB 569 with 2 amendments	SB 1185
SB 901 with 7 amendments	HB 514 with 2 amendments
SB 909 with 4 amendments	HB 584
SB 983 with 1 amendment	HB 1668
SB 1053	

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 702 with 2 amendments, CS for SB 833

The Committee on Education recommends the following pass: SB 975

The Committee on Governmental Operations recommends the following pass:

SB 978 with 3 amendments	HB 1527
SB 1153 with 2 amendments	HB 1555
HB 729	

The Committee on Judiciary-Civil recommends the following pass:

SB 232	CS for SB 935 with 11 amend- ments
CS for SB 896 with 2 amend- ments	SB 946
SB 914	SB 1046

The Committee on Judiciary-Criminal recommends the following pass:

SB 559	SB 1137
SB 1054 with 1 amendment	HB 1004 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: HB 1646

The Committee on Transportation recommends the following pass: SB 959

The Committee on Natural Resources and Conservation recommends the following pass: SB 1203

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 938

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

The Committee on Health and Rehabilitative Services recommends Committee Substitutes for the following: SB 813, SB 1160

The bills with Committee Substitutes attached were referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 894

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 434

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

The Committee on Health and Rehabilitative Services recommends Committee Substitutes for the following: SB 1255, SB 1272

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 1111

The Committee on Education recommends a Committee Substitute for the following: CS for SB 925 (as offered by the Committee on Commerce)

The Committee on Transportation recommends a Committee Substitute for the following: SB 1144

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 1074

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 312

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 388

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 387

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 302

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 758

The Committee on Commerce recommends a Committee Substitute for the following: SB 1205

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 1011

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: CS for SB 529 (as offered by the Committee on Health and Rehabilitative Services)

The Committee on Education recommends a Committee Substitute for the following: SB 728

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 284

The Committee on Ways and Means recommends Committee Substitutes for the following: SB 1117, CS for SB 645 (as offered by Governmental Operations Committee)

The Committee on Judiciary-Criminal recommends Committee Substitutes for the following:

SB 805 SB 512
CS for SB 782 (as offered by Commerce Committee)

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1302

The Committee on Ways and Means recommends a Committee Substitute for the following: CS for SB 793 (as offered by the Natural Resources and Conservation Committee)

The Committee on Judiciary-Criminal recommends Committee Substitutes for the following: SB 880, SB 264, SB 905

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

The Committee on Ways and Means recommends the following not pass: SB 792, SB 809

The Committee on Governmental Operations recommends the following not pass: SB 478

The Committee on Education recommends the following not pass: SB 1056, SB 765

The Committee on Judiciary-Civil recommends the following not pass: SB 261, SB 1303

The Committee on Transportation recommends the following not pass: SB 1100

The Committee on Natural Resources and Conservation recommends the following not pass: SB 1201

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

The Committee on Governmental Operations recommends that the Senate confirm the appointment made by the Governor of William J. Tait, Jr., Tallahassee, Secretary of the Department of Administration, to serve at the Pleasure of the Governor.

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

The Committee on Education reported that the Committee had not considered the following appointment made by the Governor: Julie L. Jett, Cape Coral, Member of the Board of Regents, for term ending September 1, 1979

—and therefore had no recommendation.

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

The President introduced Dr. Clifford Blich, a retired Tallahassee physician, who called the roll of the 1915 Senate from memory and pointed out where each Senator sat in the chamber. Dr. Blich was a page in the 1915 session when his father J. S. Blich was a Senator.

The President called to the rostrum, introduced and congratulated the Senate Sonics, 1979 champions of the women's legislative volleyball tournament. He announced that the Sonics had beaten the House team and won the championship for the first time in four years.

Captain Diane Barcus presented an autographed volleyball from the team to Senator Patrick Neal and expressed appreciation for his sponsorship in purchasing the Sonic uniforms.

Jolyn Barsi, presented, on behalf of the team, a plaque to the Sonics' coach, Secretary Joe Brown.

Members of the team included: Diane Ambers (Captain), Diane Barcus (Captain), Jolyn Barsi, Faye Connell, Sonia Crockett, Pam Jenkins, Shirley Joyce, Khristy Kelly, Kathy Knowles, Holly Magursky, Lani Van Scoyoc, Brunetta Shaw and Clover Ulrich (Assistant Coach).

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scarborough, by two-thirds vote SB 1227 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Scott, by two-thirds vote Senate Bills 621 and 1084 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Spicola, by two-thirds vote SB 1031 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Fechtel, the rules were waived and by two-thirds vote SB 1093 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Winn, the rules were waived and by two-thirds vote SB 1108 was withdrawn from the Committee on Executive Business.

On motion by Senator Ware, the rules were waived and HB 182 was placed at the end of the consent calendar.

On motion by Senator McKnight, by two-thirds vote SB 296 was removed from the calendar and indefinitely postponed.

On motion by Senator Jenne, by two-thirds vote SB 434 was withdrawn from the Committee on Transportation.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 898 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 49 was withdrawn from the Committee on Ways and Means.

On motions by Senator Dunn, the rules were waived and by two-thirds vote SB 677 and House Bills 1653 and 1654 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Chamberlin, by two-thirds vote SB 145 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 169 and 1220 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Barron, by two-thirds vote SB 1305 was withdrawn from the Committee on Rules and Calendar and placed at the end of the local calendar.

REQUESTS FOR EXTENSION OF TIME

May 18, 1979

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

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

May 22, 1979

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

SB 971 by Senator Winn	SB 1155 by Senator Anderson
SB 991 by Senator McClain	SB 1170 by Senator Gordon
	and others
SB 997 by Senator Winn	SB 1175 by Senator Henderson
SB 1007 by Senator McClain	SB 1190 by Senator Hair
SB 1023 by Senator	SB 1210 by Senator
	Chamberlin
	Williamson and
	others
SB 1092 by Senator Jenne	SB 1221 by Senator Anderson
SB 1133 by Senator Henderson	SB 1227 by Senator
	Scarborough
SB 1148 by Senator Trask	SB 1234 by Senator Maxwell
	SB 1236 by Senator Jenne

SB 1238 by Senator Vogt	SB 876 by Senator Don
SB 1241 by Senator Vogt	Childers
SB 1251 by Senator Spicola	SB 882 by Senator Winn
SB 1253 by Senator Dunn	SB 921 by Senator Hill
	and others
SB 1266 by Senator Hill	CS for SB 930 by Health and
SB 1268 by Senator Jenne	Rehabilitative Ser-
SB 1275 by Senator	vices Committee and
	Senator Jenne
	Williamson
SB 1277 by Senator Spicola	SB 943 by Senator Peterson
CS for SB 380 by Health and	SB 948 by Senator
Rehabilitative	Williamson
Services	HB 229 by Representative
Committee and	Dyer
Senator	HB 377 by Representative
Henderson	Gustafson and
	others
SB 484 by Senator McKnight	HB 479 by Insurance
SB 607 by Senator Myers	Committee,
SB 642 by Senator Poole	Representative
SB 669 by Senator Winn	Lippman and
SB 715 by Senator Barron	others
	HB 604 by Finance and
	Taxation
SB 751 by Senator Ware	Committee
SB 757 by Senator McClain	HB 1063 by Representative
SB 768 by Senator Scott	Mills
SB 773 by Agriculture	HB 1098 by Insurance
Committee	Committee
SB 778 by Senator	HB 1230 by Representative
Scarborough	O'Malley
SB 803 by Senator Jenne	HB 1242 by Representative
SB 807 by Senator Ware	Gordon
SB 811 by Senator Hill	HB 1424 by Representative
SB 835 by Senator Hill	O'Malley
SB 842 by Senator Don	Childers
	HB 1508 by Insurance
SB 855 by Senator McKnight	Committee
SB 858 by Senator Thomas	HB 1606 by Commerce
SB 868 by Senator Henderson	Committee

May 21, 1979

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

SB 631 by Senator Myers	SB 707 by Senator Myers
SB 632 by Senator Myers	SB 708 by Senator Williams
SB 633 by Senator Myers	SB 734 by Senator Williamson
SB 634 by Senator Myers	SB 733 by Senator Williamson
SB 635 by Senator Myers	HB 396 by Community Affairs
SB 636 by Senator Myers	Committee
SB 637 by Senator Myers	HB 402 by Community Affairs
SB 643 by Senator Myers	Committee
SB 671 by Senator Holloway	SB 798 by Senator MacKay
SB 706 by Senator Myers	

May 21, 1979

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

SB 633 by Senator Myers SB 703 by Senator MacKay

May 23, 1979

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

SB 48 by Senator MacKay	SB 777 by Senator Steinberg
SB 52 by Senator MacKay	SB 780 by Senator Steinberg
SB 89 by Senator Johnston	SB 815 by Senator Scott
SB 160 by Senator Winn	SB 838 by Senator Gordon
SB 242 by Senators Peterson	SB 906 by Senator Grizzle
	and MacKay
SB 306 by Senator Steinberg	SB 917 by Senator Myers
SB 384 by Senator Poole	SB 928 by Senator Winn
SB 396 by Senator Peterson	SB 953 by Senator Winn
SB 469 by Senator Frank	SB 966 by Senator Maxwell
SB 470 by Senator Holloway	SB 988 by Senator
SB 520 by Senator Maxwell	Tobiassen
SB 526 by Senator MacKay	SB 1000 by Senator Poole
SB 564 by Senator Holloway	SB 1055 by Senator Winn
SB 589 by Senator McKnight	SB 1069 by Senator Holloway
SB 591 by Senator Frank	SB 1081 by Senator Maxwell
SB 638 by Senator Myers	SB 1091 by Senator Fechtel
SB 703 by Senator MacKay	SB 1106 by Senator Maxwell
SB 732 by Senator	SB 1114 by Senator Peterson
	Williamson
SB 740 by Senator Frank	SB 1191 by Senator Maxwell
SB 747 by Senator Steinberg	SB 1193 by Senator Peterson
SB 750 by Senator Carlucci	SB 1215 by Senator
	Tobiassen
	SB 1233 by Senator Peterson

May 23, 1979

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

SB 766 by Senator Poole SB 796 by Senator Poole

May 21, 1979

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

SB 1252 by Senator Dunn HB 439 by Agriculture Committee and others
SB 1270 by Senator Neal

May 22, 1979

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

SB 745 by Senator Hill SB 754 by Senator Vogt

May 18, 1979

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

SB 863 by Senator Myers
SB 676 by Senator Vogt
SB 723 by Senator MacKay
CS for SB 593 by Economic, Community and Consumer Affairs Committee and Senator Henderson
SB 907 by Senator Grizzle
SB 911 by Senator Williamson

May 18, 1979

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

SB 261 by Senator Steinberg SB 1064 by Senator Williamson
SB 456 by Senator Dunn SB 1084 by Senator Scott
SB 695 by Senator Hair SB 1085 by Senator Williamson
SJR 714 by Senator Hair SB 1087 by Senator Stuart
SB 763 by Senator Skinner SB 1178 by Senator Skinner
SB 775 by Senator Hair SB 1225 by Senator Hill
SB 795 by Senator Hair SB 1267 by Senator MacKay
SB 1043 by Senator McKnight HB 1504 by Committee on Ethics and Elections
SB 1046 by Senators Thomas and Barron

May 23, 1979

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

SB 22 by Senator Dunn SB 467 by Senator Frank
SB 50 by Senator Steinberg SB 556 by Senator Grizzle
SB 58 by Senator Gordon SB 602 by Senator Myers
SB 72 by Senators Hair and MacKay SB 608 by Senator Myers
CS for SB's 115, 493, 494 by SB 826 by Senator McClain
Judiciary-Criminal SB 831 by Senator Maxwell
Committee SB 848 by Judiciary-Civil Committee
Senators Gorman, SB 857 by Senator Spicola
Carlucci, and SB 878 by Senator Neal
others SB 904 by Senator Williamson
SB 122 by Senator Gordon SB 908 by Senator Grizzle
SB 196 by Senator Maxwell SB 944 by Senator Holloway
SB 260 by Senator Steinberg CS for SB 1070 by Health and Rehabilitative Services Committee and Senator Steinberg
SB 269 by Judiciary-Civil Committee
SJR 287 by Senators Frank and McKnight
SB 292 by Senator Spicola HB 314 by Representative Moffitt and others
SB 359 by Senator Steinberg
SB 411 by Senator Johnston

May 22, 1979

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

HB 108 by Representative Hollingsworth

May 23, 1979

The Committee on Judiciary-Criminal requests an extension of 10 days for consideration of the following:

SB 90 by Senator Johnston SB 1140 by Senator Grizzle
SB 263 by Senator Carlucci SB 1174 by Senator Carlucci
SB 455 by Senator Dunn SB 1192 by Senator Jenne
SB 684 by Senator Myers SB 1206 by Senator Skinner
SB 700 by Senator Hill HB 353 by Representative Martinez
SB 781 by Senator Steinberg SB 618 by Senator Stuart
SB 783 by Senator Skinner SB 794 by Senator Williamson
SB 840 by Senator Hill SB 794 by Senator Williamson
CS for HB 2, 7, 8 by Criminal Justice Committee HB 1524 by Criminal Justice Committee
SB 984 by Senator Dunn SB 957 by Senator McClain
SB 1038 by Senator Tobiassen SB 1104 by Senator Dunn
SB 1051 by Senator McClain

May 22, 1979

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

SB 666 by Senator Henderson SB 1171 by Senator Vogt
SB 802 by Senator Vogt SB 1209 by Senator Poole
SB 989 by Senator Trask SB 1228 by Senator Spicola
SB 1001 by Senator Vogt SB 1240 by Senator McClain
SB 1022 by Senator Vogt SB 1263 by Senator Trask
SB 1128 by Senator Fechtel SB 621 by Senator Scott

May 18, 1979

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

SB 233 by Senator Steinberg SR 1159 by Senator McKnight
SB 538 by Senator McClain SR 1214 by Senator Barron
SB 1018 by Senator Gordon SR 1223 by Senator Barron
SCR 1035 by Senator MacKay SB 1264 by Senator Dunn
SJR 1045 by Senator Maxwell HJR 86 by Representative Hieber
SB 1062 by Senator McKnight HB 880 by Administration Committee and others
SB 1089 by Senator Fechtel
SR 1154 by Senator Holloway

May 21, 1979

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

HB 816 by Representative Kirkwood HB 1154 by Representative Myers and others
HB 945 by Representative Myers HB 1199 by Representative Shackelford
HB 946 by Representative Myers

May 23, 1979

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

SB 366 by Senator Peterson SR 1281 by Senator McKnight
SJR 375 by Senator Henderson SB 1294 by Senator W. D. Childers
SCR 427 by Senator Don Childers HJR 398 by Representative Ewing and others
SJR 720 by Transportation Committee HB 375 by Representative Thompson
SB 786 by Senator Chamberlin HCR 403 by Representative Lewis and others
SCR 1127 by Senator Anderson and others HCR 1559 by Veterans Affairs Committee
SR 1279 by Senator Holloway

May 21, 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 Transportation
SB 850 by Senator Holloway
SB 959 by Senator Holloway HB 1556 by Committee on Veterans Affairs
HB 862 by Representative Barrett

May 16, 1979

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

SB 12 by Senator Dunn

May 22, 1979

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

SB 7 by Senator Holloway	SB 1083 by Senator Chamberlin
SJR 36 by Senator Henderson	
SJR 57 by Senator Henderson	SB 1126 by Senator MacKay
SJR 76 by Senator Ware, et al	SB 1182 by Senator Peterson
	HB 127 by Representative Hieber
SB 126 by Senator Trask	HB 132 by Representative Healey
SB 507 by Senator Carlucci	HB 146 by Representative Hodes
SB 649 by Senator Tobiassen	HB 408 by Representative Burnsed
SB 657 by Senator Stuart	HB 911 by Representative Hagler
SB 834 by Senator MacKay	
SB 898 by Senator Winn	
SB 915 by Senator Thomas	
SB 998 by Senator Dunn	

May 22, 1979

Ways and Means Subcommittee E requests an extension of 10 days for consideration of the following:

SB 10 by Senator Dunn	SB 1200 by Senator Anderson
SB 55 by Senator Maxwell	SB 1211 by Senator Trask
SB 185 by Senator Johnston	SB 1212 by Senator Johnston (by request)
SB 186 by Senator Johnston	SB 1235 by Senator Johnston (by request)
SB 271 by Senator Thomas	SB 1271 by Senator MacKay
SB 402 by Senator MacKay	CS for SB 1282 by Governmental Operations Committee and Senator Johnston
SB 463 by Senator Vogt	CS for HB 60 by Ethics and Elections Committee and Representative Hieber
SB 508 by Senator MacKay	HB 252 by Representative Hawkins
SB 517 by Senator Johnston	HB 279 by Representative Mica
SB 731 by Senator Hill	CS for HB 1569 by Appropriations and Retirement, Personnel & Collective Bargaining Committees
SB 788 by Senator Chamberlin	
SB 790 by Senator Scarborough	
SB 806 by Senator Tobiassen	
CS for SB 812 by Education Committee and Senator Hill	
SB 960 by Senator Johnston	
SB 986 by Senator Scarborough	
SB 996 by Senator Maxwell	
SB 1118 by Senator Scarborough	
SB 1136 by Senator Scarborough	
SB 1151 by Senator Scarborough	

