



Journal of the Senate

Number 28

Friday, May 25, 1979

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

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

HB 317 CS for HB 523 HB 631
HB 1051 HB 1505

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Boles—

HB 317—A bill to be entitled An act relating to campaign financing; amending ss. 106.04(4)(a) and 106.07(4)(a), Florida Statutes, changing the amount of contribution for which information relating to the contributor's occupation must be disclosed with respect to contributions to committees of continuous existence or to candidates or political committees; providing an effective date.

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

By the Committee on Ethics & Elections and Representative Hattaway—

CS for HB 523—A bill to be entitled An act relating to elections; amending s. 98.031(1), Florida Statutes, and adding subsection (5) thereto, authorizing the supervisor of elections to select polling place locations; amending s. 101.71(2) and (3), Florida Statutes, 1978 Supplement, conforming to the act provisions relating to polling places and the procedure used to notify the electors of the change of polling places; repealing s. 101.73, Florida Statutes, relating to the description of election districts and precincts; providing an effective date.

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

By Representative Kirkwood—

HB 631—A bill to be entitled An act relating to campaign financing; amending s. 106.08(2), Florida Statutes, 1978 Supplement, restricting the application of provisions limiting the receipt and use of campaign contributions on or near the day of elections; providing an effective date.

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

By the Committee on Ethics & Elections—

HB 1051—A bill to be entitled An act relating to elections; amending s. 97.072, Florida Statutes, relating to requirements for replacement of a registration identification card; providing for written request for change in party affiliation; amending s. 98.051(3)(a) and (c), Florida Statutes, authorizing an elector to change his address or name during the time registration books are closed; amending s. 98.081(1), Florida Statutes, 1978 Supplement, to shorten the duration an elector's name automatically remains on the registration books from 4 years to 2

years; repealing s. 97.111, Florida Statutes, relating to change of party affiliation; providing an effective date.

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

By the Committee on Ethics & Elections—

HB 1505—A bill to be entitled An act relating to state employees; amending s. 104.31(1), Florida Statutes, removing a provision which prohibits officers and employees of state agencies receiving federal funds from serving on political party executive committees; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 150 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Danson—

HB 150—A bill to be entitled An act relating to campaign financing; amending s. 106.011(3) and (4), Florida Statutes, including transfers of funds to certain savings accounts or to certificates of deposit and earned interest within the definition of "contribution"; including certain transfers of campaign funds within the definition of "expenditure"; amending s. 106.021(1)(b), Florida Statutes, permitting a candidate's campaign treasurer or deputy treasurer to deposit unneeded campaign funds in a savings account or to purchase a certificate of deposit; requiring such accounts or certificates to be separate from other savings accounts or certificates of deposit; restricting the withdrawal of funds therefrom; amending s. 106.06, Florida Statutes, requiring certain records; permitting certain inspection of such accounts or certificates of deposit; adding a paragraph to s. 106.07(4), Florida Statutes, and amending subsection (6) of said section, decreasing the penalty with respect to certain fake campaign reports; requiring campaign expenditures and contributions reports to contain certain information with respect to such accounts and certificates; adding subsection (6) to s. 106.08, Florida Statutes, 1978 Supplement, exempting transfers of funds to such accounts and certificates, and earned interest, from certain provisions limiting and restricting contributions; adding a new subsection (4) to s. 106.141, Florida Statutes, requiring the transfer of funds in such accounts and certificates to the campaign account of a candidate for disposal upon his withdrawal, elimination, or election; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 666 CS for HB 311 HB 1639 HB 316

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 311—A bill to be entitled An act relating to acupuncture clinics; creating chapter 389, Florida Statutes; providing definitions; providing for licensing, inspection, and regu-

lation by the Department of Health and Rehabilitative Services; prescribing license fees; providing for department's powers and rulemaking authority; providing for renewal, denial, suspension and revocation of licenses; providing administrative penalties; providing advertising restrictions; providing for inspections; prohibiting certain acts and providing penalties; providing injunctive relief; 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.

By Representatives Boles and A. E. Johnson—

HB 316—A bill to be entitled An act relating to campaign financing; amending ss. 106.025(2)(c), 106.04(4)(a), and 106.07(4)(a), Florida Statutes, requiring disclosure of only the address of campaign contributors at testimonials, to committees of continuous existence, or to candidates or political committees; providing an effective date.

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

By Representative Barrett—

HB 666—A bill to be entitled An act relating to elections; adding a new paragraph (c) to s. 97.021(8), Florida Statutes, defining "absent elector" to include persons unable to attend a poll because of employment; amending s. 97.102(1), Florida Statutes, to provide that an elector who changes his county of residence within Florida after the books are closed shall be permitted to vote absentee in the county of his former residence on statewide issues; amending s. 101.64(1), Florida Statutes, relating to absentee voter's certificate, to conform; amending s. 101.62(1), Florida Statutes; providing that an absent elector may request an absentee ballot during the 6-month period preceding an election; providing an effective date.

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

By the Committee on Ethics & Elections—

HB 1639—A bill to be entitled An act relating to elections; amending s. 97.063(1)(c), (2), (3) and (7), Florida Statutes, providing for absentee voter registration of overseas citizens; amending s. 97.0631, Florida Statutes, providing for notice of elections to overseas citizens; amending s. 97.064, Florida Statutes, providing for voter registration of previously registered overseas citizens; amending s. 98.081(1), Florida Statutes, 1978 Supplement, providing for the restoration of names to registration records; amending s. 101.161, Florida Statutes; providing that language of constitutional amendments or other public measures be printed in clear and unambiguous language and that the effect of an affirmative or negative vote be made clear; amending s. 101.692(3) and (4), Florida Statutes, and repealing subsection (5) thereof; providing for requesting absentee ballots by overseas citizens; deleting provisions to conform to the act; amending s. 101.694(1) and (3), Florida Statutes, and repealing subsection (2) thereof; providing for the mailing of absentee ballots to overseas citizens; providing authority for the Department of State to prescribe additional specifications for absentee ballot envelopes; deleting provisions to conform to the act; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 227 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dyer and others—

HJR 227—A joint resolution proposing the creation of Section 16 of Article VII of the State Constitution relating to solar energy construction financing.

—was read the first time by title and referred to the Committees on Ways and Means, and 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 228	HB 399
HB 109	CS for	
HB 572	HB 580	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Robinson and others—

CS for HB 109—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051(1)(a), Florida Statutes, 1978 Supplement, providing that legislators are not subject to the compulsory participation requirements of the system; amending s. 121.052(1), Florida Statutes, 1978 Supplement, providing that legislators elected to office after July 1, 1980, may elect to become members of the Elected State Officers' Class of the Florida Retirement System or not participate at all; providing a 6-month option period; providing that legislators elected on or before July 1, 1980, shall remain in the system unless they elect, prior to January 1, 1981, to withdraw therefrom; directing the administrator to refund legislators' contributions to the system under certain circumstances; providing an effective date.

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

By Representative Dyer and others—

HB 228—A bill to be entitled An act relating to solar energy; authorizing issuance of state bonds to finance solar energy facilities; designating the State Board of Administration as the state fiscal agency to make certain determinations relating to solar energy; providing for the determination of the amount of state bonds for solar energy; providing a limitation on the amount; providing for the financing, construction, acquisition, maintenance, and operation of facilities; authorizing certain agreements; providing certain powers for the Florida Solar Energy Center; exempting the facilities from taxation except the corporate income tax; prohibiting issuance of bonds after a certain date; providing an effective date.

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

By Representative Thompson and others—

HB 399—A bill to be entitled An act relating to the Teachers' Retirement System of Florida; creating s. 238.072, Florida Statutes, providing that certain state and county cooperative extension personnel who participate in the Teachers' Retirement System of Florida and who are prohibited from transferring to the Florida Retirement System may retire after 30 years of creditable service in the Teachers' Retirement System of Florida with full benefits; providing an effective date.

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

By Representative M. E. Hawkins—

HB 572—A bill to be entitled An act relating to the partnership laws; amending s. 620.07, Florida Statutes, relating to immunity from liability of limited partners; providing an effective date.

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

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

CS for HB 580—A bill to be entitled An act relating to salt-water fisheries and conservation; permitting the fishing for live bait shrimp in Taylor, Dixie, Levy, Citrus, Pasco, and Hernando Counties with a permit issued by the Department of Natural Resources; prohibiting specified violations of law with

respect to marine resource conservation; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary-Criminal.

The Honorable Philip D. Lewis, President

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

HB 282	HB 888	HB 1059
HB 610	HB 1625	HB 1678
HB 1485	HB 603	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Davis—

HB 282—A bill to be entitled An act relating to the district school system; amending s. 230.2315(3), Florida Statutes, 1978 Supplement; requiring school boards to submit for approval plans for educational alternative programs; requiring the Commissioner of Education to review such plans and approve, disapprove, or return them for modification; providing for program guidelines; requiring the Department of Education to monitor such programs; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 603—A bill to be entitled An act relating to ad valorem tax administration; amending s. 192.001(2), Florida Statutes, to define "assessed value" with respect to property assessed on the basis of character or use, or at a specified percentage of value; amending s. 192.032(2) and (3), Florida Statutes, 1978 Supplement, relating to situs of property for assessment purposes, and transferring s. 196.0011, Florida Statutes, relating to goods-in-transit, to said section; adding subsection (4) to s. 193.062, Florida Statutes, providing date for filing of returns and applications when not otherwise specified by law; creating s. 193.074, Florida Statutes, providing for confidentiality of returns; creating s. 193.441, Florida Statutes, providing legislative intent with respect to assessments at less than just value; repealing s. 194.042, Florida Statutes, relating to procedures by which a property owner may challenge assessment value; amending s. 195.027(3), Florida Statutes, providing for confidentiality of certain taxpayers' records to which the property appraiser, Department of Revenue, and Auditor General are allowed access under certain conditions; amending s. 195.087(1)(a), Florida Statutes, providing procedures with respect to budgets of property appraisers; amending s. 196.011(2), Florida Statutes, to delete requirement for annual application for exemption for household goods and personal effects of residents; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

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

By Representatives Hodges and Crady—

HB 610—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.001, Florida Statutes, deleting various definitions which refer to saltwater fish or saltwater problems and redefining the term "residents of Florida"; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 888—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.199(8)(a), Florida Statutes; providing that taxes on a leasehold interest in property owned by governmental units shall be recoverable by the issuance of tax warrants; providing procedures; authorizing seizure of other property of the taxpayer; providing that such taxes on leaseholds devoted to residential use shall be collected as provided by law for real property taxes; providing for assumption of

certain obligations by certain tax deed purchasers; providing an effective date.

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

By Representative Cox—

HB 1059—A bill to be entitled An act relating to financial accounts and expenditures of school districts; amending s. 237.211(2), Florida Statutes, 1978 Supplement, relating to school depositories, to authorize each school board to commingle certain of its funds in a single checking account under certain conditions; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 1485—A bill to be entitled An act relating to ad valorem taxation; adding subsection (4) to s. 193.062, Florida Statutes; providing a date for filing returns by railroad, railroad terminal, private car and freight line and equipment companies; adding paragraph (d) to s. 193.072(1), Florida Statutes, and amending subsection (4); providing a penalty for incomplete returns by such companies; providing for reduction or waiver of penalties by the executive director of the Department of Revenue in case of property valued by the department; amending s. 193.085(4), Florida Statutes, 1978 Supplement; providing for determination by the department of average number of cars habitually present in Florida for private car and freight line and equipment companies, for assessment of the just value thereof, and apportionment of such assessed value; providing for rules; providing an effective date.

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

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1625—A bill to be entitled An act relating to retirement; adding subsection (3) to s. 112.05, Florida Statutes, amending ss. 122.16 and 238.181, Florida Statutes, and amending s. 121.091(9), Florida Statutes, 1978 Supplement, providing that, with respect to the retirement system set forth in chapter 112, Florida Statutes, the Florida Retirement System, the State and County Officers and Employees' Retirement System, and the Teachers' Retirement System of Florida, certain restrictions upon the employment of a person who has retired under any such retirement system are eliminated; authorizing reemployment of such person for 600 hours per year with a monetary earning limit per year, without suspension of benefits; prohibiting reemployment within 1 month of retirement with any employer within the system; providing that a retired person holding public office is subject to the same reemployment limitations as any other member of the system; providing an exception; providing an effective date.

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

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1678—A bill to be entitled An act relating to revenue received from vending machines; creating s. 216.361, Florida Statutes, authorizing deposit of such moneys in employee benefit funds; specifying the purposes for which funds may be dispersed; authorizing the Department of Administration to adopt rules for employee benefit funds; requiring agencies to assess certain employee benefit funds for operational and administrative costs; requiring the Department of General Services and each agency to determine operational and administrative costs; providing definitions; amending s. 402.18(1) and (2), Florida Statutes, removing certain beneficiaries of Welfare Trust Funds under the Department of Health and Rehabilitative Services; repealing s. 334.131, Florida Statutes, relating to the employees' benefit fund of the Department of Transportation; providing an effective date.

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

The Senate recessed at 8:37 a.m.

The Senate was called to order by the President at 9:00 a.m.
A quorum present—38:

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

Excused: Senator Barron until 9:30 a.m., and Senator Dunn; Senators Gordon, W. D. Childers, Peterson, Vogt, Myers, Scott, McClain, Hair, periodically, conferees on SB 1297, and Senators Maxwell, Skinner and Johnston, alternates.

Prayer by Father Jose P. Nickse, Sts. Peter and Paul Catholic Church, Miami:

Let us pray. Almighty God, bless the people of our great state of Florida and its legislators. Yahweh is my shepherd, I lack nothing. In meadows of green grass he lets me lie; to the waters of repose he leads me, there he revives my soul. He guides me by paths of virtue for the sake of his name. Though I pass through a gloomy valley, I fear no harm. Beside me your rod and your staff are there to hearten me. You prepare a table before me under the eyes of my enemies. You anoint my head with oil, my cup brims over. Ah, how goodness and kindness pursue me every day of my life. My home, the house of Yahweh, as long as I live. May the Lord give you his grace to guide us, to lead with courage, to promote justice and to serve with integrity. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 25, 1979:

SCR 1127	SB 444	HB 698
CS for SB 1224	SB 461	SB 918
CS for SB 1239	SB 625	HB 1546
SB 983	SB 653	SB 933
CS for CS	SB 654	CS for SB 968
for SB 240	SB 655	SB 1028
SCR 226	SB 624	CS for SB 1013
CS for SB 332	CS for HB 440	SB 1065
SB 364	SB 862	CS for SB 1146
CS for SB 385	CS for SB 922	CS for SB 1177
SB 395	SB 924	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 1252

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 958

The Committee on Ways and Means recommends a Committee Substitute for the following: SB's 342, 789, 692, 522 and 1274

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

Senator Trask introduced Bob Fowler, associate pastor, director and a member of the musical drama group, Love Explosion, of Cypress Cathedral, Winter Haven. The group performed ex-

cerpts from the musical production "The Witness" depicting the story of Christ as told by the Apostle Peter.

The President introduced William H. Wannall, retired (1976) Sergeant at Arms of the United States Senate, and his wife Dorothy, who now live in Port St. Lucie. Mr. Wannall was with the U. S. Government for 25 years, including 10 years in the Sergeant's office, three years of which he served as Sergeant at Arms.

On motion by Senator Holloway, by two-thirds vote SR 1154 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Holloway—

SR 1154—A resolution honoring the state veterans of war.

—was taken up out of order by unanimous consent and read the second time in full.

Senator Holloway moved the following amendment which was adopted:

Amendment 1—On page 1, line 5, strike "29" and insert: 28

SR 1154 as amended was adopted and ordered engrossed. The vote on adoption was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Myers

On motion by Senator Vogt, by two-thirds vote SCR 1112 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Vogt—

SCR 1112—A resolution supporting the designation of July 18, 1979, by the United States Congress, as "National POW-MIA Recognition Day".

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

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Henderson

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Myers, by two-thirds vote SB 1189 was placed at the end of the special order calendar.

On motion by Senator Hair, the rules were waived and by two-thirds vote CS for SB 769 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Steinberg, by two-thirds vote SB 825 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote House Bills 1036 and 1689 were withdrawn from the Committee on Ways and Means and by two-thirds vote placed first on the special order calendar.

Senator Anderson moved that the rules be waived and HB 510 be immediately certified to the House. The motion failed.

REQUESTS FOR EXTENSION OF TIME

May 25, 1979

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following:

SB 823 by Senator Carlucci

May 25, 1979

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

SB 18 by Senator Scott	SB 417 by Senator
SB 20 by Senator Scarborough	Tobiassen
SB 65 by Senator Steinberg	SB 485 by Senator Dunn
SB 144 by Senator Holloway	SB 499 by Senator Dunn
SB 166 by Senator Don Childers and others	SB 502 by Senator Dunn
SB 243 by Senator Maxwell	SB 535 by Senator Johnston
SB 274 by Senator Don Childers	SB 810 by Senator Hair
SB 415 by Senator Tobiassen	SB 839 by Senator Maxwell
	HB 162 by Representative Gardner
	HB 1530 by Regulatory Reform Committee

May 25, 1979

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

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

May 25, 1979

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

SB 39 by Senator Dunn	SB 392 by Senator Vogt
SB 51 by Senator Steinberg	SB 420 by Senator Maxwell
SJR 70 by Senator McClain	SB 575 by Senator Hair
SB 199 by Senator Carlucci	SCR 843 by Senator Peterson
SCR 226 by Senator Gordon	SB 890 by Senator Barron and others
SJR 255 by Senator Ware	HM 516 by Representative Lippman and others
SJR 265 by Senator Gordon	HCR 1713 by Representative Easley and others
SJR 281 by Senator Grizzle	
SB 251 by Executive Business Committee	
SB 311 by Senator Carlucci	
SB 344 by Senator Barron	
SJR 363 by Senator McKnight and others	

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 1132 SB 71 SB 1014 CS for SB 1245 SB 585

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 439	SB 314	SB 1119	SB 438	SB 451
SB 1034	SB 369	SB 886	SB 967	SB 895

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 1531 HB 252

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Spicola—

SB 92—A bill to be entitled An act relating to the Florida Council on Criminal Justice; amending s. 23.152(3)(e), Florida Statutes, 1978 Supplement; changing the membership of the council; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19, after the period “.” insert:

Section 2. Paragraph (g) of subsection (3) of section 23.-152, Florida Statutes, 1978 Supplement, is amended to read:

23.152 Florida Council on Criminal Justice; membership; staff.—

(3) The council shall consist of the following members:

(g) Other representation, which shall be appointed by the Governor as follows:

1. Representatives of local law enforcement agencies including one sheriff appointed by the president of the Florida Sheriffs Association.

2. Representatives of state and local adult corrections and rehabilitation agencies and related organizations.

3. Representatives of state and local juvenile justice agencies and related organizations.

4. Local elected officials and a circuit judge.

5. Private citizens.

(renumber subsequent section)

Amendment 2—On page 1, lines 3 & 4 in title, strike all of said lines and insert: Criminal Justice; amending s. 23.152(3)(e) and (g), Florida Statutes, 1978 Supplement; changing the

On motions by Senator Spicola, the Senate concurred in the House Amendments.

SB 92 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

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 Senator Vogt—

SB 125—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082, Florida Statutes, 1978 Supplement; adding Brevard, Indian River, and Duval Counties to a list of counties in which it is unlawful to set, lay out, or fish any gill net, wing net, or similar device unattended in any of the waters of the county; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike everything after the enactment clause and insert the following:

Section 1. Section 370.082, Florida Statutes, 1978 Supplement, is amended to read:

370.082 Use of gill nets, wing nets, and similar devices regulated; penalties; confiscation of equipment.—

(1) It is unlawful for any person, firm, or corporation to set, lay out, or fish, or cause to be set, laid out, or fished, any gill net, wing net, or similar device, unattended, in any of the inland saltwaters waters of the Counties of Walton, Santa Rosa, Okaloosa, Franklin, Escambia, or Volusia, *Brevard, Indian River, Pinellas, or Duval*. However, the Department of Natural Resources may issue permits for the use of such nets or similar devices used for research contrary to the provisions of this section, with respect to Franklin County and Volusia County only, and the department may limit the use of such permits to such times and places in Franklin County and Volusia County as the department deems advisable. Any such net or device, while being fished between sunset and sunrise, shall, in addition to ~~be~~ being attended, be marked by a light or lights in a manner causing said net or device to be visible to any approaching vessel.

(2) Gill nets, wing nets, or similar devices shall be clearly marked in such a manner that the identity of the fisherman's boat registration number may be readily determined.

(3) Any person violating the provisions of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any gill net, wing net, or similar device found unattended or unlighted in or on the waters of the Counties of Walton, Santa Rosa, Okaloosa, Franklin, Escambia, and Volusia, *Brevard, Indian River, Pinellas, and Duval*, in violation of the provisions of this act, may be summarily seized and destroyed by the Division of Marine Resources of the Department of Natural Resources.

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

Amendment 2—On page 1, strike the entire title and insert the following:

A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082, Florida Statutes, 1978 Supplement; adding Brevard, Indian River, Pinellas, and Duval Counties to a list of counties in which it is unlawful to set, lay out, or fish any gill net, wing net, or similar device unat-

tended in any of the inland saltwaters of the county; requiring certain nets or devices to be marked by lights and attended between sunset and sunrise; providing an effective date.

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

SB 125 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

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 Senator Spicola—

SB 313—A bill to be entitled An act relating to issuance of search warrants; amending s. 933.07, Florida Statutes; specifying content of search warrants; making summary arrest of persons found on premises in which the property specified in the warrant is found discretionary with the officer executing process; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25-27, strike *The officer executing process need not arrest all persons found on the premises in which the property specified in the warrant is found.*

Amendment 2— On page 1, line 4-8, strike making summary arrest of persons found on premises in which the the property specified in the warrant is found discretionary with the officer executing process;

On motions by Senator Spicola, the Senate concurred in the House Amendments.

SB 313 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Peterson	Tobiassen
Chamberlin	Henderson	Poole	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Fechtcl	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn
Gordon	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 2 amendments—

By Senator Tobiassen—

SB 414—A bill to be entitled An act relating to the Florida Casualty Insurance Risk Management Trust Fund; amending s. 284.34, Florida Statutes; providing that certain coverages

are excluded unless authorized by the Department of Insurance; providing that certain self-insurance programs of the Board of Regents shall not be affected; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 27 & 28, strike all of said lines and insert a new Section 2:

Section 2. Subsection (1) of section 284.01, Florida Statutes, is amended to read:

284.01 Florida Fire Insurance Trust Fund; coverages to be provided.—

(1) A state self-insurance fund, designated as the Florida Fire Insurance Trust Fund, is hereby created to be set up by the Department of Insurance and administered with a program of risk management. The fund shall insure those properties designated in subsection (2), which are owned by the state or its agencies, boards, or bureaus against loss from fire and hazards customarily insured by extended coverage. *Furthermore, the fund may also insure the State Regional Office Building located in the City of Jacksonville, Duval County, Florida, including the parking facility owned by the City of Jacksonville, since such building is jointly owned by the State of Florida and the City of Jacksonville. The City of Jacksonville, shall be responsible for the payment of all premiums charged by the fund to insure property owned by the City of Jacksonville.* Flood insurance shall be provided for state-owned structures and contents designated in subsection (2) to the extent necessary to meet self-insurance requirements of the National Flood Insurance Program, as prescribed in rules and regulations of the Department of Housing and Urban Development at 24 C.F.R., Part 1925, promulgated pursuant to 42 U.S.C. ss. 4001-4128.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1, line 9 in title, strike all of line 9 and insert: amending s. 284.01(1), Florida Statutes, to extend coverage by the Department of Insurance to the State Regional Office Building in Jacksonville, Florida; requires the City of Jacksonville to be responsible for payment of premiums charged by the fund; providing an effective date.