May 18, 1979

The Committee on Ways and Means requests an extension of 15 days for consideration of the following:

SB 23 by Senator Dunn	SB 200 by Senator Skinner
CS for SB 31 by Judiciary-Criminal Committee and Senator Dunn	SB 208 by Senator Henderson
SB 94 by Senator Dunn	SB 211 by Senator Trask
SB 101 by Senator Gordon	SB 228 by Senator MacKay
CS for SB 102 by Education Committee and Senator Gordon	SB 236 by Senator Peterson
CS for SB 113 by Agriculture Committee and Senators Tobiassen and Trask	CS for SB 237 by Education Committee and Senator Maxwell
SB 114 by Senator Gorman	CS for SB 244 by Education Committee and Senator Maxwell
SB 135 by Senator Dunn	SB 249 by Senator Holloway
SB 137 by Senator Dunn	SB 257 by Senator Tobiassen
SB 138 by Senator Dunn	SB 276 by Senator Gordon
SB 143 by Senator Holloway	SB 284 by Governmental Operations Committee and Senator Dunn
CS for SB 149 by Natural Resources and Conservation Committee and Senator Vogt	SJR 300 by Senator Frank
SJR 153 by Senator Hair	SB 303 by Senator Jenne
SB 158 by Senator Dunn	SB 304 by Senator Jenne
SB 161 by Senator Tobiassen	SB 310 by Senator Carlucci
SJR 169 by Senator Neal	CS for SB 325 by Health and Rehabilitative Services Committee and Senator Hill
SB 180 by Senator Peterson	SB 335 by Senator Skinner
SB 195 by Senator Maxwell	SB 339 by Senator Thomas
SB 198 by Senator Maxwell	

SB 340 by Senator Thomas	SB 980 by Senator Anderson
SB 342 by Senator Peterson	SB 990 by Senator Spicola
SJR 350 by Senator Skinner	SB 1008 by Senator Henderson
SB 358 by Senator Henderson	SB 1010 by Senators Vogt and Hill
SB 364 by Senator Hair	SB 1020 by Senator Stuart
SB 368 by Senator Spicola	SB 1025 by Senator Poole
SB 379 by Senator Henderson	CS for SB 1032 by Health and Rehabilitative Services Committee and Senator Grizzle
CS for SB 385 by Governmental Operations Committee and Senator Thomas	SB 1042 by Senator MacKay
SB 397 by Senator Peterson	SB 1063 by Senator McKnight
SB 418 by Senator Tobiassen	SB 1072 by Senator Johnston
CS for SB 425 and 341 by Judiciary-Criminal Committee and Senator Spicola	SB 1075 by Senator Ware
SB 443 by Senator MacKay	SB 1076 by Senator Peterson
CS for SB 464 by Health and Rehabilitative Services Committee and Senator Henderson	SB 1078 by Senators Stuart and Jenne
	SB 1088 by Senator Spicola
	SJR 1096 by Senator Henderson
	SB 1099 by Senator Fechtel
	SB 1103 by Senator Scott
	SB 1105 by Senator Henderson
CS for SB 466 by Health and Rehabilitative Services Committee and Senator Henderson	SB 1107 by Senator Steinberg
SB 505 by Senator Don Childers	SB 1117 by Senator Chamberlin
SB 521 by Senator Dunn	SB 1134 by Senator MacKay
SB 522 by Senator Don Childers	SB 1143 by Senator Holloway
SB 528 by Senator Johnston	SB 1145 by Senator Johnston
SB 533 by Senator Fechtel	SB 1149 by Senator Frank
SB 554 by Senators Hair and McClain	SB 1158 by Senator Chamberlin
SB 555 by Senator Stuart	SB 1162 by Senator Poole
SB 580 by Senator McKnight	SB 1165 by Senator Stuart
SB 595 by Senator Tobiassen	SB 1180 by Senator MacKay
	SB 1187 by Senator Holloway
	SB 1197 by Senator Stuart
	SJR 1220 by Senator Neal
	SB 1226 by Senator MacKay
	SB 1229 by Senator Vogt
	SB 1230 by Senator MacKay
	SB 1254 by Senator Vogt
	SB 1257 by Senator Vogt
	SB 1274 by Senator MacKay
	SB 1276 by Senator Vogt
CS for SB 645 by Governmental Operations Committee and Senator MacKay	HB 302 by Representatives Morgan and Price
SB 681 by Senator Frank	HB 321 by Representative Hattaway
SB 690 by Senator Dunn	HB 441 by House Criminal Justice Committee
SB 691 by Senator Dunn	CS for CS for HB 469 by Appropriations Committee
SB 692 by Senator Frank	HB 527 by Representatives Morgan and Thompson
SB 724 by Senator Maxwell	HB 698 by Retirement, Personnel and Collective Bargaining Committee
SB 730 by Senators Peterson and Trask	CS for HB's 78 & 756 by Committee on Finance and Tax
SB 756 by Senator Trask	HB 992 by Agriculture and General Legislation Committee
SB 789 by Senator Peterson	CS for HB 1104 by Agriculture and General Legislation Committee
SB 792 by Senator Tobiassen	CS for HB 1256 by Insurance Committee
CS for SB 793 by Natural Resources and Conservation Committee and Senator Vogt	HB 1395 by Representative Price
SB 808 by Senator Williamson	HB 1570 by Retirement, Personnel and Collective Bargaining Committee
SB 809 by Senator Williamson	
SB 817 by Senator Holloway	
SB 841 by Senator Frank	
SB 885 by Senator Skinner	
SB 951 by Senator Trask	
CS for SB 952 by Health and Rehabilitative Services Committee and Senator Gordon	

HB 1593 by Agriculture and General Legislation Committee
 HB 1623 by Regulated Industries and Licensing Committee
 HB 1660 by Finance and Tax Committee
 HB 1661 by Finance and Tax Committee
 HB 1663 by Finance and Tax Committee

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.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had transmitted to the office of the Secretary of State CS for SB 40 and SB 148 which he had approved May 16 and Senate Bills 98 and 557 which he had approved May 18.

In pursuance of the requirement of Section 940.01(3), Florida Statutes, the Governor transmitted a report covering every case of fine or forfeiture remitted, reprieve, restoration of civil rights, pardon or commutation granted, stating the name of the convict, and the date of remission, restoration of civil rights, automatic restoration of civil rights, commutation, pardon, or reprieve, since the report to the Legislature April 25, 1978.

The report was filed with the Secretary of the Senate.

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—

CS for SB 419 SB 1026 SB 884
 SB 475 SB 685 SB 753
 CS for SB 367

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 337, SB 716.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 207 SB 49 SB 29
 CS for SB's 68 and 25

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

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

HB 1086 HB 1493

Allen Morris, Clerk

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 1496 HB 308 HB 533
 HB 339

Allen Morris, Clerk

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 to House Amendments to HB 1046 and requests the Senate to recede; and in the event the Senate refuses to recede, requests a Conference Committee.

Allen Morris, Clerk

On motions by Senator Johnston, the Senate refused to recede from Senate amendments to House amendments to HB 1046 and acceded to the request for a conference committee. The President appointed Senators Johnston, Stuart, Frank, Ware and Thomas as conferees. 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 with amendments—

By the Committee on Judiciary-Criminal and Senator Spicola and others—

SB 110—A bill to be entitled An act relating to involuntary hospitalization; amending s. 394.467(1), (5)(b), (6), Florida Statutes, 1978 Supplement; prescribing criteria for the involuntary hospitalization of a person acquitted of criminal charges by reason of insanity; providing for the continued hospitalization of a person so committed upon a showing that the person continues to meet such criteria; authorizing the conditional release of certain involuntarily hospitalized patients; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert:

Section 1. The title of part V of chapter 394, Florida Statutes, is renamed "Criminal Mental Health," section 394.851, Florida Statutes, is renumbered as section 394.905, Florida Statutes, section 394.86, Florida Statutes, (former section 394.4671), is renumbered as section 394.906, Florida Statutes, sections 918-15 and 925.10, Florida Statutes, are renumbered and amended, and sections 394.901 and 394.904, Florida Statutes, are created to read:

394.901 *Involuntary hospitalization of persons adjudicated not guilty by reason of insanity.—*

(1) *CRITERIA.—A person who is acquitted of criminal charges because of a finding of not guilty by reason of insanity may be involuntarily hospitalized pursuant to such finding if he is mentally ill and, because of his mental illness, is manifestly dangerous to himself or others.*

(2) *PROCEDURE FOR ADMISSION.—Any court order directing the hospitalization of a person adjudicated not guilty by reason of insanity shall adequately document the nature and extent of the patient's mental illness. Such documentation shall include a psychiatric evaluation. In addition, other documentation may be provided, to the extent possible, by at least one state employed psychiatrist, psychologist or physician, psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental center psychiatrist, psychologist or physician. Every such person shall be admitted for hospitalization and treatment in accordance with the provisions of this section. The treatment facility may accept and*

retain a patient so admitted for a period not to exceed 6 months whenever the patient is accompanied by a court order and adequate documentation of the patient's mental illness. Such documentation shall include a psychiatric evaluation and any psychological and social work evaluations of the patient and shall document the results of any criminal investigation on the patient. If a patient is considered to be suffering from an emotional illness to the extent that he cannot participate in his own defense, such documentation should include details regarding the evaluation which led to that conclusion. If further hospitalization is necessary at the end of his authorized treatment period, the administrator shall apply to the hearing examiner for an order authorizing continued hospitalization.

(3) PROCEDURE FOR CONTINUED HOSPITALIZATION; HEARING OFFICER.—

(a) If continued hospitalization of a patient admitted pursuant to this section is necessary, the administrator shall, prior to the expiration of the period during which the treatment facility is authorized to retain the patient, request an order authorizing continued hospitalization. This request shall be accompanied by a statement from the patient's physician justifying the request and a brief summary of the patient's treatment during the time he was hospitalized. In addition, the administrator shall submit an individualized plan for the patient for whom continued hospitalization is requested. Notification of this request for retention shall be mailed to the patient and his guardian or representative along with a completed petition, requiring only a signature, for a hearing regarding the continued hospitalization and a waiver of hearing form. The waiver of hearing form shall state that the patient is entitled to a hearing under the law; that he is entitled to be represented by an attorney at the hearing and, if he cannot afford an attorney, that one will be appointed; and that, if it is shown at the hearing that the patient does not meet the criteria for involuntary hospitalization specified in subsection (1), he is entitled to be released. If the patient or his guardian or representative does not sign the petition, or if the patient does not sign a waiver within 15 days, the hearing officer shall notice a hearing with regard to the patient involved in accordance with s. 120.57(1).

(b) Any time continued hospitalization is requested, the hearing officer may, on his own motion, notice a hearing.

(c) Any time continued hospitalization is requested by the administrator, the administrator may request a hearing, and the hearing officer shall hold a hearing within 30 days of such request.

(d) The administrator shall not transfer any patient to voluntary status when he has reasonable cause to believe that the patient is dangerous to himself or others. In any case in which the administrator has reasonable cause to believe that an involuntary patient is dangerous to himself or others, the administrator shall request continued hospitalization. In any case in which a request for continued hospitalization is necessary, but the administrator after reviewing the case believes there is not reasonable cause to believe that the patient meets the criteria for involuntary hospitalization at the time of application for transfer to voluntary status and the patient needs continued hospitalization, the patient shall be transferred to a voluntary status.

(e) If the patient or his guardian or representative returns the signed petition noted in paragraph (a), the hearing officer shall notice a hearing in accordance with s. 120.57(1). The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the hearing is to be held shall act as attorney for the patient. The hearing shall be conducted in accordance with chapter 120.

(f) If the patient waives his hearing or if at a hearing it is shown that the patient continues to meet the criteria for involuntary hospitalization, the hearing officer shall sign the order for continued hospitalization. The treatment facility shall be authorized to retain the patient for a period not to exceed 1 year. The same procedure shall be repeated prior to the expiration of each additional 1-year period the patient is retained.

(g) If continued hospitalization is necessary for an individual admitted while serving a criminal sentence, but whose sentence is about to expire, or for an individual hospitalized while a minor, but who is about to reach the age of 18, the adminis-

trator shall petition the hearing officer for an order authorizing continued hospitalization.

(4) RELEASE OF PATIENTS.—

(a) The committing court shall retain jurisdiction in the case of any patient committed to a mental hospital pursuant to this section.

(b) The administrator shall not release any such patient without first notifying the state attorney from the committing county at least 30 days in advance of the anticipated date of release. The state attorney may request a hearing before a hearing officer to be held within 15 days. A continuance not to exceed 5 days may be granted at the discretion of the hearing officer. The state attorney from the committing county shall represent the interest of the state at such hearing. The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the patient is being held or a court-appointed attorney shall act as attorney for the patient. If, at a hearing, it is shown that the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1), the hearing officer shall sign the order for continued hospitalization pursuant to paragraph (3)(f). If, at a hearing, it is shown that the patient does not continue to meet such criteria for involuntary hospitalization, the hearing officer shall sign an order allowing the release of the patient. However, no patient who has been committed in a criminal case shall be released from a mental hospital except by order of the committing court.

(c) In all proceedings under this subsection, both the patient and the state attorney shall have the right to a hearing before the committing court. In these proceedings, evidence may be presented by the hospital administrator, the state attorney, and the patient. The patient shall have the right to counsel. In the event a patient cannot afford counsel, the public defender of the county in which the proceedings arise or court-appointed counsel shall act as attorney for the patient. After hearing all the evidence, the judge shall deliberate and render a decision based exclusively on whether the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1). If the patient does not meet the criteria, the judge shall find that the patient should be released. The hearing provided for herein shall be held within 60 days from the date of the request for such hearing; otherwise the patient shall be released in accordance with the order of the hearing officer.

(5) RELEASE OF CRIMINALLY CHARGED OR CONVICTED PATIENTS.—In the case of any patient who has been committed according to the provisions of s. 394.903 or s. 945.12, the committing court may order a conditional release based on an appropriate system of community follow-up, and such release shall specify responsibility for the receipt of follow-up treatment and reports to the court for failure to comply with the order of the court. In such case the court shall order the patient to appear periodically in a community clinic to insure the patient is following a prescribed treatment regimen.

394.902 ~~018-15~~ Mental competence to stand trial.—

(1) A person accused of a crime who is incompetent to stand trial shall not be proceeded against while he is incompetent. A person is incompetent to stand trial within the meaning of this act if he does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding or if he has not rational, as well as factual, understanding of the proceedings against him.

(2) If, before or during trial, the court, of its own motion or upon motion of counsel for the defendant or for the state, has reasonable ground to believe that the defendant is not mentally competent to stand trial, the court shall immediately initiate proceedings pursuant to s. 394.903 ~~025-10~~.

(3) If a motion under subsection [(2)] is filed or made, the court may order the defendant taken into custody, if he is not already in custody, until the determination of his competency can be made. If the defendant has been released from custody on bail or other pretrial release provision, and the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

~~394.903 925-10~~ Procedure when defendant is incompetent to stand trial.—If the court has reasonable ground to believe the defendant is incompetent to stand trial, pursuant to the provisions of s. ~~394.902 918-15~~, the court shall proceed as follows:

(1)(a) The court shall issue an order for the defendant to be examined by ~~at least three expert witnesses a local mental health receiving facility or a local retardation diagnosis and evaluation team~~ to determine whether the defendant does or does not meet the criteria for involuntary hospitalization pursuant to s. 394.467(1) or the criteria for involuntary retardation residential services pursuant to s. 393.11. *To the extent possible, at least one of the appointed experts shall be either a state-employed psychiatrist, psychologist or physician, if in the local vicinity, a psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental health center psychiatrist, psychologist or physician. The examination shall be conducted prior to the transmittal of the defendant to a forensic unit of a state treatment facility. If the defendant requires security which the receiving facility or diagnostic and evaluation team cannot provide, the panel of experts the receiving facility or diagnostic and evaluation team may evaluate the defendant in jail or in another appropriate secure local facility. The receiving facility or diagnostic and evaluation team shall complete its court-ordered evaluation of the defendant within 5 days of receipt of the order.*

(b)(a) The court shall conduct a hearing to determine whether the defendant meets the criteria for involuntary hospitalization or residential services.