On motions by Senator Tobiasen, the Senate concurred in the House Amendments.

SB 414 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

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 Senator Steinberg—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, insert the following and renumber subsequent sections:

Section 1. Section 111.07, Florida Statutes, is amended to read:

111.07 Defense of ~~civil tort~~ actions against public officers, ~~or employees or agents~~.—Any agency of the State, or any county, municipality or political subdivision of the state is authorized to provide an attorney to defend any civil actions ~~in tort~~ brought against any of its officers, ~~or employees or agents for acts or omissions as a result of any alleged negligence of its officers or employees~~ arising out of and in the scope of their employment or function ~~with the state or its subdivisions~~, unless, in the case of a tort action such officer, or employee or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. *Defense of such civil actions shall include but not be limited to any civil rights lawsuit seeking relief personally against such officers, employees, or agents, for acts or omissions under color of state law, custom, or usage, wherein it is alleged that such officer, employee or agent has deprived another person of his rights secured under the federal constitution or laws. Legal representation of an officer, employee or agent of a state agency may be provided by the Department of Legal Affairs. If any agency of the state, or any county, municipality or political subdivision of the state is authorized pursuant to this section to provide an attorney to defend a civil action brought against its officers, employees, or agents, and fails to provide such attorney, then said agency, county, municipality, or political subdivision shall reimburse any such defendant who prevails in the action for court costs and reasonable attorney's fees.*

Section 2. Section 111.071, Florida Statutes, is created to read:

111.071 Payment of judgments or settlements against officers, employees, or agents of any county, municipality, political subdivision, or certain agencies of the state.—

(1) Any county, municipality, political subdivision, or agency of the state which has been excluded from participation in the Insurance Risk Management Trust Fund is authorized to expend available funds to pay:

(a) Any final personal judgment, including damages, costs, and attorney's fees, against any officer, employee or agent held to be personally liable in a civil or civil rights lawsuit described in s. 111.07. If the civil action arises under s. 768.28 as a tort claim, the limitations and provisions of s. 768.28 governing payment shall apply. If the action is a civil rights action arising under 42 U.S.C. s. 1983, or similar federal statutes, payments for the full amount of the judgment may be made unless the officer, employee or agent has been determined in the final judgment to have caused the harm intentionally.

(b) Any compromise or settlement of any claim or litigation as described in the immediately preceding subsection, subject to the limitation set forth in that subsection.

(c) Any reimbursement required under s. 111.07 for court costs and reasonable attorney's fees where the county, municipality, political subdivision, or agency of the state has failed to provide an attorney and the defendant prevails.

(2) For purposes of this section, a "final judgment" means a judgment upon completion of any appellate proceedings.

(3) This section is not intended to be a waiver of sovereign immunity or a waiver of any other defense or immunity to such lawsuits.

Section 3. Section 111.072, Florida Statutes, is created to read:

111.072 Provision of insurance in anticipation of judgments or settlements against officers, employees or agents of any county, municipality or political subdivision.—Any county, municipality or political subdivision is authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage it may choose, or to have any combination thereof in anticipation of any judgment or settlement which its officers, employees or agents may be liable to pay pursuant to a civil or civil rights lawsuit described in s. 111.07.

Section 4. Sections 111.06 and 111.08, Florida Statutes, are hereby repealed.

Section 5. Section 284.30, Florida Statutes is amended to read:

284.30 Florida Casualty Insurance Risk Management Trust Fund; coverages to be provided.—There is hereby created a Florida Casualty Insurance Risk Management Trust Fund to provide insurance, as authorized by s. 284.33, for workmen's compensation, general liability, and fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983, or similar federal statutes, and court awarded attorney fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or to awards by the Career Service Commission insurance coverages. A party to a suit in any court, to be entitled to have his attorney fees paid by the state or any of its agencies, must serve a copy of the pleading claiming the fees on the Department of Insurance and thereafter the department shall be entitled to participate with the agency in the defense of the suit and any appeal thereof with respect to such fees.

Section 6. Section 284.31, Florida Statutes, is amended to read:

284.31 Scope and types of coverages; separate accounts.—The insurance risk management trust fund shall, unless specifically excluded by the Department of Insurance, cover all departments of the State of Florida and their employees and agents and other authorized persons, and shall provide separate accounts for workmen's compensation, general liability, and fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983, or similar federal statutes, and court awarded attorney fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or to awards by the Career Service Commission. insurance coverages. All departments of the state shall be covered by the fund unless specifically excluded by the Department of Insurance.

Section 7. Section 284.33, Florida Statutes, is amended to read:

284.33 Purchase of insurance, reinsurance and services.—The Department of Insurance is authorized to provide insurance, specific excess insurance, and aggregate excess insurance through the Division of Purchasing, pursuant to the provisions of part I, chapter 287, as necessary to provide insurance coverages authorized by this part, consistent with market availability. The Department of Insurance is further authorized to purchase such risk management services, including, but not limited to, risk and claims control, legal, investigative, and adjustment services, as may be required and pay claims as may arise under any deductible provisions.

Section 8. Section 284.38, Florida Statutes, is amended to read:

284.38 Waiver of sovereign immunity; effect.—The insurance programs developed herein shall provide limits as established by the provision of s. 768.28 if a tort claim. The limits provided in s. 768.28 shall not apply to a civil rights action arising under 42 U.S.C. s. 1983, or similar federal statutes. Payment of pending and future claims or judgments arising under said statutes may be made upon this act becoming law unless the officer, employee, or agent has been determined in the final judgment to have caused the harm intentionally; however, the fund is hereby authorized to pay all other court ordered attorney fees as provided under s. 284.31. In the event sovereign immunity is waived in whole or in part, the insurance programs developed herein shall provide coverage only to the extent of such waiver of sovereign immunity.

Section 9. Subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(9) No officer, employee, or agent of the state or its subdivisions shall be held personally liable in tort for a final judgment which has been rendered against him for any injuries or damages suffered as a result of any act, event, or omission of action in the scope of his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Subject to the monetary limitations set forth in subsection (5), the state shall pay any monetary judgment which is rendered in a civil action per-

sonally against an officer, employee, or agent of the state which arises as a result of any act, event, or omission of action within the scope of his employment or function.

Amendment 2—On page 1, line 2 in title after the semi-colon “;” insert the following:

amending s. 111.07, Florida Statutes, authorizing any agency of the state, or any county, municipality or political subdivision to provide an attorney to defend any civil action brought against its officers, employees or agents, subject to certain limitations, and requiring payment of court costs and attorney's fees in certain cases; creating s. 111.071, Florida Statutes, authorizing the payment of judgments or settlements of civil litigation against officers, employees, or agents of any county, municipality or political subdivision; creating s. 111.072, Florida Statutes, authorizing self-insurance, risk management programs, or the purchase of liability insurance for any claim or judgment which officers, employees or agents of counties, municipalities or political subdivisions may be liable to pay pursuant to civil or civil rights lawsuit described in s. 111.07, Florida Statutes; repealing s. 111.06, Florida Statutes, relating to the defense of prison and peace officers in civil actions instituted against them; repealing s. 111.08, Florida Statutes, relating to the authority of the Department of Health and Rehabilitative Services to compensate officers, employees, or agents for payment of certain personal judgments; amending s. 284.30, Florida Statutes, to provide coverage through the Florida Casualty Insurance Risk Management Trust Fund to include federal civil rights actions and court awarded attorney fees; amending s. 284.31, Florida Statutes, authorizing payment from the insurance risk management trust fund upon prescribed conditions; amending s. 284.33, Florida Statutes, authorizing the purchase of necessary risk management services; amending s. 284.38, Florida Statutes, establishing limit of the risk management trust funds liability for tort actions, authorizing the payment of civil rights claims and judgments and court awarded attorney fees; amending s. 768.28(9), Florida Statutes, to provide that no officer, employee or agent of the state shall be personally liable in tort for a final judgment which has been rendered against him for injuries or omissions which arose as a result of any act, event or omission of action in the scope of his employment or function; deleting the requirement that the state must pay such judgments;

On motions by Senator Steinberg, the Senate concurred in the House Amendments.

SB 474 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

By the Committee on Agriculture and Senator Johnston and others—

CS for SB 81—A bill to be entitled An act relating to the retail sale of fresh fruits and vegetables; creating the “Produce Labeling Act of 1979”; permitting growers and shippers to label fresh fruits and vegetables produced in Florida as products of Florida; requiring country of origin labeling on fresh fruits and vegetables grown outside the United States and sold in Florida; prohibiting retail vendors from willfully and knowingly removing such labels; providing that the De-

partment of Agriculture and Consumer Services enforce the act; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 2, lines 19 and 20, strike all said lines and insert: Section 6. This act shall take effect January 1, 1980.

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

CS for SB 81 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Grizzle	McClain	Thomas
Carlucci	Hair	McKnight	Tobiassen
Chamberlin	Hill	Myers	Trask
Childers, D.	Holloway	Peterson	Vogt
Childers, W. D.	Jenne	Skinner	Ware
Fechtel	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	

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 amendment—

By Senator Steinberg—

SB 473—A bill to be entitled An act relating to interest and usury; creating s. 687.13, Florida Statutes; exempting certain loans to borrowers who are not residents or citizens of the United States from provisions relating to interest and usury; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, strike “then” and insert: than

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

SB 473 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, D.	Jenne	Scott	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Fechtel	MacKay	Spicola	Winn
Frank	Maxwell	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 concurred in Senate Amendment 2; has amended Senate Amendment 1, concurred in same as amended and passed HB 1531 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Crawford—

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 subsections (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.

House Amendment 1 to Senate Amendment 1—On page 3, line 32—line 4, on page 4, strike “; 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. and insert a period.

On motion by Senator Spicola, the Senate refused to concur in the House amendment to Senate Amendment 1 and the House was requested to recede. The action of the Senate was certified to the House.

Senator Barron presiding

The President presiding

The Honorable Philip D. Lewis, President

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

By Senator Ware—

SB 468—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02(1), Florida Statutes; providing for an increase in the excise tax on deeds and other instruments relating to realty; amending s. 201.15, Florida Statutes; providing for distribution of taxes collected pursuant to chapter 201, Florida Statutes, to the General Revenue Fund of the state and to the Land Acquisition Trust Fund; repealing s. 201.021, Florida Statutes, which imposes a surtax on documents relating to realty; adding subsection (4) to s. 201.02, Florida Statutes; providing for the imposition of the tax on deeds on documents which convey any beneficial interest in lands, tenements, or other realty, even though the interest is designated as personal property; amending s. 201.08(1), Florida Statutes; requiring such tax to be paid only on the initial debt of a mortgage, trust deed, security agreement, or other evidence of indebtedness which secures future advances; requiring such tax to be paid on future advances at the time such advances are made; providing a penalty; amending s. 201.09, Florida Statutes; providing an exemption for a mortgage, trust deed, security agreement, or other evidence of indebtedness which evidences an exempt promissory note; amending s. 201.21, Florida Statutes; providing that the exemption provided by said section shall apply when specific collateral is pledged, or where the collateral obligation is temporarily removed; adding paragraph (c) to s. 201.23(1), Florida Statutes; including among foreign notes exempt under that subsection certain promissory notes executed outside the state, if secured by a mortgage on foreign real estate; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 7, line 20, insert new Section 9: Section 9. Section 201.24, Florida Statutes, is created to read:

201.24 Obligations to pay money of municipalities, political subdivisions and agencies of the state. There shall be exempt from all taxes imposed by this chapter any obligation to pay money issued by a municipality, political subdivision or agency of the state.