1. If the court finds the defendant meets the criteria for involuntary hospitalization or residential services, the court shall order the defendant committed to a Department of Health and Rehabilitative Services intake facility. The defendant shall be diagnosed and examined within 30 days of his admission to such facility to evaluate his competency to participate in his own defense. Appropriate treatment shall be provided to the defendant. Within the 30-day period, a hearing shall be held by the court of criminal jurisdiction to determine if the defendant is competent to participate in his own defense. The staff of the treatment facility ~~may~~ shall present testimony at the hearing on the defendant's competency to participate in his own defense. Other evidence concerning the defendant's mental condition for participating in his own defense may be introduced at the hearing by either party; *provided that if the court orders an additional examination of the defendant prior to the hearing, it shall appoint at least three expert witnesses to evaluate and diagnose the competence of the defendant and, to the extent possible, at least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).*

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant shall be returned to the treatment facility for an additional stay not to exceed 60 days. Within the 60-day stay, another competency hearing shall be held. If, after three consecutive 60-day treatment periods, the defendant remains incompetent, the court may dismiss all charges and order an involuntary admission hearing as provided in s. 393.11 or s. 394.467. If the defendant is involuntarily admitted, prior to releasing the defendant, the administrator of the facility shall notify the State Attorney's office which was involved in the adjudication of the original criminal case.

2. If the court finds the defendant does not meet the criteria for hospitalization, the court shall, ~~according to the provisions of s. 918-11~~, appoint at least three expert witnesses for the purpose of evaluating and diagnosing the competence of the defendant. *At least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).* The court may utilize the experts who examined the defendant pursuant to paragraph (a) or the staff of the local mental health receiving facility as expert witnesses whenever possible. The clerk shall notify the prosecuting attorney and counsel for the defendant of such appointments and shall give the names and addresses of experts so appointed. Other evidence concerning the defendant's competence may be introduced at the hearing by either party. The hearing shall be held within 5 days of the appointment of the experts. If the defendant is not in custody, the court may order that he be taken into custody until a determination

of his competency can be made. If the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant may be released on reasonable bail or on other appropriate release conditions for a period not to exceed 6 months. The court may order that the defendant receive outpatient treatment at an appropriate local facility to restore the defendant's competency. The court shall conduct a hearing to determine whether the defendant has regained his competency within 30 days of the initial commitment and every 60 days thereafter until the defendant either regains his competency to proceed with trial or until the defendant has received outpatient services for 6 months. If at the end of the 6-month period the defendant remains incompetent, the court may dismiss all charges against the defendant.

(c)(b) If the defendant is declared incompetent to stand trial and the criminal charges are dismissed, and [he is] later declared competent to stand trial, his other incompleted trial shall not constitute former jeopardy. *The statute of limitations applicable to the criminal charges which are dismissed shall be tolled during the period the person is declared incompetent to stand trial.*

(2) *An adjudication of incompetency to stand trial shall not operate as an adjudication of incompetency for other purposes, unless such adjudication is specifically set forth in the order, in which case a guardian of the person shall be appointed.*

(3) *Expert witnesses appointed by the court pursuant to this section to determine the mental condition of a defendant in a criminal case shall be allowed reasonable fees for services rendered as witnesses, which shall be paid by the county where the indictment was found or the information or affidavit was filed. State employees shall be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.*

~~394.904~~ Competence to stand trial; psychotropic medication.—

(1) *As used in this section, the term "psychotropic medication" means any drug or compound affecting the mind, behavior, intellectual functions, perception, moods, and emotion and includes antipsychotic, antidepressant, antimanic, and anti-anxiety drugs.*

(2) *A defendant who, because of psychotropic medication, is able to understand the nature of the proceedings and to assist in his defense, shall not automatically be deemed incompetent to stand trial simply because his satisfactory mental functioning is dependent upon the medication.*

Section 2. Paragraph (b) of subsection (3) of section 394.467, Florida Statutes, as amended by chapters 77-147, 77-312 and 78-197, Laws of Florida, subsection (5) of said section, as amended by chapters 77-312, 78-95 and 78-197, Laws of Florida, and subsection (6) of said section, as created by chapter 77-312, Laws of Florida, are hereby repealed, and a new subsection (5) is added to said section to read:

394.467 Involuntary hospitalization.—

(5) *This section shall not apply to persons involuntarily hospitalized pursuant to the provisions of s. 394.901.*

Section 3. Section 918.11, Florida Statutes, as amended by chapter 77-312, Laws of Florida, is hereby repealed.

Section 4. If this act is passed by a two-thirds vote of the membership of each House of the Legislature, Rule 3.210, Florida Rules of Criminal Procedure, as amended, is repealed.

Section 5. This act shall take effect October 1, 1979.

Amendment 2—On page 1, lines 2 through 12, strike the Title and insert:

An act relating to mental health; redesignating part V of chapter 394, Florida Statutes, and transferring thereto provisions of law relating to persons found not guilty by reason of

insanity and persons incompetent to stand trial; creating s. 394.901, Florida Statutes, changing the criteria for involuntary admission of persons adjudicated not guilty by reason of insanity; transferring existing provisions relating to procedures for continued hospitalization and release of such persons from part I of chapter 394, Florida Statutes; renumbering and amending s. 918.15, Florida Statutes, transferring to part V of chapter 394 provisions relating to mental incompetence to stand trial; renumbering and amending s. 925.10, Florida Statutes, specifying the experts to evaluate a defendant whom the court has reasonable grounds to believe to be incompetent to stand trial for the purpose of making certain determinations; providing that the applicable statute of limitations shall toll during the period of incompetency; transferring from s. 918.11, Florida Statutes, provisions relating to fees for expert witnesses appointed to evaluate the defendant; creating s. 394.904, Florida Statutes, providing that defendants made competent by psychotropic medication shall not automatically be prohibited from standing trial; adding a new subsection to s. 394.467, Florida Statutes, 1978 Supplement, and repealing subsections (3) (b), (5) and (6) of said section, to conform to the act; repealing s. 918.11, Florida Statutes, to conform to the act; repealing a conflicting rule of criminal procedure; providing an effective date.

On motions by Senator Spicola, the Senate refused to concur in the House amendments and the House was requested to recede. 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 with amendments—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 14, after “local act.” insert: If, on December 1, 1978, bonds had been issued to finance a Resource Recovery or Management Program in reliance on state law granting to said county the responsibility for the Resource Recovery or Management program, nothing herein shall permit any governmental agency to withdraw from said program if said agency’s participation is necessary for the financial feasibility of the project, so long as said bonds are outstanding.

Amendment 2—On page 1, line 11 in title, after “local act;” insert: providing that when bonds have been issued to finance a resource recovery or management program based upon state requirements then no governmental agency shall withdraw from the program if the agency’s participation is financially necessary;

Amendment 3—On page 1, line 31, after the word “program” insert: , *except sludge from a waste treatment plant or pollution control facility,*

On motions by Senator Carlucci, the Senate concurred in the House amendments.

CS for SB 820 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senators MacKay and W. D. Childers—

SB 1052—A bill to be entitled An act relating to local government; amending ss. 125.31(1), 166.261(1), 218.345(1), Florida Statutes; authorizing counties, municipalities, and special districts to invest surplus funds in certain obligations; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 23, and on page 2, lines 9 and 25, after the comma “,” insert: *or in interest-bearing time deposits or savings deposits in banks incorporated under the laws of this state or in national banks organized under the laws of the United States doing business and situated in this state or in savings and loan associations which are under state supervision or in federal savings and loan associations organized and located in this state under federal law and federal supervision, provided that any such deposits are secured by collateral as may be provided from time to time by law,*

Amendment 2—On page 2, line 30, after the period “.” insert: Section 4. Subsection (5) of section 218.26, Florida Statutes, is created to read:

218.26 Administration; distribution schedule; powers and duties.—

(5) *No public funds shall be used by a unit of local government for the purpose of promulgating contract or bid specifications which would preclude a corporation authorized to do business in Florida from submitting bids or entering into such contracts with such unit of local government.*

(and renumber subsequent sections)

Amendment 3—On page 1, line 6 in the title, after the semicolon “;” insert: amending ss. 125.31(1), 166.261(1), and 218.345(1), Florida Statutes, authorizing boards of county commissioners, governing bodies of municipalities, and special districts, and tax collectors or other county officers to invest surplus public funds in certain interest-bearing time deposits or savings deposits; amending s. 218.26, Florida Statutes, prohibiting the use of public funds by units of local government for certain discriminatory practices;

On motions by Senator Stuart, the Senate concurred in House Amendment 1, refused to concur in House Amendments 2 and 3, and the House was requested to recede. 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 with amendments—

By Senator Poole—

SB 446—A bill to be entitled An act relating to the practice of physical therapy; amending s. 486.021(2), Florida Statutes,

1978 Supplement; redefining "physical therapist"; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, insert after "upon the": oral or written

Amendment 2—On page 1, line 16, strike , or upon the referral of, and in consultation with, any such person

Amendment 3—On page 1, line 19, insert: and renumber following section:

Section 2. Chapter 486, Florida Statutes, shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Amendment 4—On page 1 in title, line 5, insert after the semi-colon:

repealing chapter 486, Florida Statutes;

On motions by Senator Poole, the Senate concurred in the House amendments.

SB 446 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Scott

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives refused to recede from House Amendments 1 and 2 to SB 1297 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Morgan, Bell, Robinson, Mann, Hodes, C. F. Jones, Easley and T. F. Lewis as the Conferees on the part of the House, and Representatives Sadowski, Pajcic and Batchelor as alternates.

Allen Morris, Clerk

The President appointed Senator Gordon, chairman; Senators W. D. Childers, Peterson, Vogt, Myers, Scott, McClain and Hair; and Senators Maxwell, Skinner and Johnston as alternates.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Martin, Hazouri, Kutun, Watt and Gustafson as conferees on the part of the House on HB 1046.

Allen Morris, Clerk

SPECIAL ORDER

HB 1531—A bill to be entitled An act relating to public records; adding s. 119.011(3)-(6), Florida Statutes; amending s. 119.07, Florida Statutes, 1978 Supplement, and adding sub-

sections (3) and (4) to said section; defining certain words and phrases; providing that certain criminal intelligence and investigative information are exempt from disclosure provisions of the public record law; providing for deletion of confidential information from public records produced for inspection; providing for judicial inspection and determination; exempting confidential records received from non-Florida criminal justice agencies; providing authority to charge for costs; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Spicola:

Amendment 1—On pages 1-5, beginning on line 20, page 1, strike everything after the enacting clause and insert: Section 1. Subsections (3), (4), (5), and (6) are added to section 119.011, Florida Statutes, to read:

119.011 Definitions.—For the purpose of this chapter:

(3) "Criminal intelligence information" means information collected by a criminal justice agency with respect to an identifiable person or groups of persons in an effort to anticipate, prevent, or monitor possible criminal activity.

(4) "Criminal investigative information" means information with respect to an identifiable person or group of persons, compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to information derived from laboratory tests, reports of investigators or informants, or from any type of surveillance.

(5) The word "active" shall have the following meaning: criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. Criminal intelligence information shall be considered active as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities. In addition, criminal intelligence and criminal investigative information shall be considered active while they are directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under provisions of s. 775.15 or other statutes of limitation.

(6) "Criminal justice agency" means any law enforcement agency, court, or prosecutor. The term also includes any other agency charged by law with criminal law enforcement duties, or any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution, or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties.

Section 2. Subsection (2) of section 119.07, Florida Statutes, 1978 Supplement, is amended and subsections (3) and (4) are added to said section to read:

119.07 Inspection and examination of records; exemptions.—

(2)(a) All public records which are presently provided by law to be confidential or which are prohibited from being inspected by the public, whether by general of special law, shall be exempt from the provisions of subsection (1).

(b) All public records referred to in ss. 198.09, 199.222, 228.093, 257.261, 288.075, 624.311(2), and 624.319(3) and (4), 657.061(3), 658.10(3), and 794.03 are exempt from the provisions of subsection (1).

(c) Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1).

(d) Any information revealing the identity of confidential informants or sources is exempt from the provisions of subsection (1).

(e) Any information revealing surveillance techniques or procedures or personnel is exempt from the provisions of subsection (1).

(f) Any information revealing undercover personnel of any criminal justice agency is exempt from the provisions of subsection (1).

(g) Any criminal intelligence information or criminal investigative information including the photograph, name, address or other fact or information which reveals the identity of the victim of any sexual battery as defined by Chapter 794 or child abuse as defined by Chapter 827 is exempt from the provisions of subsection (1).

(h) Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from the provisions of subsection (1).

(i) All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979 is exempt from the provisions of subsection (1); provided, however, after December 31, 1980, all written criminal intelligence or criminal investigative information which is not active shall be open to the person to whom the record pertains unless the information is exempted by paragraphs (d), (e), or (f) of this subsection or relates to any other person.

(j) Nothing herein shall be construed to exempt from subsection (1) records made part of a court file and not specifically closed by order of court except as provided in paragraphs (d), (e), and (f) of subsection (2).

(k) The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state and a defendant in a criminal prosecution.

(l)(e) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment shall be exempt from the provisions of subsection (1). However, an examinee shall have the right to review his own completed examination.

(m) The home address, telephone number and photograph of law enforcement personnel, the home address, telephone number, photograph and place of employment of the spouse and children of law enforcement personnel, and the names and locations of schools attended by the children of law enforcement personnel are exempt from the provisions of subsection (1).

(s) "Criminal intelligence information" and "criminal investigative information" shall not include the time, date, location, and nature of a reported crime, the name, sex, age, and address of a person arrested or the victim of a crime except as provided in subsection (2)(g), the time, date, and location of the incident and the arrest, the crime charged, all documents given or required by law or agency rule to be given to the person arrested, and information and indictments except as provided in s. 905.26.

(4) Any person who has custody of public records and who asserts that an exemption provided in subsection (2) or in general or special law applies to a particular record shall delete or excise from the record only that portion of the record for which an exemption is asserted and shall produce for inspection and examination the remainder of such record. In any action in which an exemption is asserted pursuant to paragraphs (d), (e), and (f) of subsection (2), the record or records shall be submitted in camera to the court for a de novo inspection. In the case of an exemption asserted pursuant to paragraph (c) of subsection (2) an in camera inspection shall be discretionary with the court. If the court finds no basis for the assertion of the exemption it shall order the records to be disclosed.

Section 3. Whenever criminal intelligence information or criminal investigative information held by a non-Florida criminal justice agency is available to a Florida criminal justice agency only on a confidential or similarly restricted basis, the Florida criminal justice agency may obtain and use such information in accordance with the conditions imposed by the providing agency.

Section 4. In the case of records produced under this act, when the nature or volume of records is such as to require extensive clerical or supervisory assistance by personnel of the agency involved, the agency may charge, in addition to the

actual cost of duplication, a reasonable charge, approved by the Department of Administration, for the provision of such clerical or supervisory personnel.

Section 5. This act shall take effect upon becoming a law.

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

Amendment 1A—On page 3, line 32, strike everything after "subsection (1)" and strike line 33 on page 3; and lines 1-4 on page 4 and insert: .

Senator Gordon moved the following amendments to Amendment 1 which failed:

Amendment 1B—On page 1, line 7, strike "anticipate,"

Amendment 1C—On page 1, line 8, strike entire line and insert: activity, as based upon confirmed reports by that agency that such criminal activity is in fact taking place but for which no substantial evidence leading to possible prosecution has been obtained.

Amendment 1D—On page 2, line 7, strike "or reasonably anticipated"

Amendment 1E—On page 3, line 11, strike entire line and insert: Provisions of subsection (1); provided however that there was an agency promise or implicit agreement to hold the matter in confidence; and provided that the terms "informant" or "source" do not include another federal, state or local agency.

Amendment 1F—On page 5, lines 17 through 23 inclusive, strike entire seven lines (Section 3.)

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

Amendment 1G—On page 5, line 24, insert: Section 4. In accordance with this act only public records information may be sent in response to requests made by the private international criminal police organization known as INTERPOL.

and renumber subsequent sections

Amendment 1 was adopted.

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

Amendment 2—On page 1 in title, line 8, after "information" insert: and certain information relating to law enforcement personnel and their families

On motion by Senator Spicola, by two-thirds vote HB 1531 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Gordon

CONSENT CALENDAR

By the Committee on Judiciary-Criminal and Senators Scott, Poole, Williamson and Fechtel, CS for SB 566 was read the first time by title and SB 566 was laid on the table.

CS for SB 566 was taken up and on motion by Senator Scott, the rules were waived and by two-thirds vote HB 252 was withdrawn from the Committee on Ways and Means. On motion by Senator Scott—

HB 252—A bill to be entitled An act relating to correctional officers; amending s. 843.01, Florida Statutes, 1978 Supplement, including county and municipal correctional officers within the list of officers whom it is a felony to resist with violence; amending s. 944.58(1), Florida Statutes, clarifying the definition of "correctional officer"; providing an effective date.

—a companion measure, was substituted for CS for SB 566 and read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1—On page 1, line 7-9, strike "amending s. 944.58(1), Florida Statutes, clarifying the definition of "correctional officer";"

On motion by Senator Scott, by two-thirds vote HB 252 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

CS for SB 566 was laid on the table.

SB 916—A bill to be entitled An act relating to agriculture and plant industry; amending s. 581.011, Florida Statutes; providing definitions; amending ss. 581.031(1), (3)-(10), (14)-(20), and (24), 581.111, and 581.211, Florida Statutes, 1978 Supplement, and ss. 581.083, 581.091, 581.101(1), 581.131, 581.161, and 581.181, Florida Statutes; including noxious weeds under the control and rulemaking power of the Department of Agriculture and Consumer Services; including noxious weeds under the quarantine and emergency powers of the department; providing for propagation of disease free nursery stock with permission of owner; requiring the department to maintain a list of all certified nurseries, including specific information; prohibiting the introduction of noxious weeds except under special permit by the Division of Plant Industry; providing for notice to the division director or to any authorized representative as to noncompliance with the chapter; requiring dealers and agents to pay certificate fees; providing for fumigation of plants and plant products; authorizing the destruction of plants or plant products infested with noxious weeds; requiring notice to the owner of such plants or plant products to be in writing; providing a penalty for interfering with the director or authorized representative of the department in the performance of his duties; repealing ss. 581.142(4), (5), and (6), and 581.152, Florida Statutes, 1978 Supplement, respectively, relating to enforcement and rulemaking authority and penalties, and to eradication of burrowing nematode in commercial groves; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Peterson and failed:

Amendment 1—On page 4, between lines 18 and 19, insert: (20) "Certificate of inspection" means an official document stipulating compliance with the requirements of this chapter. The term certificate includes label, rubber stamp imprint, tag,

permit or any other form of inspection and certification document which accompanies the movement of inspected and certified plant material and plant products.

Amendment 2—On page 5, line 30, strike the period (.) and insert: and registration.

Amendment 3—On pages 10 and 11, lines 18-31 & 1-13, strike all of lines 18 through and including line 31 on page 10 and all of lines 1 through and including line 13 on page 11 and insert: 581.131 Certificate of inspection registration.—Before any nurseryman, dealer, or agent shall sell or distribute, or offer for sale or distribution, any nursery stock in this state, he shall apply to the director of the division of Plant Industry and obtain a certificate of inspection registration indicating that he has complied with the provisions of this chapter and the lawful rules and regulations made and promulgated by the department. Each application for a certificate of inspection registration shall be accompanied by a certificate fee in such amount as shall be determined by the department; and upon the issuance of such certificate, it shall be renewed annually thereafter on its anniversary date upon satisfactory showing to the director of the division of Plant Industry that the provisions of this law and the rules regulations of the department have been complied with and upon the payment of an annual renewal fee in such amount as shall be determined by the department; provided, however, that neither such certificate of inspection registration nor annual renewal fee shall exceed \$200; provided further, that the department may exempt from the payment of a certificate fee all dealers and agents, and those nurserymen whose nursery stock is used exclusively for planting on their own property; provided further, that all applications for annual renewal of certificates of inspection registration required by this section shall be made not later than the anniversary date of the certificate being renewed, and any such application received after such date shall be accompanied by a penalty or late filing fee not to exceed \$5.

Pending further consideration of SB 916, on motion by Senator Peterson, the rules were waived and by two-thirds vote HB 1593 was withdrawn from the Committee on Ways and Means and placed on the calendar. On motion by Senator Peterson—

HB 1593—A bill to be entitled An act relating to agriculture and plant industry; amending s. 581.011, Florida Statutes, providing definitions; amending ss. 581.031(1), (3)-(10), (14)-(20), and (24), 581.111, and 581.211, Florida Statutes, 1978 Supplement, and ss. 581.083, 581.091, 581.101(1), 581.131, 581.161, and 581.181, Florida Statutes, including noxious weeds under the control and rulemaking power of the Department of Agriculture and Consumer Services; including noxious weeds under the quarantine and emergency powers of the department; providing for propagation of disease free nursery stock with permission of owner; requiring the department to maintain a list of all certified nurseries, including specific information; prohibiting the introduction of noxious weeds except under special permit by the Division of Plant Industry; providing for notice to the division director or to any authorized representative as to noncompliance with the chapter; requiring dealers and agents to pay certificate fees; providing for fumigation of plants and plant products; authorizing the destruction of plants or plant products infested with noxious weeds; requiring notice to the owner of such plants or plant products to be in writing; providing a penalty for interfering with the director or authorized representative of the department in the performance of his duties; repealing ss. 581.142(4), (5), and (6), and 581.152, Florida Statutes, 1978 Supplement, respectively, relating to enforcement and rulemaking authority and penalties, and to eradication of burrowing nematode in commercial groves; providing an effective date.

—a companion measure, was substituted for SB 916 and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1593 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Johnston	Myers	Skinner	Vogt
MacKay	Neal	Spicola	Ware
Maxwell	Peterson	Steinberg	Williamson
McClain	Scarborough	Stuart	Winn
McKnight	Scott	Trask	

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 916 was laid on the table.

SB 947 was taken up and on motion by Senator Stuart, the rules were waived and by two-thirds vote HB 1508 was withdrawn from the Committee on Commerce. On motion by Senator Stuart—

HB 1508—A bill to be entitled An act relating to group life insurance; amending s. 627.573, Florida Statutes, to provide that upon replacement or termination of a group life insurance policy the prior insurer remains liable to the extent of its accrued liabilities and extensions of benefits; creating s. 627.574, Florida Statutes, setting forth the liability of the succeeding insurer upon replacement; creating s. 627.575, Florida Statutes, requiring extension of benefits and providing provisions therefor; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for SB 947 and read the second time by title.

Senator Stuart offered the following amendment which was adopted:

Amendment 1—On page 3, lines 7-9, strike all of said lines and insert: provision for extension of benefits for those individuals who become totally disabled while insured under the policy on or after the date this act becomes applicable to such policy and who continue to be totally disabled at the date of discontinuance of the policy, as required by subsection (2).

On motion by Senator Stuart, by two-thirds vote HB 1508 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	McClain	Stuart
Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Myers	Trask
Carlucci	Henderson	Neal	Vogt
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scarborough	Winn
Fechtel	Johnston	Skinner	
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

SB 947 was laid on the table.

SB 1116 was taken up and on motion by Senator McKnight—

HB 725—A bill to be entitled An act relating to private school corporations; amending s. 623.12, Florida Statutes, relating to boards of directors of such corporations; providing for number of members, election, and terms thereof; providing for separate offices of secretary and treasurer and for other officers as specified by the bylaws or the board; ratifying actions of certain boards; providing for construction; providing an effective date.

—a companion measure, was substituted for SB 1116, and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 725 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Chamberlin	Fechtel	Grizzle
Barron	Childers, D.	Frank	Hair
Carlucci	Childers, W. D.	Gorman	Henderson

Hill	McClain	Scott	Vogt
Holloway	McKnight	Skinner	Ware
Jenne	Myers	Spicola	Williamson
Johnston	Neal	Steinberg	
MacKay	Peterson	Tobiassen	
Maxwell	Poole	Trask	

Nays—None

Vote after roll call:

Yea—Winn

SB 1116 was laid on the table.

SB 886—A bill to be entitled An act relating to the Uniform Commercial Code; adding s. 672.316(3)(d), Florida Statutes; providing that no implied warranty of freedom from sickness or disease shall attach to the sale of cattle or hogs; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 1, line 17, after the period (.) insert: *Provided however that no exemption shall apply in cases where the seller knowingly sells cattle or hogs that are diseased.*

Amendment 2—On page 1, line 6, after the semicolon insert: excluding certain sellers of cattle and hogs;

On motion by Senator Trask, by two-thirds vote SB 886 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	Grizzle	McClain	Steinberg
Carlucci	Hair	McKnight	Stuart
Childers, D.	Henderson	Myers	Tobiassen
Childers, W. D.	Hill	Neal	Trask
Dunn	Holloway	Peterson	Vogt
Fechtel	Jenne	Scarborough	Williamson
Frank	Johnston	Scott	Winn
Gordon	MacKay	Skinner	
Gorman	Maxwell	Spicola	

Nays—None

SB 879—A bill to be entitled An act relating to housing; amending s. 420.20, Florida Statutes, renaming the Florida Rural Housing Land Acquisition and Site Development Assistance Act of 1974; amending s. 420.202(2) and (4), Florida Statutes, redefining the terms "eligible borrower" and "fund" for the purposes of the act; amending s. 420.203, Florida Statutes, providing for the Revolving Land Acquisition and Site Development Trust Fund; providing for the reversion of funds; amending s. 420.205(1)(c) and (2), Florida Statutes, providing that a pledge of unencumbered revenues of an eligible borrower shall not be reasonable security under the act; eliminating the value of the property as improved with the loan as a factor in computing loan limitations under the act; revising loan limitations; including described sources from which excess amounts of funds may be recovered; amending s. 420.211, Florida Statutes, extending the life of the act; repealing s. 420.201(4), Florida Statutes, relating to legislative intent; repealing s. 420.202(6), Florida Statutes, eliminating the definition of the term "rural areas" from the act; repealing s. 420.207(2), Florida Statutes, relating to loans defaulted upon by local governments; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community, and Consumer Affairs offered the following amendment which was moved by Senator Neal and adopted:

Amendment 1—On page 4, line 1, after "development" insert: and acquisition

Senator Neal moved the following amendments which were adopted:

Amendment 2—On page 2, line 6, insert: a new section 2 and renumber subsequent sections

Section 2. Subsection (5) of section 420.201, Florida Statutes, is amended to read:

420.201 Finding and declaration of necessity.—It is hereby declared that:

(5) To the extent that the lack of suitable, affordable, improved building sites for ~~rural~~ housing continues to exist, the problem of delivery or ~~rural~~ housing in the state is further compounded.

Amendment 3—On page 3, line 11, insert: a new section 4 and renumber subsequent sections

Section 4. Subsection (1) of s. 420.204, Florida Statutes, is amended to read:

420.204 Loans authorized; purposes.—

(1) The secretary is authorized to make loans to eligible borrowers for the acquisition and development of suitable sites for housing for persons of low or moderate income in ~~rural~~ areas of the state when he determines that:

(a) A need for such housing exists as demonstrated by approved feasibility letter from the appropriate agency.

(b) Federal, state, or local assistance funds are available or are likely to be available to aid in the construction, maintenance, or support of low or moderate income housing on such sites if developed.

(c) Funding for land acquisition and site development is not readily available in the area from private sources.

Amendment 4—On page 4, lines 23-25, strike all of said lines and insert: Section 6. Subsection (2) of section 420.207, Florida Statutes, is hereby repealed.

Section 7. Subsection (6) of section 420.202, Florida Statutes, is hereby repealed.

[Renumber subsequent section.]

Pending further consideration of SB 879 as amended, on motion by Senator Neal, the rules were waived and by two-thirds vote HB 1104 was withdrawn from the Committee on Ways and Means and placed on the calendar. On motion by Senator Neal—

CS for HB 1104—A bill to be entitled An act relating to housing; amending s. 420.201(5), Florida Statutes, deleting reference to the term "rural"; amending s. 420.20, Florida Statutes, renaming the Florida Rural Housing Land Acquisition and Site Development Assistance Act of 1974; amending s. 420.202(2) and (4), Florida Statutes, redefining the terms "eligible borrower" and "fund" for the purposes of the act; amending s. 420.203, Florida Statutes, providing for the Revolving Land Acquisition and Site Development Trust Fund; providing for the reversion of funds; amending s. 420.204(1), Florida Statutes, deleting reference to the term "rural"; amending s. 420.205(1) (c) and (2), Florida Statutes, providing that a pledge of unencumbered revenues of an eligible borrower shall not be reasonable security under the act; eliminating the value of the property as improved with the loan as a factor in computing loan limitations under the act; revising loan limitations; including described sources from which excess amounts of funds may be recovered; amending s. 420.211, Florida Statutes, extending the life of the act; repealing s. 420.207(2), Florida Statutes, relating to loans defaulted upon by local governments; repealing s. 420.202(6), Florida Statutes, relating to the definition of the term "rural areas"; providing an effective date.

—a companion measure, was substituted for SB 879 and read the second time by title. On motion by Senator Neal, by two-thirds vote CS for HB 1104 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 879 was laid on the table.

SB 523—A bill to be entitled An act relating to capital punishment; amending s. 921.141(1), (2), (3), (5), Florida Statutes; providing that evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the character of the defendant at sentencing proceedings on the issue of the penalty for a defendant convicted or adjudicated guilty of a capital felony; specifying grounds upon which the jury renders an advisory sentence to the court; specifying findings upon which the court imposes the sentence of death; providing an additional circumstance which the court or the jury must consider as an aggravating circumstance; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 523 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Gordon

SB 927 was taken up and on motion by Senator Frank, the rules were waived and by two-thirds vote HB 302 was withdrawn from the Committee on Ways and Means.

On motion by Senator Frank—

HB 302—A bill to be entitled An act relating to district school systems; amending s. 230.23(5)(h), Florida Statutes, 1978 Supplement, increasing the maximum limits of certain awards which may be made to personnel of the district school systems; adding s. 230.754(2)(k), Florida Statutes; permitting the board of trustees of a community college to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to implement a program of awards to employees who propose procedures which are adopted and which result in reduced expenditures or improved operations; adding s. 240.042(2)(r), Florida Statutes; authorizing the Board of Regents to provide for recognition of employees who have contributed outstanding service in their fields, to adopt and implement a program to provide awards to employees who propose procedures which are adopted which eliminate or reduce expenditures or improve operations, and to expend funds for such awards; limiting the amount of any such award; providing an effective date.

—a companion measure, was substituted for SB 927 and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 302 was read the third time by title.

Further consideration of HB 302 was deferred.

Senator Scarborough presiding

SB 892—A bill to be entitled An act relating to the Department of Insurance; amending s. 20.13(2), Florida Statutes,

1978 Supplement, to create the Division of Liquefied Petroleum Gas; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote SB 892 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of CS for HB 189 was deferred.

SB 774—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02(6)(g), Florida Statutes, 1978 Supplement; providing that, for purposes of such tax, the terms "lease," "let," or "rental" do not include certain charges subject to the jurisdiction of the United States Interstate Commerce Commission; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 774 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

By the Committee on Economic, Community and Consumer Affairs and Senator Tobiassen—

CS for SB 162—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.08(1), Florida Statutes; authorizing local government units to purchase group insurance for dependents of officers and employees of the unit; setting standards for such coverage; providing an effective date.

—was read the first time by title and SB 162 was laid on the table.

On motion by Senator Tobiassen, by two-thirds vote CS for SB 162 was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 112.08, Florida Statutes, is amended, subsections (2) through (4) are renumbered as subsections (3) through (5), respectively, and a new subsection (2) is added to said section to read:

112.08 Group insurance for public officers and employees; certain volunteers.—

(1) Every local government unit is hereby authorized to provide and pay out of its available funds for all or part of the premium for life, health, accident, hospitalization, or annuity insurance, or all [or] any kinds of such insurance, for the officers and employees of the unit and for health, accident, and hospitalization insurance for their dependents, upon a

group insurance plan and, to that end, to enter into contracts with insurance companies or professional administrators to provide such insurance. Before entering any contract for insurance, the governmental unit shall advertise for competitive bids, and such contracts shall be let upon the basis of such bids. However, the governmental unit may undertake simultaneous negotiations with those companies [which] have submitted reasonable and timely bids and which are found by the governmental unit to be fully qualified and capable of meeting all servicing requirements. Each county, municipality, school board, local governmental unit, and special taxing district of the state may self-insure any plan for health, accident, and hospitalization coverage, subject to approval based on actuarial soundness by the Department of Insurance. Each shall contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such a plan.

(2) Each county, municipality, school board, local governmental unit, and special taxing district is authorized to commingle in a common fund, plan, or program all payments for life, health, accident, hospitalization, or annuity insurance or all or any kinds of such insurance whether paid by the governmental unit, officer or employee, or otherwise. The governmental unit may determine the portion of the cost, if any, of such fund, plan, or program to be paid by officers or employees of the governmental unit, and fix the amounts to be paid by each such officer or employee as will best serve the public interest.

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

Amendment 2—On page 1, in title, strike all of lines 4 through and including line 8 and insert: Florida Statutes, and adding a new subsection; authorizing local governmental units to provide for insurance for the dependents of officers or employees; authorizing the commingling of insurance payments; providing for the determination and fixing of the portion of the cost of the fund, plan, or program to be paid by an officer or employee; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote CS for SB 162 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Johnston

SB 1071—A bill to be entitled An act relating to the transportation and storage of nuclear waste material and other hazardous substances; prohibiting such transportation and storage without a permit from the Department of Environmental Regulation; authorizing the department to seek injunctive relief; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Don Childers and adopted:

Amendment 1—On page 1, line 13, after the word "state" insert: or any person

Amendment 2—On page 1 between lines 22 and 23, insert: (3) The Department of Environmental Regulation shall have the power to adopt, promulgate, or amend such rules as are necessary or appropriate to carry out its responsibilities under this act.