And renumber subsequent section.

Amendment 4—On page 3, line 2, insert after "transfer": pursuant to s. 689.071

Amendment 5—On page 2, line 10, after the colon ":" insert: Section 1. Paragraph (c) of subsection (7) of section 199.052, Florida Statutes, is amended to read:

199.052 Returns.—

(7)

(c) No mortgage, deed of trust, or written evidence of a specific lien in the nature of a mortgage on real property shall be recorded in any public record of the state or be enforceable in any court of the state unless and until the tax levied by this chapter shall have been paid and until the notation of the clerk of the circuit court shall have been placed thereon showing the payment of the tax. However, the failure to place the notation thereon or to pay the correct amount of tax shall not affect the constructive notice given by the recordation of the mortgage, deed of trust, or instrument evidencing a lien.

However, the provisions of this chapter shall not apply to the assumption of a mortgage agreement between the mortgagor and his grantee where the amount of the indebtedness and the terms thereof remain the same whether or not the original obligor is released from liability on the note and mortgage.

Section 2. Subsection (4) is added to section 201.08, Florida Statutes, to read:

201.08 Tax on promissory notes, written obligations to pay money, assignments of wages, etc.; exception.—

(4) *No documentary stamps shall be required on promissory notes when there has been an assumption of a mortgage agreement between the mortgagor and his grantee where the amount of the indebtedness and the terms thereof remain the same whether or not the original obligor is released from liability on the note and mortgage.*

Amendment 6—On page 7, lines 20 and 21, strike all of said lines and insert: Section 10. This act shall take effect on October 1, 1979, except for Section 4 of this act which shall take effect upon becoming law.

Amendment 7—On page 3, lines 26 and 27, strike all of said lines

Amendment 8—On page 2, lines 21 and 24, strike "40" and insert: 30

Amendment 9—On page 1, line 2 in title, after the semicolon ";," insert: amending s. 199.052(7)(c), Florida Statutes, and adding s. 201.08(4), Florida Statutes; providing that the intangible personal property tax and the excise tax on documents do not apply to the assumption of a mortgage agreement under certain circumstances;

Amendment 10—On page 2, line 7, before the effective date clause insert: creating s. 201.24, Florida Statutes, exempting obligations to pay money of municipalities, agencies and political subdivisions of the state;

On motions by Senator Johnston, the Senate concurred in House Amendments 3, 4, 5, 6, 9 and 10, and refused to concur in House Amendments 7 and 8 and the House was requested to recede. The action of the Senate was certified to the House.

Senator Trask presiding

MATTERS ON RECONSIDERATION

The motion by Senator McClain on May 24 that the Senate reconsider the vote by which—

SB 1012—A bill to be entitled An act relating to university and community college students; amending s. 239.582, Florida Statutes, 1978 Supplement; providing that students adjudicated guilty of unlawful possession or sale of substances controlled under chapter 893, Florida Statutes, may be automatically expelled; deleting provisions providing for suspension of students formally charged with possession or sale of such substances; providing an effective date.

—passed on May 24, was taken up and adopted; and the Senate reconsidered.

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

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Section 239.582, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 239.581, F.S., 1978 Supp., for present text.)

239.582 Expulsion and discipline of students of the state University system and community colleges.—

(1) Each student in the State University System and each student in a community college is subject to federal and state law, respective county and municipal ordinances, and all rules and regulations of the Board of Regents or board of trustees of the community college.

(2) Violation of these published laws, ordinances, or rules and regulations may subject the violator to appropriate action by the university or community college authorities.

(3) Each president in the State University System and each president of a community college shall have authority, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated a rule or regulation of the Board of Regents or of the board of trustees of the community college or to have violated any law or ordinance.

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

Senator Tobiassen moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike all of lines 4 through and including line 11, and insert: Statutes, 1978 Supplement; providing for the expulsion, suspension, and discipline of students in the State University System or in community colleges; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote SB 1012 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Anderson	Hair	Myers	Thomas
Barron	Hill	Neal	Tobiassen
Chamberlin	Jenne	Poole	Ware
Childers, W. D.	Johnston	Scott	Winn
Fechtel	Maxwell	Spicola	
Gorman	McClain	Steinberg	
Grizzle	McKnight	Stuart	

Nays—3

Childers, D. Henderson Trask

Votes after roll call:

Yea—Holloway, Skinner

Nay to Yea—Trask

SPECIAL ORDER

SCR 1127—A concurrent resolution commending the University of Miami Women's Golf Team.

—was read the second time in full. On motion by Senator Anderson, SCR 1127 was adopted and certified to the House. The vote on adoption was:

Yeas—32

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

Nays—None

Senator Anderson escorted to the rostrum Lynn Clark, Director of Governmental Relations, University of Miami; Susan Reynolds, Assistant Director; and Isabelle Hutchison, Director of Women's Athletics, University of Miami. The President presented a copy of SCR 1127 to Ms. Hutchison who thanked the Senate on behalf of the University of Miami's Women's Golf Team.

CS for HB 1036—A bill to be entitled An act relating to education; creating s. 230.2312, Florida Statutes, providing for the Florida Primary Education Program; providing legislative intent; establishing preventive, enrichment, and developmental components; providing for educational and health screening and assessment and assignment of students; providing dismissal criteria; providing for primary specialists and staff development programs; providing for phase-in funding of the program; authorizing the use of funds for parent involvement; providing for reporting; adding a new paragraph (d) to s. 229.565(2), Florida Statutes, 1978 Supplement, to require evaluation of the program; amending s. 230.2311(5), Florida Statutes, to provide for school board consultation with teacher education centers in developing certain inservice training programs; amending s. 236.013(2)(c), Florida Statutes, to allow membership in the preventive component for more than 180 school days; amending s. 236.081(1)(c), Florida Statutes, 1978 Supplement, to increase the cost factor for kindergarten through grade 3; amending s. 237.34(3)(a) and (b), Florida Statutes, 1978 Supplement, revising expenditure requirements for kindergarten through grade 3 programs; authorizing the expenditure of specified funds for inservice training; providing effective dates.

—was read the second time by title.

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

Amendment 1—On page 2, line 6, strike everything after the enacting clause and insert: Section 1. Section 230.2311, Florida Statutes, is amended to read:

230.2311 Legislative intent; early childhood and basic skills development programs; objectives; provisions.—

(1) The Legislature recognizes that the early years of a student's pupil's education are crucial to his future and that mastery of the basic skills of communication and computation is essential to the future educational and personal success of an individual. The first priority of the public schools of Florida shall be to assure that all Floridians, to the extent their individual physical, mental, and emotional capacities permit, shall achieve mastery of the basic skills. The term "basic skills," for the purposes of this section, means reading, writing, and arithmetic. Early childhood and basic skills development programs shall be made available by the school districts to all students school age children, with specific emphasis on especially those enrolled in kindergarten and grades 1 through 3, and shall be designed to provide effective, meaningful, and relevant educational experiences designed to give students at least the minimum skills necessary to function and survive in today's society.

(2) In implementing the intent of this section, each school district shall develop a program for early childhood and basic skills development. Each district's program shall include a procedure which provides for early identification of potential learning problems of all children upon initial entry into the district school system. The early childhood and basic skills program shall be developed cooperatively by school administrators, teachers, parents, and other community groups or individuals having an interest in the programs or having expertise in the field of early childhood education or basic skills development. The early childhood and basic skills development program required herein shall be fully implemented by each school district no later than the 1981-82 school year.

(3) Each district's early childhood and basic skills development program shall be based on rules adopted by the state board designed to guidelines prepared by the Department of Education pursuant to chapter 74-238, Laws of Florida. The program shall assure that each student pupil is provided enrolled in a program based on his diagnosed designed to meet his individual needs and designed to accomplish that he achieves that level of mastery of the basic skills which his capacities permit.

(4) The early childhood and basic skills development program shall include, but not be limited to:

(a) An increase in the number of teachers in kindergarten and grades 1 through 3.

(b) ~~(a)~~ An increase in the number of adults assisting in the primary classroom, kindergarten, and grades 1 through 3, through the use of teacher aides, parent volunteers, foster grandparents, paraprofessionals, specialized professionals, and ~~or~~ other similar personnel.

(c) ~~(b)~~ Emphasis on instruction in basic skills, including direct individual and small group instruction in reading and computation skills.

(d) ~~(c)~~ Use of personnel as described in paragraph (a) during instruction in computational skills and in reading skills.

(e) ~~(d)~~ Fulfillment of the goals for education in Florida as adopted by the State Board of Education. However, early childhood and basic skills development programs shall be the first priority of Florida public schools.

(f) ~~(e)~~ Emphasis on an individualized diagnostic approach to instruction.

(g) ~~(f)~~ Use of prescriptive techniques designed to meet individual student pupil needs, with special attention given to those students pupils not performing up to the minimum reading standards approved by the State Board of Education.

(h) ~~(g)~~ Emphasis on the basic skills development of each child, with attention given to the emotional and social development of each child.

(i) ~~(h)~~ Defined measurable program objectives.

(j) ~~(i)~~ Assessment of educational needs.

(k) ~~(j)~~ Collection of pertinent demographic data and information about early childhood programs, such as children's centers; day care, preschool, and child-care programs in either the public or private sector; and the way in which such programs may be integrated or coordinated with the district program.

(l) ~~(k)~~ Allocation and coordination of all available services and district resources with the objectives of the program, including school health services provided by the Department of Health and Rehabilitative Services and services of diagnostic and learning resource centers.

(m) ~~(l)~~ Staff development and inservice training, including a requirement that all teachers in the primary grades, kindergarten, and grades 1 through 3 be trained have access to training in the use of aides, volunteers, and paraprofessionals in the classroom; in the recognition and identification of language arts and computational needs; and in the application of prescriptive techniques in meeting such needs.

(n) ~~(m)~~ Evaluation of the programs by the school board, school administrators, and teachers, and by parents and other appropriate lay groups such as school advisory committees established pursuant to s. 229.58.

(o) ~~(n)~~ Use of specialized professionals, parents and volunteers in the classroom and for home visitations and parent education in order to strengthen the role of the family and the home in the education process and to develop a cooperative relationship between the family, the home, and the school. The early childhood and the basic skills development programs shall be implemented by the 1976-77 school year.

(5) Each district school board, in cooperation with the teacher education centers established in ss. 231.600-231.610 and with the Department of Education shall develop inservice training programs designed to enable teachers:

(a) To recognize and identify language arts and computational needs, especially reading needs.

(b) To apply prescriptive techniques in meeting each student's such needs.

(c) To use specialized professionals, aides, volunteers, and paraprofessionals effectively in the classroom.

(6) Each district school board, in cooperation with the Department of Education, shall develop training programs for parents, volunteers, teacher aides and other personnel who serve in the early childhood and basic skills development program.