Amendment 3—On page 1, line 14, strike “or other hazardous substance as defined in paragraph (a) of s. 501.065(5), Florida Statutes,”

Amendment 4—On page 1, line 21, strike “or other hazardous substance”

Amendment 5—On page 1, lines 3-8, strike all of such lines and insert: storage of nuclear waste material; prohibiting such transportation and storage without a permit from the Department of Environmental Regulation; authorizing the department to seek injunctive relief; providing the department with rule-making power; providing an effective date.

On motion by Senator Don Childers, by two-thirds vote SB 1071 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

By the Committee on Economic, Community and Consumer Affairs and Senator Vogt, CS for SB 386 was read the first time by title and SB 386 was laid on the table.

CS for SB 386 was taken up and on motion by Senator Vogt—

CS for HB 588—A bill to be entitled An act relating to manufactured building; amending ss. 553.35, 553.36, 553.37, 553.39, 553.40, 553.41, and 553.42, Florida Statutes, and s. 553.38, Florida Statutes, 1978 Supplement; providing a short title; providing definitions; providing for promulgation of rules and requirements for manufactured building by the Department of Community Affairs; providing for the issuance of insignia denoting compliance with rules and requirements of the department; providing for state approval of manufactured buildings manufactured in other states with reciprocal standards; providing for the establishment of fees; providing for the delegation of enforcement authority; providing for the delegation of inspection authority; providing an exception to state approval for custom manufactured buildings; providing for the creation and provision of equal and uniform application of local rules and requirements to conventionally constructed and manufactured building; providing for injunctive relief; providing for an annual report; providing penalties for noncompliance; providing legislative intent; amending ss. 323.05(1)(d), 400.444, and 553.77(1)(b), (c), and (d), Florida Statutes, and s. 400.563, Florida Statutes, providing conformity; providing for conditional repeal of ss. 553.35-553.42, and 323.05(1)(d), Florida Statutes; providing for repeal of s. 553.77, Florida Statutes, and legislative review in accordance with the Sundown Act; providing for severability; providing an effective date.

—a companion measure, was substituted for CS for SB 386 and read the second time by title. On motion by Senator Vogt by two-thirds vote CS for HB 588 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 386 was laid on the table.

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 864—A bill to be entitled An act relating to cosmetology; creating s. 477.035, Florida Statutes; providing for the continuation of specialty licenses for facials and shampooing; providing an effective date.

—was read the first time by title and SB 864 was laid on the table.

On motions by Senator Dunn, by two-thirds vote CS for SB 864 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1231—A bill to be entitled An act relating to elections; amending s. 97.021(18), Florida Statutes, and adding subsection (21) to said section; exempting candidates for political party executive committees from the definition of “candidate” for purposes of the chapter on electors and elections; providing a definition of “public office”; amending s. 106.011(10), Florida Statutes; deleting federal, precinct, and political party offices or positions from the definition of “public office” for purposes of campaign financing; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 1231 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Anderson

SB 474—A bill to be entitled An act relating to district school boards; amending s. 230.234, Florida Statutes; authorizing a district school board to reimburse an officer or employee thereof for certain judgments; providing a procedure for reimbursement; declaring reimbursement a school district purpose; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 474 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Henderson Williamson

SB 488—A bill to be entitled An act relating to loss prevention in state government; creating s. 284.43, Florida Statutes, establishing the Loss Prevention Program; requiring each state department to have a safety coordinator; providing that the Department of Insurance train the safety coordinators; providing duties for safety coordinators; creating an Interagency Advisory Council on Loss Prevention; providing for council memberships and duties; repealing s. 633.081(3), (4), (5), and (6), Florida Statutes; 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 Hair and adopted:

Amendment 1—On page 1, line 21, after the word "government" insert: , except the Legislature,

Amendment 2—On page 1, line 5, after "department" insert: , except the Legislature,

On motion by Senator Hair, by two-thirds vote SB 488 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

HB 182—A bill to be entitled An act relating to retardation; amending s. 393.063(6), Florida Statutes, to delete the age of onset in the definition of the term developmental disability; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote HB 182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Senate resumed consideration of—

HB 302—A bill to be entitled An act relating to district school systems; amending s. 230.23(5)(h), Florida Statutes, 1978 Supplement, increasing the maximum limits of certain awards which may be made to personnel of the district school systems; adding s. 230.754(2)(k), Florida Statutes; permitting the board of trustees of a community college to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to implement a program of awards to employees who propose procedures which are adopted and which result in reduced expenditures or improved operations; adding s. 240.042(2)(r), Florida Statutes; authorizing the Board of Regents to provide for recognition of employees who have contributed outstanding service in their fields, to adopt and implement a program to provide awards to employees who propose procedures which are adopted which eliminate or reduce expenditures or improve operations, and

to expend funds for such awards; limiting the amount of any such award; providing an effective date.

—which passed and was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 927 was laid on the table.

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

SB 1052—A bill to be entitled An act relating to local government; amending ss. 125.31(1), 166.261(1), 218.345(1), Florida Statutes; authorizing counties, municipalities, and special districts to invest surplus funds in certain obligations; providing an effective date.

—as amended passed this day.

On motions by Senator Stuart, the Senate reconsidered the vote by which the Senate refused to concur in House Amendments 2 and 3.

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

Amendment 1—On page 2, line 30, strike entire Amendment 2 and insert: Section 4. Subsection (5) of section 218.26, Florida Statutes, is created to read:

218.26 Administration; distribution schedule; *powers and duties.*—

(5) *No public funds shall be used by a unit of local government for the purpose of promulgating contract or bid specifications relating to car rentals concessions at airports which would preclude a corporation authorized to do business in Florida from submitting bids or entering into such contracts with such unit of local government. Nothing herein shall prevent the local government from providing in such specifications a minimum annual guarantee of revenue to be paid to such unit of local government.*

Senator Stuart moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—On page 1, line 3, and on page 1, line 4, strike 219.075(1),

On motions by Senator Stuart, the Senate concurred in House Amendments 2 and 3 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 1052 as further amended passed and was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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

INTRODUCTION

By Senators Johnston, Don Childers and Lewis—

SB 1306—A bill to be entitled An act relating to Lee County; amending section 2 of chapter 75-418, Laws of Florida, providing for the election of members of the Fort Myers Beach Library District Board in odd-numbered years; adjusting the terms of members elected in 1978 and 1980 accordingly; providing for a referendum.

Proof of publication of the required notice was attached.

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

By Senators Tobiassen and W. D. Childers—

SB 1307—A bill to be entitled An act relating to Santa Rosa County; creating a Civil Service System for certain employees of Santa Rosa County; exempting certain employees and officials from said system; creating a civil service board to administer said system; fixing the organization, powers, and duties of said board and system; providing for the method and terms of employment for certain employees; regulating the employment and discharge of certain employees; authorizing a staff for the civil service board and employment of an attorney for the board; providing for various leaves and holidays; requiring the Board of County Commissioners of Santa Rosa County and the Santa Rosa County School Board to fund the system and provide facilities; providing for the creation of a classified pay plan; providing penalties; providing severance and savings clauses; establishing a seniority system; regulating political activity of certain employees; preserving rights of present employees; exempting officers and employees of the Santa Rosa Hospital from the provisions of the act; 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 motions by Senator Barron, by two-thirds vote Senate Bills 1306 and 1307 were withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the local bill calendar.

On motions by Senator Barron, the rules were waived and by two-thirds vote SCR 1127 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon, by two-thirds vote SCR 226 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Steinberg, the rules were waived and SB 474 was ordered immediately certified to the House.

SPECIAL ORDER, continued

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

CS for SB 1278—A bill to be entitled An act relating to environmental permitting of industrial projects; creating part VIII of chapter 403, Florida Statutes, the Florida Industrial Siting Act; establishing an optional centralized certification procedure for certain projects, to be administered by the Department of Environmental Regulation; providing for notices of intent to file an application and for application for certification; requiring prior local governmental approval; providing for fees; providing for appointment of hearing officers by the Division of Administrative Hearings; providing for determination of completeness and sufficiency of applications; providing for reports by the Division of State Planning and water management districts and for studies by the department; providing for parties to the proceedings; providing for certification by the Governor and Cabinet; specifying that such certification is in lieu of certain other state permitting or certification requirements; providing for amendment, revocation, or suspension of certificates; providing for penalties and enforcement; providing an appropriation; providing an effective date.

—was read the first time by title and SB 1278 was laid on the table.

On motions by Senator McKnight, by two-thirds vote CS for SB 1278 was read the second time by title.

Senator McKnight moved the following amendment which was adopted:

Amendment 1—On page 14, line 2, after “wildlife” insert: and cultural

On motion by Senator McKnight, 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 CS for HB 46 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Ready and others—

CS for HB 46—A bill to be entitled An act relating to environmental permitting of industrial projects; creating Part VIII of chapter 403, Florida Statutes, the Florida Industrial Siting Act; establishing an optional centralized certification procedure for certain projects, to be administered by the Department of Environmental Regulation; providing for notices of intent to file an application and for application for certification; requiring prior local governmental approval; providing for fees; providing for appointment of hearing officers by the Division of Administrative Hearings; providing for determination of completeness and sufficiency of applications; providing for reports by the Division of State Planning and water management districts and for studies by the department; providing for parties to the proceedings; providing for certification by the Governor and Cabinet; specifying that such certification is in lieu of certain other state permitting or certification requirements; providing for amendment, revocation, or suspension of certificates; providing for penalties and enforcement; providing an appropriation; providing an effective date.

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

SPECIAL ORDER, continued

Pending further consideration of CS for SB 1278 as amended, on motion by Senator McKnight, by two-thirds vote CS for HB 46 was withdrawn from the Committee on Ways and Means.

On motion by Senator McKnight CS for HB 46, a companion measure, was substituted for CS for SB 1278.

On motions by Senator McKnight, by two-thirds vote CS for HB 46 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 1278 was laid on the table.

SB 440 was taken up and on motion by Senator Trask, by two-thirds vote HB 992 was withdrawn from the Committee on Ways and Means.

On motion by Senator Trask—

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

—a companion measure, was substituted for SB 440 and read the second time by title. On motion by Senator Trask by two-thirds vote HB 992 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Chamberlin

SB 440 was laid on the table.

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

SB 1231—A bill to be entitled An act relating to elections; amending s. 97.021(18), Florida Statutes, and adding subsection (21) to said section; exempting candidates for political party executive committees from the definition of "candidate" for purposes of the chapter on electors and elections; providing a definition of "public office"; amending s. 106.011(10), Florida Statutes; deleting federal, precinct, and political party offices or positions from the definition of "public office" for purposes of campaign financing; providing an effective date.

—passed this day.

On motion by Senator Jenne, 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 1585 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Ethics & Elections—

HB 1585—A bill to be entitled An act relating to elections; amending s. 97.021(18), Florida Statutes, and adding a subsection, providing an exception to the definition of candidate for political party executive committee candidates; providing a definition of public office; amending s. 106.011(10), Florida Statutes, providing a definition of public office; providing an effective date.

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

SPECIAL ORDER, continued

Pending further consideration of SB 1231, on motion by Senator Jenne, by two-thirds vote HB 1585 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jenne, HB 1585, a companion measure, was substituted for SB 1231. On motions by Senator Jenne,

by two-thirds vote HB 1585 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—33

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	Spicola	
Fechtcl	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

SB 1231 was laid on the table.

SB 84—A bill to be entitled An act relating to public school media centers; amending s. 230.23(7)(d), Florida Statutes, 1978 Supplement; providing option of opening school library media centers to the public; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 84 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

By the Committee on Ways and Means and Senators Chamberlin and Hill—

CS for SB 210—A bill to be entitled An act relating to state employees; creating s. 112.202, Florida Statutes; authorizing certain state departments and agencies to adopt rules permitting employees to pool sick leave, provided such rules are in accordance with guidelines established by the Department of Administration; requiring such rules to contain certain provisions; providing an effective date.

—was read the first time by title and SB 210 was laid on the table.

On motions by Senator Chamberlin, by two-thirds vote CS for SB 210 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—34

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

Nays—None

The President presiding

SB 291—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0844, Florida Statutes, providing for the issuance of permanent, free motor vehicle license plates to certain former prisoners of war; providing for the

design of such license plates; providing for rules; providing for transfer and surrender of the plate under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendment which was adopted:

Amendment 1—On page 2, line 12, strike “1979” and insert: 1980

On motion by Senator Holloway, by two-thirds vote SB 291 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Winn

SB 294—A bill to be entitled An act relating to electronic repair; amending ss. 468.151, 468.152, Florida Statutes; deleting unnecessary definitions; modifying qualifications of Chief of Bureau of Electronic Repair Dealer Registration; amending s. 468.154(1), Florida Statutes, 1978 Supplement; authorizing the head of the Department of Business Regulation to appoint the members of the advisory council to fill vacancies, and to call meetings of the council; providing that two members of the advisory council created pursuant to such section are not to have ever been engaged in the electronic repair industry; deleting requirement that the advisory council meet at least once every 4 months; authorizing the advisory council to elect a chairman from its membership for a 1-year term; amending s. 468.155, Florida Statutes; providing that the Division of General Regulation of the Department of Business Regulation shall validate the registration of each service dealer upon receipt of the required fee; providing grounds for denial of registration and guidelines for revalidating a registration; amending s. 468.156(1), (2), Florida Statutes; deleting minimum service dealer registration fee and establishing maximum fee; repealing s. 468.157, Florida Statutes, relating to disposition of moneys received; repealing s. 468.160, Florida Statutes, as amended, relating to appeals to the board; repealing s. 468.161, Florida Statutes, relating to informal adjustments of complaints; reviving and readopting ss. 468.150, 468.151, 468.152, 468.153, 468.155, 468.156, 468.158, 468.159, 468.162, and 468.1625, Florida Statutes, notwithstanding the provisions of the Regulatory Reform Act of 1976; reviving and readopting s. 468.154, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976 or the Sun-down Act; repealing part V, chapter 468, Florida Statutes; providing a retroactive effective date.

—was read the second time by title.

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

Amendment 1—On page 7, strike all of lines 2-6 and insert: is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

On motion by Senator Dunn, by two-thirds vote SB 294 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 305—A bill to be entitled An act relating to state attorneys; amending s. 27.181(4), Florida Statutes; providing that the salary of an assistant state attorney be determined by the state attorney; deleting a restriction on the amount of such salary; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 19 through 27, inclusive and insert; paid in accordance with such law. The salary for each full-time assistant state attorney shall be set by the state attorney of the same judicial circuit in an amount determined by such state attorney not to exceed 90 percent of that state attorney's salary and shall be paid from funds appropriated for that purpose. However, the assistant state attorneys who serve in less than a full-time capacity shall be compensated for services performed in an amount in proportion to the salary allowed for full-time services, which amount shall not exceed 90 percent of that state attorney's salary.

Senator Dunn moved the following amendment:

Amendment 2—On page 1, strike all of line 28 and insert: Section 2. Section 15.092, Florida Statutes, is created to read:

15.092 Fees; exemption of state attorney.—The Department of State shall furnish without charge, to any state attorney or his designated representative, copies of any document or certificate under seal as provided in this chapter. The department shall provide without charge, to any state attorney or his designated representative, any of the services provided in this chapter.

Section 3. Present subsections (2), (3), (4), of section 27.25, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to said section to read:

27.25 State attorney authorized to employ personnel; funding formula.—

(2) The state attorney of each judicial circuit is authorized to employ an executive director. The salary of the executive director shall be set by the state attorney in an amount which shall not exceed 80 percent of the state attorney's salary, and it shall be paid from funds appropriated for that purpose. The duties of the executive director shall be as prescribed by the state attorney.

(3)(2) In any judicial circuit where a court reporter is not available, any stenographer employed by a state attorney is authorized and may be required to perform the services of a court reporter and shall be entitled to receive the per diem and fees provided by law for such services.

(4)(3) All payments for the salary of the state attorney and the necessary expenses of his office, including salaries of his deputies, assistants, and staff, shall be considered as being for a valid public purpose.

(5)(4) The appropriations for the offices of state attorneys shall be determined by a funding formula based on population and such other factors as may be deemed appropriate in a manner to be determined by this subsection and any subsequent appropriations act.

Section 4. Subsection (1) of section 27.34, Florida Statutes, 1978 Supplement, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the state attorney to serve as special investigators pursuant to the provisions of s. 27.251. *However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances.*

Section 5. Paragraph (d) of subsection (5) of section 319.25, Florida Statutes, is amended to read:

319.25 Rules and regulations; forms; cancellation of certificates; lists and searches; fees.—

(5) Fees therefor shall be charged and collected as follows:

(d) The department, upon being satisfied that the investigation is for a proper purpose, shall furnish, without charge or limitation as to number, to state attorneys, the state highway patrol, sheriffs, or chiefs of police, or any licensed dealer or his authorized representative, after satisfying the department as to the purpose of the investigation, information or photographic copies of records and certifications thereof, under seal of the department, on any title or tag.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 7. This act shall take effect July 1, 1979.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p. m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 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
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

On motion by Senator Dunn, further consideration of SB 305 with pending amendment was deferred.