(7) As part of the early childhood and basic skills development program, each district school board shall provide for the screening ~~periodic evaluation~~ of all students ~~appropriate pupils~~ in kindergarten and grades 1 through 3 prior to the end of the eighth week of their entry into public school in order to identify each student's ~~pupil's~~ instructional needs and potential learning problems. Each student shall be reevaluated at least annually. Such evaluations shall be based on especially ~~how well they meet~~ the minimum performance ~~reading~~ standards approved by the state board pursuant to ss. 229.565 and 229.57, and ~~Such evaluations~~ shall be one of the major criteria used to determine the most appropriate prescriptive program for each student's ~~pupil's~~ instructional needs.

(8) Each district school board shall, pursuant to sections 229.831, 229.832, 230.2313, and 402.32, make provision for specialized services necessary to assist classroom teachers and other school personnel in implementing the requirements of the early childhood and basic skills development program relating to screening and early identification and correction of potential learning problems.

Section 2. Section 232.245, Florida Statutes, 1978 Supplement, is amended to read:

232.245 Student Pupil progression.—

(1) By July 1, 1977, each district school board shall establish a comprehensive program for student ~~pupil~~ progression which shall be based upon at least an annual ~~an~~ evaluation of each student's ~~pupil's~~ performance, including how well he masters the minimum performance standards approved by the state board.

(2) The district program for student ~~pupil~~ progression shall be based upon local goals and objectives which are compatible with the state's plan for education and which supplement the minimum performance standards approved by the State Board of Education. Particular emphasis, however, shall be placed upon the student's ~~pupil's~~ mastery of the basic skills, especially reading, before he is promoted from the 3rd, 5th, 8th, and 11th grades. *However, no student shall be promoted from the third grade who has not met the appropriate minimum performance standards for grade three, unless such student is placed in an exceptional student program, an alternative education program, or is at least ten years of age and is placed in a basic program with special compensatory assistance.*

Section 3. Subsection (1) of section 236.0811, Florida Statutes, 1978 Supplement, is amended to read:

236.0811 Educational training.—

(1) Each school board shall develop and maintain an educational training program. Funds appropriated to school districts for the purposes of this section shall be used exclusively for educational training programs, *which may include parent and volunteer training programs*, meeting criteria established by the Department of Education. When a district has an approved teacher education center, the inservice programs shall be conducted in accordance with the provisions of the Teacher Education Center Act of 1973 (ss. 231.600-231.610), as amended.

Section 4. Subsection (2) of section 229.832, Florida Statutes, 1978 Supplement, is amended, and a new subsection (3) is added to said section to read:

229.832 Creation of a system of diagnostic and learning resource centers.—The Department of Education is directed to establish regional diagnostic and learning resource centers for exceptional students, *and students suspected of having exceptionalities*, to assist in the provision of medical, physiological, psychological, and educational testing and other services designed to identify, evaluate and diagnose exceptionalities, to make referrals for necessary instruction and service; and to facilitate the provision of instruction and services to exceptional students.

(2) DUTIES AND RESPONSIBILITIES.—Within its identified service area, each regional center shall:

(a) Provide a range of medical, physiological, psychological, educational and other testing services designed to identify, evaluate and diagnose exceptionalities or other learning problems.

(b) ~~(a)~~ Provide assistance to parents, teachers, and other school personnel and community organizations in locating and identifying exceptional children and in planning educational programs for such children.

(c) ~~(b)~~ Assist in the provision of services for exceptional children, using to the maximum, but not supplanting the existing facilities and services of each district.

(d) ~~(c)~~ Provide orientation meetings at least annually for teachers, principals, supervisors, and community agencies to familiarize them with center facilities and services for exceptional children.

(e) ~~(d)~~ Plan, coordinate, and assist in the implementation of inservice training programs, consistent with each district's program of staff development, for the development and updating of attitudes, skills, and instructional practices and procedures necessary to the education of exceptional children, *and to aid them in the detection of children with potential exceptionalities.*

(f) ~~(e)~~ Assist districts in the identification, selection, acquisition, use, and evaluation of media and materials appropriate to the implementation of instructional programs based on individual educational plans for exceptional children.

(g) ~~(f)~~ Provide for the dissemination and diffusion of significant information and promising practices derived from educational research, demonstration, and other projects.

(3) *In order to better serve children in counties not having a regional center, diagnostic and learning resource centers are authorized to use mobile testing units equipped to provide the same services as are available at the regional center.*

Section 5. Section 229.831, Florida Statutes, is amended to read:

229.831 Legislative intent.—It is the intent of the Legislature that:

(1) Any child whose performance, attitude, or behavior indicates the possible existence of an exceptionality, as defined by State Board of Education rules ~~regulations~~, be tested to determine whether such an *exceptionality* ~~a disability~~ does, in fact, exist.

(2) All children with *exceptionalities* ~~disabilities~~ be identified, diagnosed and treated at the earliest possible time during their school career.

(3) By the beginning of the 1979 ~~1976~~ school year, every student ~~child~~ entering the public school system ~~kindergarten~~ shall be tested to determine the existence of potential *exceptionalities* ~~disabilities~~.

(4) Diagnostic and *learning* resource centers cooperate and consult with teachers and district schools concerning early detection and treatment of students ~~children~~ with *exceptionalities* ~~disabilities~~.

Section 6. Section 402.32, Florida Statutes, 1978 Supplement, is amended to read:

402.32 School health services program.—

(1) This section shall be known and may be cited as the "School Health Services Act of 1974."

(2) The Legislature finds that health services conducted as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physician, dentist, and community health agencies.

(3) The following words and phrases shall have the following meanings for the purpose of this section:

(a) "Screening" means presumptive identification of unknown or unrecognized disease or defects by the application of tests that can be given with ease and rapidity to apparently healthy persons.

(b) "Physical examination" means a thorough evaluation of medical status of an individual.

~~(c) "Indigent children" means any children of a family eligible for free or reduced price lunches, special programs under Title I of the Elementary and Secondary Education Act, or the aid to families with dependent children program.~~

(c) ~~(d)~~ "Emergency health needs" means onsite management and aid for illness or injury pending student return to classroom or release to parent, guardian, designated friend, or designated health care provider.

(4) Duties of the Department of Health and Rehabilitative Services shall be:

(a) To employ, contract for, and supervise health service personnel for each school in the district in accordance with the state plan; however, in matters of coordination of health service programs with other school programs, the principal of each school shall have immediate supervisory authority over the health personnel working in that school.

(b) To carry out health appraisal and screening programs which include periodic review and analysis of health-related records, observation, and screening tests, consistent with sound health practices. Screening shall include vision, hearing, growth and development, nutrition, dental health, mental health, and communicable diseases.

(c) To meet emergency health needs.

(d) When definitive diagnosis or treatment is indicated, to consult with parents or guardians, when appropriate, regarding the need for medical attention by the family physician, dentist, or other specialist, as the case may require.

(e) To follow up on children referred for further diagnosis and treatment.

(f) *When indicated by screening, to provide indigent children with physical examinations and to refer indigent children to appropriate medical and dental treatment, in cooperation with the private medical and dental community whenever possible. Parents or guardians of such students shall, within 30 calendar days, report to the appropriate school personnel the action taken to satisfy the cited medical or dental needs.*

(g) In cooperation with school personnel, to counsel ~~students~~ pupils and parents in matters regarding health programs and practices.

(h) To maintain records by school on the incidence of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs. Records on individual ~~students~~ children shall remain confidential in accordance with law and regulation of the Department of Health and Rehabilitative Services and the State Board of Education.

(i) To aid in the diagnosis and evaluation of children for placement in exceptional child programs and in the reevaluation at periodic intervals of the children placed in such programs.

(j) In cooperation with the Department of Education, to promulgate the rules and regulations necessary for the implementation of this section.

(k) In cooperation with school officials, to provide assistance to school personnel in such areas as health education programs, identification of children with health problems, and working with children with special health problems.

(5) Each district school board, and the Department of Education where applicable, shall have the duty:

(a) To coordinate the educational aspects of the school health services program with the Comprehensive Health Education Act of 1973 and to include health services and health education as part of the school districts' comprehensive educational plan.

(b) To cooperate with the Department of Health and Rehabilitative Services in the provision of health services to children.

(c) To provide physical facilities at each school for the health services program.

(d) To provide inservice health training for school personnel.

(e) To cooperate with public health personnel in counseling ~~students~~ pupils and parents in matters regarding health programs and practices.

(f) To examine each public school child, at the proper age, for scoliosis.

(6) Nonpublic school may request to participate in the school health services program. Nonpublic schools voluntarily participating in the school health services program shall comply with paragraphs (b)-(e) of subsection (5).

(7) At the beginning of each school year, parents or guardians will be requested to provide their written permission for medical or physical examination, screening, and treatment. Any child shall be exempt from medical or physical examination, screening, and treatment if his parent or guardian does not provide such permission. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

(8) School health services shall be implemented in annual increments so that all children will be served by 1979. Expenditures for school health services shall be accounted for by county in accordance with standards established by the Department of Health and Rehabilitative Services or as provided for by law. ~~Implementation shall commence January 1, 1975, upon completion of the plan required by s. 8, ch. 74-356. There is hereby designated from the moneys appropriated to the Department of Health and Rehabilitative Services for fiscal year 1974-1975 the amount of \$50,000 for planning and evaluation for the purpose of carrying out this section.~~

(9) *In the absence of negligence, no person shall be liable for any injury caused by an act or omission in the administration of school health services.*

Section 7. Section 233.057, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 233.057, F.S., for present text.)

233.057 Reading programs.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that reading is one of the communication skills which facilitates learning in all areas of the curriculum. It further recognizes the need for coordination of reading programs in public schools. In order to make this possible, the Legislature intends to authorize the employment of reading resource specialists.

(2) READING RESOURCE SPECIALISTS.—A person is eligible to serve as a reading resource specialist upon meeting all of the following prerequisites:

(a) He has met the specialization requirement for certification in reading as provided by rule of the State Board of Education.

(b) He has had a minimum of 3 years' teaching experience.

(c) In the judgment of the district school board, he possesses the qualifications and necessary experience to serve in such capacity.

Provided that nothing herein shall prevent the appointment of such persons to serve in a dual capacity.

(3) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of reading resource specialists shall include, but not be limited to, the following:

(a) Contributing the expertise needed to prepare the school's total reading program.

(b) Working with the school's curriculum person in planning and implementing the basic skills remediation program as

determined by the Florida State Assessment Accountability Act of 1976.

(c) Providing individual diagnostic testing to enable better prescriptive approaches for classroom instruction.

(d) Assisting the school staff in organizing and managing reading skills as an integral part of all subject areas.

(e) Providing inservice training for school staff in the area of reading.

(f) Participating in a team teaching effort with classroom teachers.

(g) Interpreting the reading program for both parents and the community.

Section 8. Section 233.058, Florida Statutes, is created to read:

233.058 Primary specialists.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that in order to provide a comprehensive prescriptive program of elementary education staff support and services for the classroom instructor should be increased. Among the support services which districts may use to implement this intent shall be the appointment of certified primary specialists.

(2) PRIMARY SPECIALISTS.—A person is eligible to serve as a primary specialist upon meeting all of the following prerequisites:

(a) He has met the specialization requirements for certification as a primary specialist as provided by rule of the State Board of Education.

(b) He has had a minimum of 3 years' teaching experience.

(c) In the judgment of the district school board, he possesses the qualifications and necessary experience to serve in such capacity.

Provided that nothing herein shall prevent the appointment of such persons to serve in a dual capacity.

(3) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the primary specialist shall include, but not be limited to:

(a) Assisting in the coordination of all services and programs in the elementary school, including screening and identification processes, on-going evaluation, assignment of children to appropriate programs, and services of other personnel in a team approach.

(b) Providing supportive academic services to teachers, students, parents, and community agency personnel.

(c) Assisting in individualized, personalized plans of instruction for students.

(d) Assisting in the preparation of reports and assuming the responsibility of current and efficient records and procedures for transfer of records when needed.

(e) Suggesting ways to facilitate parental involvement and parent education.

(f) Coordinating inservice activities at the elementary school level for teachers, volunteers, parents, aides, administrators, and other appropriate personnel.

(g) Supporting and assisting the classroom teacher in implementing teaching strategies, identifying appropriate activities, organizing and managing the classroom, selecting materials, and identifying specific needs of students.

Section 9. Section 236.089, Florida Statutes, is amended to read:

236.089 Allocations for student development services.—The Department of Education shall allocate an amount as prescribed annually by the Legislature to each district in the same ratio as the full-time equivalent student membership in the program categories established in s. 236.081(1)(c), exclusive of special adult general education programs of the state for the prior year, for student development services. *Each district school board shall, from the funds provided under this section*

include in the district comprehensive plan a plan to provide student development services which shall include at least the following: primary specialists, career education, elementary guidance counselors, reading resource specialists, occupational specialists, and placement specialists. Any funds allocated to a district in any year that are not expended for student development services that year shall be carried forward into the ensuing year and shall be added to the allocation of funds for student development services for that year. The commissioner, in conducting the education evaluations prescribed in s. 229.565, shall conduct a performance audit of the district program of student development services and shall evaluate the program for adequacy and effectiveness in meeting the needs of students. These services may include any or all of the following: career education, elementary guidance counselors, occupational specialists, and placement specialists.

Section 10. Paragraph (c) of subsection (6) of section 236.081, Florida Statutes, 1978 Supplement, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(6) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed below:

1. The department shall determine the value per full-time equivalent student for the prior fiscal year for each district as follows: Divide the total number of full-time equivalent students included in the prior year Education Finance Program into the sum of:

a. The prior year's state allocation for: Current operation, as provided in paragraphs (6)(a) and (b), less student transportation, as provided in subsection 236.083(7); less *student development services elementary school counselors, as provided in s. 236.086; less occupational specialists and placement specialists, as provided in s. 236.085; and*

b. The calculated yield of the actual nonvoted millage levied by the district during the prior fiscal year on 95 percent of the prior calendar-year nonexempt assessed valuation of the district for school purposes.

2. The amount determined in subparagraph 1. shall be multiplied by the number of full-time equivalent students included in the final estimated computation of the current Education Finance Program.

3. The amount determined in subparagraph 2. shall be the minimum level of funding for each district for the current fiscal year. Such amount shall include the following:

a. The state allocation for current operation, as provided in paragraph (a), exclusive of all categorical programs; and

b. The calculated yield of the maximum nonvoted millage as prescribed in s. 236.25 during the current fiscal year on 95 percent of the current calendar-year nonexempt assessed valuation of the district for school purposes.

4. In any district in which the amount determined in subparagraph 2. does not equal or exceed the sum of the sources specified in subparagraph 3., the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 2.

Section 11. Subsection (1) of section 228.051, Florida Statutes, is amended to read:

228.051 Organization and support of required public schools.—The public schools of the state shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for exceptional children as may be required by law. The funds for support and maintenance of such schools shall be derived from state, district,

federal, or other lawful sources or combinations of sources, and shall include any tuition fees charged nonresidents as provided by law. Public schools, institutions, and agencies providing this instruction shall constitute the uniform system of free public schools prescribed by Art. IX of the State Constitution and shall include the following:

(1) KINDERGARTEN.—Kindergarten classes, comprising children between the ages as provided by s. 232.01 ~~232.04~~, shall be established by the school board. *No child shall be admitted or promoted to the first grade in any school until he has satisfactorily completed kindergarten in a public school, or a non-public school from which the district school board accepts transfer of academic credit, provided sufficient children of these ages are available to make possible an organization of at least 20 such children at any school. Such classes shall be implemented on a statewide basis in annual increments so that all such children shall be served by the 1973-1974 school year.*

Section 12. Section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 7 and 16; permitted at age of 5 6; exceptions.—

(1) (a) All children who have attained the age of 6 7 years or who will have attained the age of 6 7 years by February 1 of any school year or who are older than 6 7 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

(b) A child who attains the age of 16 years during the school year shall not be required to attend school beyond the date upon which he attains that age.

(c)1. This section shall not apply to students who become or have become married, unmarried students who are pregnant, and students who have already had a child outside of wedlock.

2. Students who become or have become married, unmarried students who are pregnant and students who have previously had a child outside of wedlock shall not be prohibited from attending school. These students shall be entitled to the same educational instruction or its equivalent as other students, but may be assigned to a special class or program better suited to their special needs.

(d) Any child who has attained the age of 6 years on or before ~~September~~ ~~January~~ 1 of the school year of ~~any school having annual promotions~~ shall be admitted to the first grade at any time during the school year. *However, any child who has completed kindergarten and will attain the age of 6 years on or before January 1 shall be admitted to the first grade at any time during the school year.*

(e) ~~Any child who has attained the age of 5 years and 11 months on or before the opening day of any semester of a school having semiannual promotions shall be admitted at any time during the semester.~~

(e) ~~(f)~~ Consistent with ~~rules~~ ~~regulations~~ adopted by the state board, exceptional children who will have attained the age of 3 years on or before January 1 of the school year may be eligible for admission to public special education programs ~~and for related services~~ under rules ~~adopted and regulations~~ prescribed by the school board. However, exceptional children who are deaf, blind, severely physically handicapped or trainable mentally retarded below age 5 may be eligible for a home instruction program or, if enrolled in other preschool or day care programs, may be eligible for supplemental instruction.

(f) ~~(g)~~ Any child who will attain the age of 6 years subsequent to ~~September~~ ~~January~~ 1 and during the school fiscal year of ~~any school having annual promotions~~ shall be admitted at the beginning of that school year or at any time during the first month of the school year to the first grade, provided the child has demonstrated a readiness to enter the first grade in accordance with ~~rules adopted~~ ~~uniform criteria as established~~ by the State Board of Education.

(h) ~~Any child who will attain the age of 5 years and 6 months on or before the opening day of any semester of a school having semiannual promotions may be admitted at the beginning, or at any time during the first 2 weeks, of the said semester, provided the child has demonstrated a readiness~~

~~to enter the first grade in accordance with uniform criteria as established by the State Board of Education.~~

(2) The school boards may ~~adopt rules develop policies~~ under which pupils ~~not meeting the entrance age~~ may be transferred ~~to the first grade~~ from another state if, ~~provided their parents or guardians have been~~ ~~are~~ legal residents of that state.

Section 13. Section 232.03, Florida Statutes, is amended to read:

232.03 Evidence of date of birth required.—Before admitting a child to kindergarten ~~or the first grade~~, the principal shall require evidence that the child has attained the age at which he should be admitted in accordance with the provisions of s. 232.04 or s. 232.01. The superintendent ~~or attendance assistant~~ may require evidence of the age of any child whom he believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(1) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births; or

(2) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent; or

(3) An insurance policy on the child's life which has been in force for at least 2 years; or

(4) A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent; or

(5) A passport or certificate of arrival in the United States showing the age of the child; or

(6) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(7) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these shall be available in the county, by a licensed practicing physician designated by the school board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

Section 14. Subsection (2) of section 232.032, Florida Statutes, is amended to read:

232.032 Immunization against communicable diseases; school attendance requirements; exemptions.—

(2) The school board of each district and the governing authority of each ~~nonpublic private~~ school shall require each ~~child pupil~~ who is ~~otherwise~~ entitled to admittance to kindergarten ~~or first grade, whichever is applicable~~, or any other initial entrance into a Florida public or ~~nonpublic private~~ school, to present a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health and Rehabilitative Services.

Section 15. Section 232.04, Florida Statutes, is amended to read:

232.04 In kindergartens.—Children who will have attained the age of 5 years on or before ~~the date prescribed herein~~ ~~January 1~~ of the school year shall be eligible for admission to public kindergartens during that school year under rules ~~and regulations~~ prescribed by the school board. *For the school year 1980, the child must have attained the age of 5 on or before December 1, 1980. For the school year 1981, the child must have attained the age of 5 on or before November 1, 1981. For the school year 1982, the child must have attained the age of 5 on or before October 1, 1982. For the school year 1983 and thereafter, the child must have attained the age of 5 on or before September 1 of the school year. Any child who will attain the age of 5 years subsequent to the date prescribed herein but prior to January 1 of the school year of any school having annual promotions shall be admitted at the beginning of that school year or at any time during the first month of*

the school year to kindergarten, provided the child has demonstrated a readiness to enter kindergarten in accordance with criteria as established by the district school board. If any school in which a kindergarten department is organized has midyear admissions, a child who has attained the age of 4 years and 11 months at the beginning of the second semester may be enrolled in such kindergarten at that time.

Section 16. Notwithstanding the provisions of s. 232.01(1)-(d), (e), Florida Statutes, any district school board may, at the beginning of any fiscal year prior to July 1, 1982, require that each child satisfactorily complete kindergarten in a public school, or in a nonpublic school from which the district school board accepts transfer of academic credit, as a condition of admission or promotion to the first grade. Any school board which elects to institute this requirement prior to July 1, 1982 shall amend its pupil progression plan to reflect such requirement in the manner prescribed by s. 120.54, Florida Statutes.

Section 17. Section 232.031 and subsection (2) of section 232.06, Florida Statutes, are hereby repealed.

Section 18. This act shall take effect July 1, 1979, except that sections 12, 13, 14, 15, 16, and 17 shall take effect July 1, 1980, and section 11 shall take effect July 1, 1982.

Amendment 2—On page 1 in title, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending section 230.2311, Florida Statutes, providing for early childhood and basic skills development programs; amending section 232.245, Florida Statutes, 1978 Supplement; establishing requirements for promotion to the fourth grade; amending section 236.0811(1), Florida Statutes, 1978 Supplement; authorizing training for parents and volunteers; amending section 229.832(2), Florida Statutes, 1978 Supplement, and adding subsection (3) to said section; providing for testing services to identify, evaluate, and diagnose children with exceptionalities; amending section 229.831, Florida Statutes; providing Legislative intent; amending section 402.32, Florida Statutes, 1978 Supplement; deleting restriction of certain school health services to indigent children; requiring parent reports; protecting from liability under certain circumstances; amending section 233.057, Florida Statutes; providing for reading resource specialists; creating section 233.058, Florida Statutes; providing for primary specialists in elementary schools; amending section 236.089, Florida Statutes; providing for the inclusion of a plan for student development services within the district comprehensive plan; including primary specialists and reading resource specialists within student development services; providing for carry over funds; providing for performance audits; amending section 236.081 (6)(c), Florida Statutes, 1978 Supplement; deleting obsolete language; amending section 228.051(1), Florida Statutes; prohibiting the admission or promotion to the first grade until kindergarten is satisfactorily completed; amending section 232.01, Florida Statutes; establishing conditions relating to the entry age for first grade; deleting provision that makes certain exceptional children eligible for certain services; amending section 232.03, Florida Statutes; requiring evidence of date of birth before admission to kindergarten; amending section 232.032(2), Florida Statutes; requiring each district school board and the governing authority of each nonpublic school to require each child who is entitled to admittance to kindergarten to present a certificate of immunization against communicable diseases; amending section 232.04, Florida Statutes; establishing the entry age for kindergartens; allowing early entry based on readiness criteria established by each district school board; authorizing district school boards to require each child to satisfactorily complete kindergarten as a condition of admission or promotion to the first grade prior to July 1, 1982; repealing section 232.031, Florida Statutes; relating to the health certificate requirement for admission to kindergarten or first grade; repealing section 232.06(2), Florida Statutes; relating to the issuance of a distance exemption excusing compulsory school attendance; providing an effective date.