SB 356 was taken up and on motion by Senator McKnight—

HB 26—A bill to be entitled An act relating to actions against municipalities; repealing s. 95.241, Florida Statutes, to remove provisions which provide that notice of claims of injury against municipalities need not be given; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 26 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Childers, D.	Gordon	Henderson
Anderson	Dunn	Gorman	Hill
Carlucci	Fechtel	Grizzle	Holloway
Chamberlin	Frank	Hair	Jenne

Johnston	Neal	Steinberg	Trask
Maxwell	Peterson	Stuart	Vogt
McClain	Poole	Thomas	Winn
McKnight	Scott	Tobiassen	
Myers	Spicola		

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 356 was laid on the table.

SB 132—A bill to be entitled An act relating to the Retail Installment Sales Act; adding subsection (3) to s. 520.32, Florida Statutes, relating to the payment of license fees by retail sellers engaged in installment transactions, to exempt certain retail sellers; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote SB 132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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	Winn
Dunn	Jenne	Scott	
Fechtel	Johnston	Skinner	
Frank	Maxwell	Spicola	

Nays—None

On motion by Senator Anderson, the rules were waived and SB 132 was ordered immediately certified to the House.

SB 408—A bill to be entitled An act relating to the West Coast Inland Navigation District; amending section 2, chapter 61-1590, Laws of Florida, as amended; amending sections 3-6, 11, 12, 15, 18, 20(d), (e), chapter 61-1590, Laws of Florida; removing Hillsborough and Pinellas Counties from such district; defining "inland waterway"; authorizing district to act as local sponsor or to participate in certain navigation, beach nourishment, or environmental restoration and enhancement projects; reducing membership of district board from six to four; deleting authority of board to issue bonds; providing certain procedural changes; directing district to obtain and furnish to the state certain right-of-way; limiting the maximum assessable millage; providing conforming language; authorizing district to contract with a private auditor under certain circumstances; repealing section 8, chapter 61-1590, Laws of Florida, relating to the authority of the district to issue bonds; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendment which was adopted:

Amendment 1—On page 5, between lines 23 and 24, insert: The District shall be authorized to convey real property owned by the district. However, if the property was acquired by the district by gift or donation and is located entirely within a county which was previously a member of the West Coast Inland Navigation District but has subsequently withdrawn from the West Coast Inland Navigation District, then the property shall first be offered to the county wherein it is located as a gift to be used for a public purpose before such property is offered to private persons for purchase. If the property was acquired by purchase or condemnation with tax monies which were partially obtained from taxpayers who reside in a county which was previously a member of the West Coast Inland Navigation District but has subsequently withdrawn from the West Coast Inland Navigation District, then in the event such property is conveyed to a private purchaser a pro-rata share of the purchase price shall be returned to the governing bodies of those counties which have withdrawn from the district.

The vote was:

Yeas—19

Mr. President	Gorman	Maxwell	Tobiassen
Chamberlin	Grizzle	McClain	Vogt
Childers, W. D.	Hill	Poole	Ware
Fechtcl	Holloway	Spicola	Winn
Frank	Jenne	Thomas	

Nays—14

Anderson	Hair	Scarborough	Trask
Childers, D.	Henderson	Skinner	Williamson
Dunn	McKnight	Steinberg	
Gordon	Neal	Stuart	

Senator Grizzle moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 12, after “projects;” insert: providing authority of district to convey real property;

Senator Ware moved that the rules be waived and SB 408 be read the third time by title. The motion failed.

On motion by Senator Neal, further consideration of SB 408 was deferred.

SB 487—A bill to be entitled An act relating to the district school system; amending s. 230.2311(1), Florida Statutes, relating to early childhood and basic skills development programs; requiring basic skills to be developed through certain basic programs; adding s. 236.013(6), Florida Statutes; defining the term “basic programs” as it relates to the Florida Education Finance Program; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 1, line 28, strike “shall” and insert: may

Amendment 2—On page 2, line 12, after the term “Basic Programs” insert: may

Amendment 3—On page 1, line 5, strike “requiring” and insert: authorizing

Senator Don Childers moved the following amendment which failed:

Amendment 4—On page 1, lines 27-31, strike “, and mastery of these skills shall be developed through basic programs in the following areas of learning: language arts, measurement, problem solving, art, music, physical education, science, and social studies”

Senator Scarborough presiding

On motion by Senator Steinberg, by two-thirds vote SB 487 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Childers, D. Poole

Vote after roll call:

Yea—Myers

CS for SB 492 by the Committee on Commerce and Senator Scott was read the first time by title and SB 492 was laid on the table.

CS for SB 492 was taken up and on motion by Senator Scott, the rules were waived and by two-thirds vote CS for HB 1256 was withdrawn from the Committee on Ways and Means.

On motion by Senator Scott—

CS for HB 1256—A bill to be entitled An act relating to insurance; adding a new paragraph (j) to s. 624.605(1), Florida Statutes, defining the term “credit property insurance”; adding paragraph (g) to s. 626.321(1), Florida Statutes, and amending subsection (3) thereof, providing for limited licenses for credit property insurance; providing for conditional repeals; providing an effective date.

—a companion measure, was substituted for CS for SB 492 and read the second time by title. On motion by Senator Scott, by two-thirds vote CS for HB 1256 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 492 was laid on the table.

CS for SB 503, by the Committee on Rules and Calendar and Senators Hair, Dunn and Henderson, was read the first time by title and SB 503 was laid on the table.

CS for SB 503 was taken up and on motion by Senator Hair, the rules were waived and by two-thirds vote HB 1601 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hair—

HB 1601—A bill to be entitled An act relating to the Attorney General, amending s. 16.01, Florida Statutes, 1978 Supplement, specifying officers to whom the Attorney General shall give his official opinion and legal advice in writing; specifying officers to whom the Attorney General may give his official opinion and legal advice in writing; providing an effective date.

—a companion measure, was substituted for CS for SB 503 and read the second time by title. On motion by Senator Hair by two-thirds vote HB 1601 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 503 was laid on the table.

SB 619—A bill to be entitled An act relating to landlord and tenant; creating s. 83.565, Florida Statutes; permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant;

requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after October 1, 1979, shall be deemed to include the provisions of the act; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 8 and 9, insert: Section 2. Subsection (1) of section 83.42, Florida Statutes, is amended to read:

83.42 Exclusions from application of part.—This part does not apply to:

(1) Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services, *except residency in dormitory space as defined in s. 83.43(13)*.

Section 3. Paragraph (d) is added to subsection (2) of section 83.43, Florida Statutes, and subsection (13) is added to said section, to read:

83.43 Definitions.—As used in this part, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(2) "Dwelling unit" means:

(d) *Dormitory space.*

(13) "*Dormitory space*" means a structure or part of a structure in the State University System that is rented for use as a home, residence, or sleeping place one person, or by two or more persons who maintain a common household.

Section 4. Subsection (8) is added to section 83.49, Florida Statutes, to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(8) *This section shall not apply to the rental of dormitory space in the State University System.*

Section 5. Subsection (4) is added to section 83.53, Florida Statutes, to read:

83.53 Landlord's access to dwelling unit.—

(4) *The State University System or its agent, as landlord with respect to dormitory space, may enter the tenant's premises with probable cause or reason to believe illegal acts are being conducted therein.*

Section 6. Section 83.62, Florida Statutes, is amended to read:

83.62 Remedies; removal of tenant; process.—In an action for possession, after entry of judgment in favor of the landlord, the clerk shall issue a writ to the sheriff describing the premises and commanding him to put the landlord in possession after 24 hours' notice conspicuously posted on the premises. In the case of the removal of the mobile home of any tenant for the reason of holding over after the expiration of the rental agreement, the writ of possession shall not issue earlier than 30 days from the service of the complaint for removal upon the tenant. *In the case of the expulsion or suspension from classes of a student residing in a State University System dormitory, the university shall have the authority, after 7 days' notice, to remove the student from the dormitory. The university is further empowered to employ the university police to remove the student should such person resist.*

Amendment 2—On page 1 in title, line 10, after the semicolon ":", insert: amending s. 83.42(1), Florida Statutes, including rental of dormitory space in the State University System within provisions relating to residential landlords and tenants; adding a paragraph to s. 83.43(2), Florida Statutes, and adding a subsection (13), providing definitions; adding a subsection to s. 83.49, Florida Statutes, exempting the rental of dormitory space from provisions relating to the duties of landlords and tenants with respect to deposits and advance rents; adding a subsection to s. 83.53, Florida Statutes, authorizing the State Uni-

versity System or its agents to enter a tenant's dormitory space upon probable cause or reason to believe illegal acts are being committed therein; amending s. 83.62, Florida Statutes; authorizing a state university, with notice, to remove certain students from its dormitories;

Senator Johnston moved the following amendment which was adopted:

Amendment 3—On page 1, line 23, strike "whether a cotenant or not" and insert: if not a cotenant

Senator Scott moved that further consideration of SB 619 as amended be deferred, and the motion failed.

On motion by Senator Steinberg further consideration of SB 619 as amended was deferred.

The Senate resumed consideration of—

SB 305—A bill to be entitled An act relating to state attorneys; amending s. 27.181(4), Florida Statutes; providing that the salary of an assistant state attorney be determined by the state attorney; deleting a restriction on the amount of such salary; providing an effective date.

—with pending Amendment 2:

Amendment 2—On page 1, strike all of line 28 and insert: Section 2. Section 15.092, Florida Statutes, is created to read:

15.092 Fees; exemption of state attorney.—The Department of State shall furnish without charge, to any state attorney or his designated representative, copies of any document or certificate under seal as provided in this chapter. The department shall provide without charge, to any state attorney or his designated representative, any of the services provided in this chapter.

Section 3. Present subsections (2), (3), (4), of section 27.25, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to said section to read:

27.25 State attorney authorized to employ personnel; funding formula.—

(2) *The state attorney of each judicial circuit is authorized to employ an executive director. The salary of the executive director shall be set by the state attorney in an amount which shall not exceed 80 percent of the state attorney's salary, and it shall be paid from funds appropriated for that purpose. The duties of the executive director shall be as prescribed by the state attorney.*

(3)~~(2)~~ In any judicial circuit where a court reporter is not available, any stenographer employed by a state attorney is authorized and may be required to perform the services of a court reporter and shall be entitled to receive the per diem and fees provided by law for such services.

(4)~~(3)~~ All payments for the salary of the state attorney and the necessary expenses of his office, including salaries of his deputies, assistants, and staff, shall be considered as being for a valid public purpose.

(5)~~(4)~~ The appropriations for the offices of state attorneys shall be determined by a funding formula based on population and such other factors as may be deemed appropriate in a manner to be determined by this subsection and any subsequent appropriations act.

Section 4. Subsection (1) of section 27.34, Florida Statutes, 1978 Supplement, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the

state attorney to serve as special investigators pursuant to the provisions of s. 27.251. *However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances.*

Section 5. Paragraph (d) of subsection (5) of section 319.25, Florida Statutes, is amended to read:

319.25 Rules and regulations; forms; cancellation of certificates; lists and searches; fees.—

(5) Fees therefor shall be charged and collected as follows:

(d) The department, upon being satisfied that the investigation is for a proper purpose, shall furnish, without charge or limitation as to number, to state attorneys, the state highway patrol, sheriffs, or chiefs of police, or any licensed dealer or his authorized representative, after satisfying the department as to the purpose of the investigation, information or photographic copies of records and certifications thereof, under seal of the department, on any title or tag.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 7. This act shall take effect July 1, 1979.

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

Amendment 2A—On page 2, line 1, strike “80” and insert: 60

Amendment 2 as amended was adopted.

Senator Jenne moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 4, strike “an” and insert: a full-time

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 1, in title, strike line 7, and insert: creating s. 15.092, Florida Statutes; exempting state attorneys from payment of fees for copies of documents or certificates under seal held by the Department of State; renumbering s. 27.25(2), (3), (4), Florida Statutes, and adding a new subsection (2) to said section; authorizing state attorneys to employ an executive director; amending s. 27.34(1), Florida Statutes, 1978 Supplement; authorizing municipal and county governments to contract with the state attorney for prosecution of violations of municipal or county ordinances; amending s. 319.25(5)(d), Florida Statutes; exempting state attorneys from the payment of fees for photographic copies of records and certifications from the Department of Highway Safety and Motor Vehicles; providing an effective date.

On motion by Senator Jenne, by two-thirds vote SB 305 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Hair	McClain	Stuart
Carlucci	Henderson	McKnight	Thomas
Chamberlin	Hill	Neal	Tobiassen
Childers, D.	Holloway	Poole	Trask
Fechtel	Jenne	Scarborough	Ware
Frank	Johnston	Scott	Williamson
Gordon	MacKay	Spicola	Winn
Grizzle	Maxwell	Steinberg	

Nays—1

Peterson

By the Committee on Economic, Community and Consumer Affairs and Senator Frank—

CS for SB 590—A bill to be entitled An act relating to local government; creating part II of chapter 165, 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 review; providing for resolutions to the Department of Banking and Finance, the Department of Community Affairs and the Secretary of State; providing for recommendations to the Governor; providing for administrative hearings; providing regulatory authority by the Department of Banking and Finance; removing exclusivity of the proceedings set forth in part I of chapter 165, Florida Statutes; renumbering s. 114.01(2), Florida Statutes, and adding a new subsection (2) to said section; amending s. 218.32(3), Florida Statutes; providing that failure to file a financial statement shall be a misdemeanor of the second degree; adding s. 75.05(3), Florida Statutes; requiring compliance with the provisions of s. 274.05, Florida Statutes; providing an effective date.

—was read the first time by title and SB 590 was laid on the table.

On motion by Senator Frank, by two-thirds vote CS for SB 590 was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Frank:

Amendment 1—On page 3, line 11, after “373,” insert: hospital districts created pursuant to special law,

Senator Frank moved the following substitute amendment which was adopted:

Amendment 2—On page 5, strike lines 23-28 (Renumber subsequent subsections accordingly.)

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

Amendment 3—On page 3, lines 27 and 28, and on page 4, lines 8 and 9, and on page 4, lines 14 and 15, and on page 5, lines 18 and 19, and on page 6, lines 6 and 7, strike “board of county commissioners of the county or counties” and insert: local governing body or bodies

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

Amendment 4—On page 5, line 9, after the first word “in”, strike “the county court house of the” and insert: a county court house of a

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

Amendment 5—On page 5, lines 23 and 28, and on page 7, lines 3 and 9, strike “board of county commissioners” and insert: local governing body

Amendment 6—On page 5, line 26, and on page 6, line 19, strike “board” and insert: local governing body

Amendment 7—On page 5, line 30, strike “board of county commissioners of each county” and insert: local governing body

Amendment 8—On page 6, strike lines 11 through 16 and insert: or s. 218.34 with the local governing body shall notify the registered agent. The local governing body may, at any time, grant an extension of time for filing the required reports.

Amendment 9—On page 7, lines 19, 24 and 28, strike the word “this”

Amendment 10—On page 7, lines 22 and 23, strike everything after the word “of” and all of line 28 and insert: chapter 120.

On motion by Senator Frank, further consideration of CS for SB 590 as amended was deferred.

On motion by Senator Gorman, the rules were waived and SB 892 was ordered immediately certified to the House.

Consideration of CS for SB's 627, 480, 616, 1060, 1086 and 1068 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 277, 302, 312, 370, 387, 388, 391, 403, 677, 865, 874, 958, 925, 1074, 1103, 1111, 1123, 1184, 1226, 1248, 1255, 1265, CS for CS for HB 312 and HB 1603 were withdrawn from the Committee on Ways and Means.

LOCAL BILL CALENDAR

SB 506—A bill to be entitled An act relating to the Bradenton Downtown Development Authority; adding s. 1(25), (26), (27), chapter 74-425, Laws of Florida; providing additional definitions; amending s. 10, chapter 74-425, Laws of Florida; providing a referendum procedure for approval of the levy of ad valorem taxes in the district and for inclusion of new territory within the downtown area regulated by the authority; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 506 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

SB 538—A bill to be entitled An act relating to the City of Tampa General Employees Pension Fund; providing for the eligibility of Donald F. Krueger to receive retirement credit in such fund; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 538 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

Consideration of SB 1294 was deferred.

SB 1295—A bill to be entitled An act relating to the Sebring Utilities Commission of Sebring; amending section 3 of chapter 23535, Laws of Florida, 1945; providing terms of office for members of the Sebring Utilities Commission; amending section

8 of chapter 23535, Laws of Florida, 1945; authorizing the commission to establish bidding procedures; amending section 9 of chapter 23535, Laws of Florida, 1945; authorizing the commission to pay expenses, provide amounts therefor within the current revenue of the commission; amending section 11 of chapter 23535, Laws of Florida, 1945; authorizing the commission to establish procedures for disbursement of funds and providing for bonds of persons authorized to disburse same; amending section 12.05 of chapter 23535, Laws of Florida, 1945, as created by section 2 of chapter 27893, Laws of Florida, 1951; requiring all revenue bonds or certificates to be sold at public sale; amending section 12.09(d) of chapter 23535, Laws of Florida, 1945, as created by section 2 of chapter 27893, Laws of Florida, 1951; providing for publication of certain notices in a newspaper of general circulation; amending section 12.13 of chapter 23535, Laws of Florida, 1945, as created by section 2 of chapter 27893, Laws of Florida, 1951; providing for the sale of bonds or certificates and for a lien on revenues and for redemption of such bonds or certificates; amending section 13 of chapter 23535, Laws of Florida, 1945; requiring the commission to make an annual report to the city council; providing procedures for keeping records and accounts; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 1295 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

SB 1296—A bill to be entitled An act relating to the Halifax Hospital Medical Center, Volusia County; amending sections 7 and 8 of chapter 11272, Laws of Florida, 1925, as amended; eliminating the \$6.2 million dollar limitation upon bonds issued by the District and substituting therefor an aggregate amount to be determined by the Board of Commissioners; removing the dollar limitation upon monies that can be borrowed for a period not to exceed 1 year and substituting therefor an amount to be determined by the Board of Commissioners; removing restrictions on the interest to be paid on notes and bonds issued by the District and empowering the Board of Commissioners to determine the interest to be paid on said bonds and notes; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 1296 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

Disclosure

No special gain or benefit will inure to me or my law firm due to the passage of Senate Bill 1296. But I feel it appropriate to disclose that my law firm, Dunn, Smith and Withers (Attorneys at Law, Suite 800, 444 Seabreeze Boulevard, Daytona Beach, Florida) has represented since November of 1978 and continues

to represent Halifax Hospital Medical Center in defense of an antitrust action pending in the United States District Court, Middle District of Florida, case number 60-200-0804. I am the only senator representing the area affected by Senate Bill 1296.

Edgar M. Dunn, 10th District

SB 1299—A bill to be entitled An act relating to Charlotte County; defining the term "trawl net"; prohibiting any person, while in certain waters, from taking or attempting to take shrimp by use of any such net exceeding 25 feet in length or while in any boat in which more than one trawl net is being used; providing a penalty; repealing chapters 76-343, 77-525, Laws of Florida, relating to the use of trawl nets for the taking of shrimp in Charlotte County; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 1299 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

SB 1300—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending s. 19, art. IV, chapter 28922, Laws of Florida, 1953, as amended by chapter 74-427, Laws of Florida; raising the limitation on the amount of revenue certificates or bonds which may be issued by the Canaveral Port Authority; providing for interest to be paid on such certificates as provided by general law; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 2, lines 19-20, strike "including the full faith and credit of said Port District"

Amendment 2—On page 1, in title, line 10, after "law," insert the following: deleting the provision pledging the full faith and credit of said district for revenue bonds;

On motion by Senator Vogt, by two-thirds vote SB 1300 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

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
Gordon	Maxwell	Spicola	

Nays—None

HB 557—A bill to be entitled An act relating to Collier County, City of Naples Airport Authority; amending Section 2(a) of chapter 69-1326, Laws of Florida, authorizing the City of Naples to control zoning at the airport; amending Section 3 of chapter 69-1326, Laws of Florida, providing for appointment and removal of Airport Authority Commissioners; amending Section 4(n) of chapter 69-1326, Laws of Florida, as amended,

requiring the Airport Authority to consult the City of Naples at any time it seeks to borrow in excess of two million dollars; amending Section 11 of chapter 69-1326, Laws of Florida, providing that the Municipal Home Rule Act is inapplicable to the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

HB 945—A bill to be entitled An act relating to Jupiter Inlet District, a special taxing district in Palm Beach County; to Amend Chapter 8910 of the Special Acts of Florida of 1921, as Amended, to Conform Said Acts with the Requirements of the United States Constitution with Respect to Qualifications for Voting and Holding the Office of Commissioner of Jupiter Inlet District, and to further Amend Chapter 8910 of the Special Acts of Florida of 1921, as Amended, to Conform Said Acts with the Constitution of the State of Florida Respecting the Filling of Vacancies in the Office of Commissioner By Appointment By the Governor; providing an effective date.

—was read the second time by title.

Senator Don Childers moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 19 through 22, inclusive and insert: Section 1. Subsection (A) of section 12-A of chapter 8910, Laws of Florida, 1921, as created by section 1 of chapter 71-818, Laws of Florida, is amended to read:

Section 12-A. Bonds Issued by the District.

(A) The district shall have power to issue from time to time general obligation bonds to finance the cost or part of the cost of the construction, acquisition, reconstruction, extension, repair or improvement of the channel, jetties or any other works, properties or other purposes which the district is authorized to do by this Act or any other law to construct, acquire or undertake; provided, however, that, except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof has been approved by the qualified electors residing in said district in a bond election called and held in the manner provided by general law. Notice of such an election shall be given by publishing a notice thereof, in a newspaper published in Palm Beach County and of general circulation in the district, once in each of 4 successive weeks, the first such publication to be not less than 30 days prior to the date of the election. Notice shall also be posted in at least three public places in the district for a period of 30 days prior to the election. The notices required by this subsection shall be in a form determined by the Board of Commissioners of the district; provided, however, that each such notice shall at least state the maximum amount of bonds to be issued, the maximum rate of interest thereon, the latest date of maturity for any of said bonds, and, in general terms, the purposes for which the bonds are to be issued.

On motion by Senator Don Childers, by two-thirds vote HB 945 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Anderson	Childers, D.	Frank	Hair
Barron	Childers, W. D.	Gordon	Henderson
Carlucci	Dunn	Gorman	Hill
Chamberlin	Fechtcl	Grizzle	Holloway

Jenne	Myers	Skinner	Trask
Johnston	Neal	Spicola	Vogt
MacKay	Peterson	Steinberg	Ware
Maxwell	Poole	Stuart	Williamson
McClain	Scarborough	Thomas	Winn
McKnight	Scott	Tobiassen	

Nays—None

HB 1161—A bill to be entitled An act relating to Palm Beach County; providing for the establishment of a Code Enforcement Board in each municipality of Palm Beach County; providing for legislative intent; providing for applicability; providing definitions; providing for organizations; providing for enforcement procedures; providing for hearings; providing powers; providing fines; providing for appeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1161 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

HB 1199—A bill to be entitled An act relating to the Oneco-Tallevast Fire Control District; amending s. 4(1), chapter 57-1545, Laws of Florida, as amended; increasing the maximum assessments which may be levied against taxable real property in the district; amending s. 7, chapter 57-1545, Laws of Florida; authorizing the Board of Commissioners to borrow money for district purposes in an amount equal to three times the total assessments; limiting the individual or personal liability of commissioners for repayment of such a loan; amending s. 12, chapter 57-1545, Laws of Florida, as amended; changing the fiscal year of the district; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, strike "and 69-1282," and insert: 69-1282, and 75-432,

On motion by Senator Neal, by two-thirds vote HB 1199 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Gordon	Maxwell	Spicola	

Nays—None

SB 1305—A bill to be entitled An act relating to the Panama City Port Authority, Panama City, Bay County; amending s. 2, chapter 23466, Laws of Florida, 1945, relating to the composition of the Panama City Port Authority; eliminating the requirement that commissioners of said Authority be freeholders of the City of Panama City; providing an effective date.

On motions by Senator Barron, by two-thirds vote SB 1305 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

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
Gordon	Maxwell	Spicola	

Nays—None

SB 1306—A bill to be entitled An act relating to Lee County; amending section 2 of chapter 75-418, Laws of Florida, providing for the election of members of the Fort Myers Beach Library District Board in odd-numbered years; adjusting the terms of members elected in 1978 and 1980 accordingly; providing for a referendum.

On motions by Senator Johnston, by two-thirds vote SB 1306 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

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
Gordon	Maxwell	Spicola	

Nays—None

SB 1307—A bill to be entitled An act relating to Santa Rosa County; creating a Civil Service System for certain employees of Santa Rosa County; exempting certain employees and officials from said system; creating a civil service board to administer said system; fixing the organization, powers, and duties of said board and system; providing for the method and terms of employment for certain employees; regulating the employment and discharge of certain employees; authorizing a staff for the civil service board and employment of an attorney for the board; providing for various leaves and holidays; requiring the Board of County Commissioners of Santa Rosa County and the Santa Rosa County School Board to fund the system and provide facilities; providing for the creation of a classified pay plan; providing penalties; providing severance and savings clauses; establishing a seniority system; regulating political activity of certain employees; preserving rights of present employees; exempting officers and employees of the Santa Rosa Hospital from the provisions of the act; providing an effective date.

On motions by Senator Tobiassen, by two-thirds vote SB 1307 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

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
Gordon	Maxwell	Spicola	

Nays—None

SPECIAL ORDER, continued

The Senate resumed consideration of—

SB 619—A bill to be entitled An act relating to landlord and tenant; creating s. 83.565, Florida Statutes; permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant; requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after October 1, 1979, shall be deemed to include the provisions of the act; providing an effective date.

Senator Myers moved the following amendments which were adopted:

Amendment 4—On page 1, lines 25-26, strike the words "30 days" and insert: 1 year

Amendment 5—On page 1, line 30, before the semicolon insert: , or upon termination of the lease, whichever period is shorter

Senator Steinberg moved the following amendments which were adopted:

Amendment 6—On page 1, line 31, after the period "." insert: If the property is subsequently rented by the landlord, the landlord shall return to the cotenant or estate of the deceased tenant any moneys the landlord received pursuant to this subsection, which cover rental of the property for the period of time during which the property is occupied by another tenant.

Amendment 7—On page 1 in title, line 8, after the semicolon insert: providing circumstances for rebate;

On motion by Senator Johnston, the Senate reconsidered the vote by which Amendment 3 was adopted. Amendment 3 was withdrawn.

On motion by Senator Peterson, the Senate reconsidered the vote by which Amendment 1 was adopted. Amendment 1 failed.

Senator Steinberg moved that the rules be waived and SB 619 be read the third time by title. The motion failed.

SB 698—A bill to be entitled An act relating to courts; amending s. 26.031(1)(e), (f), (h), (k), (o), (q), (r), (s), Florida Statutes, 1978 Supplement; providing for additional circuit judges; amending s. 34.022(6), (13), (48), (52), Florida Statutes, 1978 Supplement; providing for additional county court judges; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 698 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 722—A bill to be entitled An act relating to the financing of county road construction; amending s. 339.089, Florida Statutes; requiring use of certain surplus second gas tax revenues on the county road system; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendments which were adopted:

Amendment 1—On page 1, line 9, insert: Section 1. Subsection (26) of s. 334.03, Florida Statutes, is amended to read:

334.03 Definitions of words and phrases.—The following words and phrases when used in this code shall, unless the context clearly indicates otherwise, have the following meanings:

(26) "Periodic maintenance."—Activities which are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition, including, but not limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing or resurfacing of lengthy sections of roadway. *Within the meaning of Article XII, Section 9, of the Constitution of the State of Florida, major resurfacing, widening and reconstruction of roads shall be considered construction.*

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, strike lines 2 and 3 and insert: An act relating to the Florida Transportation Code and to the financing of county road construction; amending s. 334.03(26), Florida Statutes, defining the resurfacing, widening and reconstruction of roads as construction; amending s. 339.089, Florida

On motion by Senator Holloway, by two-thirds vote SB 722 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

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

Nays—None

By the Committee on Economic, Community and Consumer Affairs and Senators Gordon and Anderson—

CS for SB 759—A bill to be entitled An act relating to landlord and tenant law; creating part IV of chapter 83, Florida Statutes, consisting of ss. 83.801 through 83.808, Florida Statutes, entitled the "Mini-self-storage Landlord and Tenant Act"; providing for the application of the act; providing definitions; providing that rental agreements under the act impose an obligation of good faith on the parties; providing for a mini-self-storage owner's lien for rent; providing remedies for mini-self-storage owners; providing for postjudgment procedures; providing an effective date.

—was read the first time by title and SB 759 was laid on the table.

On motions by Senator Anderson, by two-thirds vote CS for SB 759 was read the second time by title.

Senator Anderson moved the following amendment which was adopted:

Amendment 1—On page 5, lines 23-25, strike lines 23 through 25 and insert: 83.808 This act shall take effect October 1, 1979, and shall apply to rental agreements entered into after that date.

Pending further consideration of CS for SB 759 as amended, on motion by Senator Anderson, the rules were waived and by two-thirds vote CS for HB 510 was withdrawn from the Committee on Commerce.

On motion by Senator Anderson—

CS for HB 510—A bill to be entitled An act relating to landlord and tenant law; creating part IV of chapter 83, Florida

Statutes, consisting of ss. 83.801 through 83.808, Florida Statutes, entitled the "Mini-self-storage Landlord and Tenant Act"; providing for the application of the act; providing definitions; providing that rental agreements under the act impose an obligation of good faith on the parties; providing for a mini-self-storage owner's lien for rent; providing remedies for mini-self-storage owners; providing for postjudgment procedures; providing an effective date.

—a companion measure, was substituted for CS for SB 759 and read the second time by title.

Senator Williamson moved the following amendment which was adopted:

Amendment 1—On page 3, line 11, strike "This lien shall be superior" and strike lines 12, 13 and 14

The vote was:

Yeas—17

Chamberlin	Gorman	Scott	Ware
Childers, D.	Holloway	Spicola	Williamson
Childers, W. D.	MacKay	Steinberg	
Dunn	McClain	Tobiassen	
Frank	Scarborough	Trask	

Nays—12

Anderson	Gordon	McKnight	Poole
Carlucci	Hill	Myers	Stuart
Fechtel	Johnston	Neal	Winn

Senator Anderson moved that the rules be waived and CS for HB 510 as amended be read the third time by title. The motion failed.

SB 854—A bill to be entitled An act relating to the Community Mental Health Act; adding a subsection to s. 394.69, Florida Statutes, authorizing local governing bodies to appropriate moneys to be expended for purposes as provided in approved mental health district board plans; requiring annual audits thereof and the furnishing of such audits to the participating local governing bodies; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote SB 854 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne

Consideration of CS for SB 956 was deferred.

SB 920—A bill to be entitled An act relating to the Florida Housing Act; amending s. 420.101(1)(c), Florida Statutes, specifying intent; providing that housing development corporations shall provide financing for certain commercial projects related to corporation housing activities; 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 Ware and adopted:

Amendment 1—On page 2, lines 14-17, strike all underlined language and insert: *for the low and moderate income citizens.*

Amendment 2—On page 2, between lines 17 and 18 insert: New Section 2

Section 2. Paragraph (2) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 608, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(2) To borrow money from its stockholders, *other financial institutions*, and state and federal agencies for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidences of debentures, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, without securing stockholder approval.

(renumber subsequent section)

Amendment 3—On page 2, line 18, strike "October 1, 1979" and insert: upon becoming law

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

Amendment 4—On page 2, between lines 17 and 18, insert: Section 2. Subsection (3) of section 420.123, Florida Statutes, is amended to read:

420.123 Stockholders; loan requirement.—

(3) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferrable at all times, and which shall bear interest at a rate of ~~not less than one fourth of 1 percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of the issuance thereof on unsecured commercial loans.~~

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Ware and adopted:

Amendment 5—On page 1 in title, strike lines 4-7 and insert: providing that one of the purposes of a housing development corporation shall be to improve the standard of living of the low and moderate income citizens of the state; amending s. 420.111(2), Florida Statutes, providing that housing development corporations have the power to borrow money from other financial institutions for any of the purposes of the corporation;

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

Amendment 6—On page 1 in title, line 7, after "activities;" insert: amending s. 420.123(3), Florida Statutes, eliminating limitation on interest;

On motion by Senator Ware, further consideration of SB 920 as amended was deferred.

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

CS for HB 1104—A bill to be entitled An act relating to housing; amending s. 420.201(5), Florida Statutes, deleting reference to the term "rural"; amending s. 420.20, Florida Statutes, renaming the Florida Rural Housing Land Acquisition and Site Development Assistance Act of 1974; amending s. 420.202(2) and (4), Florida Statutes, redefining the terms "eligible borrower" and "fund" for the purposes of the act; amending s. 420.203, Florida Statutes, providing for the Revolving Land Acquisition and Site Development Trust Fund; providing for the reversion of funds; amending s. 420.204(1), Florida Statutes, deleting reference to the term "rural"; amending s. 420.205(1)(c) and (2), Florida Statutes, providing that a pledge of unencumbered revenues of an eligible borrower shall not be reasonable security under the act; eliminating the value of the property as improved with the loan as a factor

in computing loan limitations under the act; revising loan limitations; including described sources from which excess amounts of funds may be recovered; amending s. 420.211, Florida Statutes, extending the life of the act; repealing s. 420.207(2), Florida Statutes, relating to loans defaulted upon by local governments; repealing s. 420.202(6), Florida Statutes, relating to the definition of the term "rural areas"; providing an effective date.