WHEREAS, recent statewide assessment results indicate that a substantial number of students are nearing the terminal point in their high school career without having achieved those minimum skills which have been identified as being essential to success in society today, and

WHEREAS, many of these student deficiencies could have been corrected during the formulative primary years, had they been identified at an early stage of the student's schooling, and

WHEREAS, in 1975 the Florida Legislature recognized the early years of a student's education to be crucial to his future and declared that early childhood and basic skills development programs would be the first priority of Florida's public schools, and

WHEREAS, the 1979 Legislature wishes to add emphasis to this thrust by reiterating its commitment to education in the early childhood grades, and by supporting this commitment through additional resources in order to provide adequately for the early identification and correction of potential learning problems of all students, NOW, THEREFORE,

On motion by Senator Gordon, by two-thirds vote CS for HB 1036 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Williamson

On motion by Senator Gordon, the rules were waived and CS for HB 1036 was ordered immediately certified to the House.

CS for HB 1689—A bill to be entitled An act relating to education; creating chapter 248, Florida Statutes, consisting of ss. 248.011-248.154, Florida Statutes, consolidating postsecondary education provisions; specifying purpose and mission; providing for the composition of the State University System; providing for differentiated missions; providing for additional appropriations to the Board of Regents; providing for deposit of certain funds; providing for applicability of certain sections; providing for additional compensation for university employees; providing for transfer of certain funds; creating a Board of Regents to be responsible for coordinating the individually governed universities; providing powers and duties; creating university boards of trustees to adopt policies governing the operation of the universities; providing powers and duties; providing that both may defray civil action costs for members; providing that university boards of trustees may secure liability insurance, and shall govern student admissions, establish and collect fees, certify direct-support organizations, invest funds, collect delinquent accounts, adopt disciplinary rules, maintain student records, issue Associate of Arts degrees, create divisions of sponsored research, provide procedures relating to faculty, eliminate sexual discrimination in granting faculty salaries, regulate traffic, and provide for police officers; providing for funding of the State University System to include enrollment planning, categorical and matching programs, cost estimating, and quality improvement funds; defining the State Community College System; creating the State Community College Coordinating Board; providing powers and duties; creating community college boards of trustees; providing such boards with powers similar to university boards of trustees; providing for admissions of students; providing for community college funding; providing for articulation and acceleration mechanisms; providing for postsecondary consortiums; creating the State Tuition Voucher Fund to aid students attending certain independent colleges; providing for scholarships and financial aid; retaining miscellaneous provisions; transferring various sections to conform to the act; renumbering and amending ss. 240.191, 240.221(1), 240.181, 240.182, 240.103(1) and (2), 239.77, 239.78, 241.621, 241.73, 241.731, 241.735, 239.53(1), 239.54, 239.56(1) and (2), 239.58(1), (4) and (6), 230.7535, 230.754(2), 230.755, 230.7601, 230.763, 230.7651, 230.767, 230.771(1), 230.776, 239.47(6), 239.684(1) and (2), 239.685(4), 239.705(1), 239.71, 239.735, 239.74, 239.745, 239.755, 239.76, 240.031(1), 239.65(1), 239.665, 241.13, 241.471, 240.141(2)(d), and 240.0421, Florida Statutes, ss. 239.671 and 239.72(2) and (3), Florida Statutes, 1978 Supplement, and repealing ss. 241.478(4), 230.753(2)(a) and 240.031(2), Florida Statutes, all to

conform to the act; amending s. 20.15(3), (4)(c), (5), and (6), Florida Statutes, and repealing subsection (7) thereof, and amending ss. 112.3145(1)(a), 201.08(3), 216.031(1), 216.311(1), 229.512(1) and (2), 231.609(2), 233.0671(3), 235.02, 235.055(1), 235.149, 235.15, 235.155, 235.16, 235.18, 235.19(1), 235.42(10), 243.141, 243.151, 284.34, and 650.03(5), Florida Statutes, and ss. 229.561(2)(a), 235.195(1), 235.435 and 283.26(1), Florida Statutes, 1978 Supplement, to conform to the act; amending s. 447.203(2), Florida Statutes, allowing employees of the State University System to be removed from the Board of Regents collective bargaining unit; creating s. 229.054, Florida Statutes, providing responsibilities of the State Board of Education; repealing various sections in chapters 230, 239, 240, and 241, Florida Statutes; providing for conditional repeal; creating the Florida Endowment Trust Fund for Eminent Scholars Act; providing for establishment of a Trust Fund for Eminent Scholars to be administered by the associated foundation at each university; providing for challenge grants to the state universities from the fund to be matched on a one-to-one basis by donations collected by the foundation at each university; providing for reallocation of unmatched grant moneys; providing for establishment of endowed chairs; providing for selection of holders of such chairs; providing an appropriation; appropriating specified amounts for public education facility capital outlay projects for fiscal years 1979-1980 and 1980-1981; providing effective dates.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator MacKay:

Amendment 1—On page 4, line 13, strike everything after the enacting clause and insert: Section 1. (1) There is created in the Office of the Governor the Postsecondary Education Study Committee. The committee shall be advisory to the Governor and shall assist the Governor in the conduct of a study of postsecondary education in Florida. The committee shall be composed of the following 15 members:

(a) Two members of the Florida Senate, designated by the President of the Senate;

(b) Two members of the Florida House of Representatives, designated by the Speaker of the House of Representatives;

(c) Two representatives of the general public, designated by the State Board of Education upon the recommendation of the Commissioner of Education; and

(d) Nine representatives of the general public, designated by the Governor.

(2) The committee shall meet as often as it deems necessary to carry out its duties and responsibilities.

(3) The Governor shall select a chairman from among the members, and the chairman shall hold office for the duration of the study.

(4) The committee shall work in cooperation with the Postsecondary Education Commission in the conduct of the study. Committee meeting agenda items and associated documents shall be provided to the commission in a timely manner for its consideration and comments.

(5) The committee may appoint such subcommittees or advisory committees as it deems necessary to advise it on matters of educational policy. Such advisory committees may consist of committee members or nonmembers or both, including students, faculty members, segmental representatives, governmental representatives, and representatives of the public.

(6) The chairman of the committee, upon the approval of a majority of the committee, shall appoint a committee staff director. The staff director shall appoint persons to such staff positions as the chairman may authorize.

(7) The committee shall prescribe rules for the transaction of its own affairs, subject to the following requirements and limitations:

(a) The votes of all members shall be recorded.

(b) Effective action shall require the affirmative vote of a majority of committee members in attendance.

(c) Eight committee members constitutes a quorum.

(8) Members shall be paid travel and per diem expenses as provided in s. 112.061, Florida Statutes, while performing their duties under the provisions of this act.

Section 2. (1) The Post-Secondary Education Study Committee shall have the following functions and responsibilities in its advisory role in the conduct of the comprehensive study of postsecondary education in Florida:

(a) To require the divisions of the Department of Education to submit to the committee such information as the members deem necessary to properly conduct the study;

(b) To meet as soon as practicable after August 1, 1979, upon call of the Governor, to organize; and

(c) To recommend to the Governor nationally recognized consultants from outside the state to assist the committee, which will then receive periodic reports from these consultants during the period of the study, and use their findings in preparing a report with recommendations to the Governor and Legislature.

(2) The areas which the committee and the consultants shall specifically address in their study shall include, but not be limited to, the following:

(a) Governance;

(b) Organization;

(c) Facilities;

(d) Program review and program approval;

(e) Enrollment patterns and enrollment projection techniques;

(f) Finance, including a review of the current funding methods for the various levels of postsecondary education, and including recommended alternative methods of funding;

(g) The relationship of student fees to the total cost of postsecondary education, the proper uses of student fee revenues, and the relationship between the level of student financial aid and student fees.

(h) Management information systems;

(i) The role of the independent sector;

(j) The current level of quality in Florida's postsecondary educational institutions, the ways in which the current system may be enhanced in a cost-effective manner, and the ways in which the Regents' Endowment should be used to enhance the overall quality of postsecondary education;

(k) The degree of participation by which the chancellor shall be involved in the appointment or removal of the head of each institution or agency in the State University System;

(l) The method of selection, composition, and level of participation in the selection of administrative personnel, above the level of departmental chairperson, by search committees at each institution and agency in the State University System; and

(m) Coordination among staff of constitutional and statutory agencies and departments impacting upon postsecondary education.

(3) The study shall outline the current situation in Florida and develop information which the committee and ultimately the State Board of Education can use in making recommendations to the Legislature for the improvement of postsecondary education.

(4) The committee shall prepare and submit its report and recommendations to the Postsecondary Education Commission and the Governor and Legislature by March 1, 1980, and at that time the committee shall be abolished.

Section 3. Regents' Endowment.—The sum of \$40 million is hereby appropriated from the General Revenue Fund to the State Board of Education as an endowment for the purpose of providing a permanent source of funding for programs to enhance the quality of postsecondary education. The interest from such endowment may be used to match private sector donations for endowed chairs or other programs of quality enhancement.

Section 4. Section 230.751, 230.7535, 230.754, 239.68-239.687, 240.001, 240.031-240.221, 244.07, 246.011, 246.021, 246.041-246.203,

246.207-246.231, Florida Statutes, as amended, being those sections dealing with the regulation and governance of postsecondary education by the State Board of Education, the Department of Education, the Board of Regents, the State Board of Independent Colleges and Universities, and the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, and sections 230.63, 230.631, 230.64, 230.645, 230.65, and 230.651, Florida Statutes, relating to Area Vocational-Technical Centers, are hereby repealed, effective June 30, 1980.

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

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

Amendment 1A—On page 5, line 23, insert: Section 5. Subsection (2) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.—

(2) The board has the following duties:

(a) To adopt comprehensive educational objectives for public education;

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education;

(c) To exercise general supervision over the divisions of the Department of Education, including the Division of Universities, to the extent necessary to insure coordination of educational plans and programs and resolve controversies and to coordinate the academic calendars of universities, community colleges, and public schools to minimize problems of articulation and student transfers, to assure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to insure maximum utilization of facilities;

(d) To adopt for public universities and community colleges and from time to time modify minimum standards of college-level communication and computation skills generally associated with successful performance in college through the baccalaureate level, and to approve tests and other assessment procedures which measure student achievement of those skills.

(e) ~~(d)~~ To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before November 1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year;

(f) ~~(e)~~ To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education;

(g) ~~(f)~~ To have possession of and manage all lands granted to or held by the state for educational purposes;

(h) ~~(g)~~ To administer the state school fund;

(i) ~~(h)~~ To approve plans for cooperating with the Federal Government and, pursuant thereto, by regulation to accept funds, create subordinate units and provide the necessary administration required by any federal program;

(j) ~~(i)~~ To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible;

(k) ~~(j)~~ To approve plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools;

(l) ~~(k)~~ To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy or completeness in executing contracts, keeping records or making reports;

(m) ~~(l)~~ To create such subordinate advisory bodies as may be required by law or as it may find necessary for the improvement of education; and

(n) ~~(m)~~ To constitute the State Board for Vocational Education or other structures as may be required by federal law.

Section 6. Present paragraph (g) is redesignated (j) and new paragraphs (g), (h), and (i) are added to subsection (3) of section 229.551, Florida Statutes, to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit same to the State Board of Education for approval.