—passed this day.

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

Amendment 1—On page 5, between lines 17 and 18, insert: Section 8. Paragraph (c) of subsection (1) of Section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(c) The purposes for which the corporation is founded, which shall be:

1. To mobilize capital;
2. To finance new or rehabilitated housing for persons of low or moderate income in the state;
3. To find new methods of providing subsidies for housing;
4. To encourage and assist, through loans, including loans at below market interest rates, investments, or other business transactions, in the elimination of substandard housing in this state;
5. To rehabilitate and assist existing housing, and so to stimulate and assist in the expansion of all kinds of housing activity which will tend to promote the development of new or rehabilitated housing and improve the standard of living of the low and moderate income citizens of this state;
6. To cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of housing developments in this state; and
7. To provide financing for the construction of all kinds of housing activity in this state for the low and moderate income citizens.

Section 9. Paragraph (2) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 608, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(2) To borrow money from its stockholders, other financial institutions, and state and federal agencies for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidences of debentures, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, without securing stockholder approval.

Section 10. Subsection (3) of section 420.123, Florida Statutes, is amended to read:

420.123 Stockholders; loan requirement.—

(3) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferrable at all times, and which shall bear interest at a rate of not less than one fourth of 1 percent in excess of the rate

of interest determined by the board of directors to be the prime rate prevailing at the date of the issuance thereof on unsecured commercial loans.

[Renumber subsequent sections.]

Senator Ware moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 26, after the semicolon "," insert: amending s. 420.101(1)(c), Florida Statutes; providing that one of the purposes of a housing development corporation shall be to improve the standard of living of the low and moderate income citizens of the state; amending s. 420.111(2), Florida Statutes, providing that housing development corporations have the power to borrow money from other financial institutions for any of the purposes of the corporation; amending s. 420.123(3), Florida Statutes; eliminating limitation on interest;

On motion by Senator Ware, by two-thirds vote CS for HB 1104 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Fechtcl

On motion by Senator Spicola, the rules were waived and HB 1531 was ordered immediately certified to the House.

SB 967—A bill to be entitled An act relating to the animal industry; renumbering s. 585.155(3), (4), Florida Statutes, and adding a new subsection (3) to said section; requiring each owner of a cattle herd to enroll such herd in a program of whole herd brucellosis vaccination upon funding and approval of such a program by the United States Department of Agriculture; authorizing the Department of Agriculture and Consumer Services to exempt certain herds; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendment which was moved by Senator Trask and adopted:

Amendment 1—On page 1, line 25, after the word "vaccination" strike the remainder of line 25 and all of lines 26 through and including line 31 and insert: . Dairy cattle herds owned by a person operating a dairy farm as defined in section 502.012, F.S., shall be exempt from provisions of this subsection. Those cattle herds that are in the process of being certified and qualified or which are certified and qualified as of October 1, 1979, may also be exempt from provisions of this subsection. In granting such exemptions, to a certified or qualified cattle herd or a cattle herd that is in the process of being certified or qualified, the Department of Agriculture and Consumer Services shall give consideration to the establishment of areas of low brucellosis incidence which can be recognized by the United States Department of Agriculture as Class "A" or "B" status under the Uniform Methods and Rules for Brucellosis Control and Eradication. The Department of Agriculture and Consumer Services may make all necessary rules to carry out provisions of this subsection.

Senator Trask moved the following amendment which was adopted:

Amendment 2—On pages 1-2, between line 31 of page 1 and line 1 of page 2, insert: Section 2. The sum of \$100,000 is hereby appropriated from the General Revenue Fund to the

Department of Agriculture and Consumer Services for the purpose of implementing the program of whole herd brucellosis vaccination provided for in s. 585.155(3), Florida Statutes.

(Renumber subsequent section)

The Committee on Agriculture offered the following amendment which was moved by Senator Trask and adopted:

Amendment 3—On page 1 in title, line 9, after the semicolon strike the remainder of line 9 and all of lines 10 and 11 and insert: exempting certain herds; authorizing the Department of Agriculture and Consumer Services to make rules;

Senator Trask moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 11, after the word "penalties;" insert: providing an appropriation;

On motion by Senator Trask, by two-thirds vote SB 967 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	Neal	Tobiassen
Carlucci	Henderson	Poole	Trask
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Spicola	Winn
Fechtel	MacKay	Steinberg	
Frank	McClain	Stuart	
Gorman	McKnight	Thomas	

Nays—None

By the Committee on Natural Resources and Conservation and Senators Trask and Peterson—

CS for SB 1017—A bill to be entitled An act relating to regulation of water wells; creating ss. 373.308 and 373.342, Florida Statutes; providing for implementation of programs for regulating water wells, for delegating authority to water management districts, and for granting authority to issue certain permits; providing an effective date.

—was read the first time by title and SB 1017 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 1017 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—28

Anderson	Gorman	McClain	Spicola
Carlucci	Henderson	McKnight	Steinberg
Childers, D.	Hill	Neal	Stuart
Childers, W. D.	Holloway	Peterson	Thomas
Dunn	Jenne	Poole	Tobiassen
Fechtel	Johnston	Scarborough	Trask
Frank	MacKay	Scott	Winn

Nays—None

Vote after roll call:

Yea—Williamson

SB 1163—A bill to be entitled An act relating to the permitting of consumptive uses of water; creating s. 373.244, Florida Statutes; authorizing the governing board of a water management district to issue temporary permits for the consumptive use of water while an application is pending for a permit; providing notice requirements; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Don Childers and adopted:

Amendment 1—On page 2, lines 11-14, strike "However, notice shall be given that such a temporary permit has been issued and that the temporary permit will be subject to review by the governing board at its next regular meeting."

Senator Trask moved the following amendments which were adopted:

Amendment 2—On page 2, line 21, insert: Section 2. Section 373.117, Florida Statutes, is created to read:

373.117 Certification by professional engineer.—

(1) If an application for a permit or license to conduct an activity regulated under this chapter requires the services of a professional engineer as regulated and defined by chapter 471, the department or governing board of a water management district may require, as a condition of granting a permit or license, that a professional engineer licensed under chapter 471 certify upon completion of the permitted or licensed activity that such activity has been completed in substantial conformance with the plans and specifications approved by the department or board.

(2) The cost of such certification by a professional engineer shall be borne by the permittee.

(3) No permitted or licensed activity which is required to be so certified shall be placed into use or operation until the professional engineer's certificate is filed with the department or board.

And renumber subsequent section

Amendment 3—On page 2, line 21, insert:

Section 2. Section 373.308, Florida Statutes, is created to read:

373.308 Implementation of programs for regulating water wells.—

(1) The department may authorize the governing board of a water management district to implement a program for the issuance of permits for the location, construction, repair, and abandonment of water wells.

(2) The department may authorize the governing board of a water management district to exercise any power authorized to be exercised by the department under ss. 373.309, 373.313, 373.316, 373.319, 373.323, 373.326, 373.329 and 373.333 and may withhold from delegation such power as the department chooses not to delegate.

(3) Notwithstanding the provisions in this section for delegation of authority to a water management district, the department may prescribe minimum standards for the location, construction, repair, and abandonment of water wells throughout all or parts of the state, as may be determined by the department.

Section 2. Section 373.342, Florida Statutes, is created to read:

373.342 Permits.—

(1) The governing board of any water regulatory district which, pursuant to the authority of s. 373.339 or pursuant to authority delegated to it by the department under s. 373.308 or s. 373.309(2), regulates water wells may in its discretion authorize its executive director to issue permits for the construction, repair, or modification of any water well.

(2) In granting authority to its executive director under subsection (1), the governing board shall prescribe those certain circumstances in which such a permit may be issued.

and renumber subsequent section

Amendment 4—On page 1 in title, line 8, after the semicolon insert: creating s. 373.117, Florida Statutes, authorizing the Department of Environmental Regulation or the governing board of a water management district to require certification

of certain permitted or licensed activities by a professional engineer; providing for the cost thereof and prohibiting operation without the required certification;

Amendment 5—On page 1 in title, line 8, after the semicolon insert: creating s. 373.308 and s. 373.342, Florida Statutes, providing for the implementation of programs for regulating water wells and for delegating certain authority of the Department of Environmental Regulation to water management districts; providing for the granting of authority to issue certain permits;

On motion by Senator Trask, by two-thirds vote SB 1163 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The Senate resumed consideration of—

CS for SB 590—A bill to be entitled An act relating to local government; creating part II of chapter 165, 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 review; providing for resolutions to the Department of Banking and Finance, the Department of Community Affairs and the Secretary of State; providing for recommendations to the Governor; providing for administrative hearings; providing regulatory authority by the Department of Banking and Finance; removing exclusivity of the proceedings set forth in part I of chapter 165, Florida Statutes; renumbering s. 114.01(2), Florida Statutes, and adding a new subsection (2) to said section; amending s. 218.32(3), Florida Statutes; providing that failure to file a financial statement shall be a misdemeanor of the second degree; adding s. 75.05(3), Florida Statutes; requiring compliance with the provisions of s. 274.05, Florida Statutes; providing an effective date.

Senators McClain, Spicola, Stuart and Dunn offered the following amendment which was moved by Senator McClain and failed:

Amendment 11—On page 3, line 22, after the word "body" and before the period, insert: , except hospitals and each special district whose bonds and the interest thereon do not constitute an indebtedness, or create a lien on the property, of the special district, the State of Florida or any of its counties or municipalities, and with regard to which no holder of bonds shall have the right to require or compel the exercise of the ad valorem taxing power of said special district, state, county or municipality

The vote was:

Yeas—11

Gorman	McClain	Spicola	Ware
Grizzle	Scarborough	Stuart	Williamson
Henderson	Scott	Trask	

Nays—17

Anderson	Dunn	Jenne	Thomas
Carlucci	Frank	Johnston	Winn
Chamberlin	Gordon	McKnight	
Childers, D.	Hill	Neal	
Childers, W. D.	Holloway	Steinberg	

On motion by Senator Dunn, the Senate reconsidered the vote by which Amendment 11 failed.

Amendment 11 was adopted.

On motion by Senator Frank, by two-thirds vote CS for SB 590 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

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

CS for SB 956—A bill to be entitled An act relating to the regulation of fish traps; creating s. 370.0825, Florida Statutes; requiring persons in possession of or using fish traps on state waters to obtain a license issued by the Department of Natural Resources; providing exceptions to such license requirements; providing for license fees; providing for expenditure of license fees collected; restricting the volume of and material used in constructing fish traps; requiring a degradable door; restricting hours for working traps; limiting the depth of water wherein such traps may be fished; limiting the number of traps per licensee; prescribing the standards for marking and identifying such traps; requiring the license to be on board and that each boat have a separate license; providing third degree felony penalties for anyone molesting another's fish traps; requiring the department to maintain catch records; providing other penalties; providing for seizure of illegal traps; requiring certain annual reports by the department to the President of the Senate and Speaker of the House of Representatives; providing severability; providing an effective date.

—was read the first time by title and SB 956 was laid on the table.

On motions by Senator Anderson, by two-thirds vote CS for SB 956 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—28

Anderson	Frank	MacKay	Spicola
Barron	Gordon	McClain	Stuart
Carlucci	Gorman	McKnight	Thomas
Chamberlin	Grizzle	Peterson	Tobiassen
Childers, D.	Hill	Poole	Trask
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn

Nays—1

Steinberg

On motion by Senator Trask, the rules were waived and the Senate immediately reconsidered the vote by which SB 1163 as amended passed.

Pending further consideration of SB 1163, on motion by Senator Trask, 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 1618 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 1618—A bill to be entitled An act relating to water resources; creating s. 373.244, relating to temporary permits; authorizing the governing board of a water management district, or its executive director, to issue temporary permits for consumptive use of water while application is pending; providing an expiration date, extension of term, review, waiver of notice and hearing on temporary permit; creating s. 373.308 and s. 373.342, Florida Statutes, providing for the implementation of programs for regulating water wells and for delegating certain authority of the Department of Environmental Regulation to water management districts; providing for the granting of authority to issue certain permits; creating s. 373.117, Florida Statutes, authorizing the Department of Environmental Regulation or the governing board of a water management district to require certification of certain permitted or licensed activities by a professional engineer; providing for the cost thereof and prohibiting operation without the required certification; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Trask, by two-thirds vote HB 1618 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Trask HB 1618 a companion measure, was substituted for SB 1163. On motions by Senator Trask by two-thirds vote HB 1618 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Childers, D.	Hill	Scarborough	Trask
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Jenne	Skinner	Winn
Frank	Johnston	Spicola	
Gordon	MacKay	Steinberg	

Nays—None

SB 1163 was laid on the table.

The President presiding

By the Committee on Natural Resources and Conservation and Senators Trask, Peterson and W. D. Childers—

CS for SB 1168—A bill to be entitled An act relating to sewage disposal facilities; amending s. 403.086(3), Florida Statutes, 1978 Supplement; providing that the Department of Environmental Regulation shall include treatment or disposal measures in the permit requirements for individual sewage disposal systems under certain conditions; amending s. 381.261, Florida Statutes; providing a division of responsibility between the Department of Health and Rehabilitative Services and the Department of Environmental Regulation over certain individual sewage disposal systems; providing state policy relative to such systems; providing an effective date.

—was read the first time by title and SB 1168 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 1168 was read the second time by title and by two-thirds vote was read the third time by title.

Further consideration of CS for SB 1168 was deferred.

SB 1176—A bill to be entitled An act relating to service charges by the clerk of the circuit court; amending s. 28.24, Florida Statutes, 1978 Supplement; providing that in those counties where the clerk's office operates as a fiscal unit of the county, the clerk is prohibited from charging the county for services rendered by his office; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 1176 was read the third time by

title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Frank	McKnight	Vogt
Anderson	Gorman	Poole	Ware
Barron	Grizzle	Scott	Williamson
Chamberlin	Holloway	Steinberg	Winn
Childers, D.	Jenne	Stuart	
Childers, W. D.	Johnston	Thomas	
Dunn	MacKay	Tobiassen	

Nays—None

Votes after roll call:

Yea—McClain, Spicola

SB 1203 was taken up and on motion by Senator McKnight, by two-thirds vote HB 1647 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator McKnight—

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.

—a companion measure, was substituted for SB 1203 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1647 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1203 was laid on the table.

SB 1217 was taken up and on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1574 was withdrawn from the Committee on Transportation.

On motion by Senator Johnston—

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.

—a companion measure was substituted for SB 1217 and read the second time by title.

Senator Williamson moved the following amendment:

Amendment 1—On page 3, line 3, strike "income status,"

Further consideration of HB 1574, with pending amendment was deferred.

On motion by Senator MacKay, the rules were waived and the Senate immediately reconsidered the vote by which SB 84 passed.

On motion by Senator MacKay, 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 332 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Young and Burnsed—

HB 332—A bill to be entitled An act relating to public school media centers; amending s. 230.23(7)(d), Florida Statutes, 1978 Supplement; providing option of opening school library media centers to the public; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator MacKay, by two-thirds vote HB 332 was withdrawn from the Committee on Education.

On motion by Senator MacKay—

HB 332—A bill to be entitled An act relating to public school media centers; amending s. 230.23(7)(d), Florida Statutes, 1978 Supplement; providing option of opening school library media centers to the public; providing an effective date.

—a companion measure, was substituted for SB 84. On motions by Senator MacKay, by two-thirds vote HB 332 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—34

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

Nays—None

SB 84 was laid on the table.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 1623 was withdrawn from the Committee on Ways and Means.

On motions by Senator Johnston, the rules were waived and by two-thirds vote HB 312 and SB 63 were withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 700 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Henderson, the rules were waived and by two-thirds vote SB 666 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 550 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote SB 63 was withdrawn from the Committee on Ways and Means.

ENROLLING REPORTS

CS for	SB 475	SB 1026	SB 651
SB 367	SB 753	SB 9	SB 779
CS for	SB 884		
SB 419			

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 23, 1979.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 21 and 18 were corrected and approved.

The Journal of May 10 was further corrected and approved as follows:

Page 418, column 1, between lines 34 and 35 insert: sion; providing membership, powers and duties; providing for staff and the appointment of committees; creating a technical advisory committee to the commission; requiring the commission to adopt a uniform hospital accounting and reporting

The Journal of May 9 was further corrected and approved as follows:

Page 367, column 1, from bottom, line 29, strike “:” and insert: on line 5, following the roman numeral IV:

The Journal of April 25 was further corrected and approved as follows:

Page 254, insert after last line of column 1: revenue to pay certificates; exempting the board from liability

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:03 p.m. to convene at 8:30 a.m., Thursday, May 24, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.