(h) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit same to the State Board of Education for approval.

(i) Maintain for the information of the State Board of Education and the State Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(j) ~~(g)~~ Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 7. Paragraphs (k), (l), and (m) are added to subsection (2) of section 230.754, Florida Statutes, to read:

230.754 Community colleges; duties and powers.—

(2) In carrying out this responsibility, the trustees, after considering the recommendations submitted by the community college president, shall exercise the following general powers:

(k) The board of trustees shall provide admissions counseling to all students entering college credit programs, which counseling shall utilize test(s) designated by the Articulation Coordinating Committee to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(l) The board of trustees may limit students whose level of achievement of communication and computation skills is below that defined by the college as required for successful performance in a college credit program to compensatory courses and any other instruction for which they are adequately prepared.

(m) The board of trustees shall provide students who are being awarded an associate of arts degree opportunity to demonstrate superior levels of achievement of communication and computation competencies as defined by the Articulation Coordinating Committee and to recognize same in the awarding of that degree.

Section 8. Subsections (2) and (3) of section 231.17, Florida Statutes, 1978 Supplement, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial certification shall demonstrate, on a comprehensive written examination and through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

(a) The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

(b) The ability to comprehend and interpret a message after listening;

(c) The ability to read, comprehend, and interpret orally and in writing, professional and other written material;

(d) The ability to comprehend and work with fundamental mathematical concepts; and

(e) The ability to comprehend patterns of physical, social, and academic development in students and to counsel students concerning their needs in these areas.

The Commissioner may, with the approval of the state board, assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(3) Beginning July 1, 1981, no individual shall be issued a regular certificate until he has completed 3 ± school years of satisfactory teaching pursuant to law and such other criteria as the state board shall require by rule, or a year-long internship approved by the state board. *The department, in conjunction with teacher education centers and colleges of education, shall provide for model satisfactory teaching and internship programs to be implemented in selected districts. The models shall be evaluated by the department, and the specifications for such programs shall be selected for implementation in all districts by July 1, 1981.*

Section 9. Paragraphs (c) and (d) are added to subsection (3) of section 236.081, Florida Statutes, 1978 Supplement, to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), \$5 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. If a district has an approved teacher education center, at least \$3 of the \$5 shall be expended as provided in ss. 231.600-231.610. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(c) *Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.*

(d) *Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit.*

Section 10. Subsection (2) of section 236.0811, Florida Statutes, 1978 Supplement, is amended to read:

236.0811 Educational training.—

(2) Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the district's inservice educational training needs conducted by a committee which shall include parents, classroom teachers, and other educational personnel. The plan shall be updated annually by July 1 ~~April~~ ± and shall include inservice activities for all district employees, from all fund sources.

Section 7. Section 239.795, Florida Statutes, 1978 Supplement, is amended to read:

239.795 Approved teacher education programs.—

(1) Each teacher education program of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by rules of the State Board of Education, shall require, as a prerequisite for admission into the teacher education program, that a student receive a passing score at the 40th percentile or above, to be established by state board rule, on a nationally normed standardized college entrance examination. *Provided, that the State Board of Education shall provide by rule for a 10 percent deviation from the minimum standard prescribed herein.*

(2) *Effective July 1, 1982, continued approval of specific teacher education programs at each institution of higher learning within the state shall be contingent upon the passing of the state written examination required by s. 231.17(2) by at least 80 percent of the graduates of the program who take the examination.*

Section 11. Present subsections (2), (3), (4) and (5) of section 240.052, Florida Statutes, 1978 Supplement, are renumbered as subsections (3), (4), (5) and (6), respectively, and a new subsection (2) is added to said section to read:

240.052 Admission of students; fees.—

(2) *Rules of the Board of Regents, when approved by the State Board of Education, may require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition of eligibility for consideration for admission to upper division instructional programs of students from community colleges, including those who have been awarded associate degrees, provided that such requirement extends to students enrolled in lower divisions in the State University System and to transfers from other colleges and universities and provided, further, that any cutoff scores required for eligibility for consideration relate to successful student performance in programs to which the scores apply and are filed with the Articulation Coordinating Committee.*

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

The Committee on Education offered the following amendment which was moved by Senator MacKay:

Amendment 2—On page 1 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; creating the Postsecondary Education Study Committee; providing membership, terms, powers, and duties; requiring the committee to assist in the conduct of a study of postsecondary education and report thereon; providing an appropriation; repealing various provisions of Florida Statutes relating to regulation and governance of postsecondary education, including Area Vocational-Technical Centers; providing an effective date.

WHEREAS, substantial changes are needed in the governance of postsecondary education in Florida, and

WHEREAS, existing structural distinctions have resulted from decisions which may reflect circumstances which no longer exist, and nonfunctional structural distinctions should be changed, and

WHEREAS, the emphasis in postsecondary education should be on quality, and the needs of students should be given priority over the needs of institutions, and

WHEREAS, as a prerequisite to making such changes, a thorough review of the changing needs of the state and of changes likely to occur in the future must be undertaken, and

WHEREAS, to assure the necessary independence of such review from existing institutions and structures, such review should be conducted by a citizen's committee with the assistance of professional staff not connected with any of Florida's postsecondary colleges or universities, and

WHEREAS, such review should cover all educational offerings available to students beyond the 12th grade in public school, and

WHEREAS, to assure that such review is thorough and exhaustive, all sections of the Florida Statutes relating to the regulation and governance of postsecondary education should be repealed effective June 30, 1980, NOW, THEREFORE,

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

Amendment 2A—On page 1 in title, line 11, after "Centers;" insert: amending s. 229.53(2), Florida Statutes; providing for the adoption of minimum standards of college-level communication and computation competencies; redesignating s. 229.551(3)(g), Florida Statutes, and adding new paragraphs (g)-(i) to said subsection; providing for the defining and maintaining of a list of college-level communication and computation skills and assessment procedures for measuring same; adding s. 230.754(2)(k)-(m), Florida Statutes; providing that the boards of trustees may use appropriate college-level communication and computation tests as a basis for admissions counseling placement; amending s. 231.17(2), (3), Florida Statutes, 1978 Supplement; authorizing assignment of test

administration to a state university; providing for model satisfactory teaching and internship programs; prescribing criteria for issuance of a regular teaching certificate; adding s. 236.081(3)(c), (d), Florida Statutes, 1978 Supplement; prescribing standards for compensation for inservice training activities; authorizing payment of tuition and fees under certain circumstances; amending s. 236.081(2), Florida Statutes, 1978 Supplement; prescribing the date for annual updating of district master plans for inservice educational training; amending s. 239.795, Florida Statutes, 1978 Supplement; providing a prerequisite for admission into teacher education programs; prescribing criteria for approval of teacher education programs; renumbering s. 240.052(2)-(5), Florida Statutes, 1978 Supplement, and adding a new subsection (2) to said section; providing that the Board of Regents may require the use of scores on tests of college-level communication and computation skills as a condition for admission to upper division instructional programs;

Amendment 2 as amended was adopted.

On motion by Senator MacKay, by two-thirds vote CS for HB 1689 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Neal, Ware, Williamson

On motion by Senator MacKay, the rules were waived and CS for HB 1689 was ordered immediately certified to the House.

Senator Johnston moved that the conference committee report on CS for HB's 619 and 917 be taken up.

Senator Scott moved as a substitute motion that the conference committee report on CS for HB's 619 and 917 be deferred until 11:00 a.m. The motion failed.

The motion by Senator Johnston was adopted.

By direction of the presiding officer the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for HB's 619 and 917

Honorable Philip D. Lewis
President of the Senate

Honorable J. Hyatt Brown
Speaker of the House

Gentlemen:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to the Committee Substitute for HB's 619 & 917, same being:

A bill to be entitled An act relating to health care; creating part II of chapter 395, Florida Statutes; providing definitions; creating the Florida Hospital Commission; 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 system; requiring hospitals to file annual reports; providing for inspection of hospital records; providing for periodic analysis of health-care costs and the financial status of hospitals; providing for the review of hospital budgets and providing procedure and guidelines for

review; providing for disapproval of hospital budgets; providing sanctions; providing considerations for review; providing an exemption from disapproval for charges by physicians under certain circumstances; providing for biennial budgets of the commission; providing for assessments against hospitals to fund the commission; creating the Hospital Commission Trust Fund; providing for annual reports of operation; providing for commission accountability; providing penalties; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from the Senate Amendments to Committee Substitute for House Bills 619 & 917.
2. That the House and Senate adopt the Conference Committee Amendments to Committee Substitute for House Bills 619 & 917 attached hereto and by reference made a part of this report.
3. That the House and Senate pass Committee Substitute for House Bills 619 & 917, as passed by the House, and as amended by said Conference Committee Amendments.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

1. Would create a nine-member Hospital Cost Containment Board within the Department of Insurance.
2. The board would develop a uniform financial reporting system for hospitals based on a chart of accounts, but would not be authorized to mandate that hospitals adopt a uniform accounting system.
3. The board would be empowered to hold hearings and to review hospital budgets, but would not set rates or have budget disapproval authority.

<i>Harry A. Johnston, Chairman</i>	<i>Carl Ogden, Chairman</i>
<i>Mattox Hair</i>	<i>George H. Sheldon</i>
<i>Kenneth C. Jenne</i>	<i>Fred Lippman</i>
<i>David H. McClain</i>	<i>Kenneth Boles</i>
<i>Dick Anderson (Dissented)</i>	<i>Pete Duabar</i>
<i>Robert W. McKnight, Alternate</i>	<i>N/S Elaine Gordon, Alternate</i>

Managers on the part of the Senate	Managers on the part of the House of Representatives
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Conference Committee Amendment 1—Strike everything after the enacting clause and insert: Section 1. Part II of chapter 395, Florida Statutes, consisting of sections 395.501, 395.502, 395.503, 395.504, 395.505, 395.507, 395.508, 395.509, 395.511, 395.512, 395.513, and 395.514 is created to read:

PART II

HEALTH CARE COST CONTAINMENT

395.501 Short title.—This part shall be known and may be cited as the "Health Care Cost Containment Act of 1979."

395.502 Definitions.—As used in this act:

- (1) "Commissioner" means the Insurance Commissioner.
- (2) "Board" means the Hospital Cost Containment Board created by s. 395.503.
- (3) "Consumer" means any person other than a person who administers health activities, provides health services, has a fiduciary interest in a health facility or other health agency, or has a material financial interest in the rendering of health services.
- (4) "Major health-care purchaser" means one of the ten largest private employers in the state, a commercial health insurer, or a hospital service plan corporation licensed under chapter 641.
- (5) "Cross-subsidization" means that the revenues from one type of hospital service are sufficiently higher than the costs of providing such service as to offset some of the costs of providing another type of service in the hospital. Cross-subsidization results from the lack of a direct relationship between charges and the costs of providing a particular hospital service or type of service.

(6) "Department" means the Department of Insurance.

(7) "Hospital" means a health-care institution as defined in s. 395.01(1), but shall not include any health-care institution providing services for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(8) "State health planning agency" means the agency designated by the Governor to perform the health planning and development functions prescribed by Section 1523 of Public Law 93-641, the National Health Planning and Resources Development Act of 1974.

(9) "Health systems agency" means the agency defined in s. 381.493(3)(h).

395.503 Hospital Cost Containment Board created.—

(1) **MEMBERSHIP.**—There is hereby created the Hospital Cost Containment Board, which shall be located for administrative and budgetary purposes in the Department of Insurance. The board shall be composed of nine members and shall include three major health-care purchasers including at least two representatives of the health insurance industry, three health-care providers including at least two hospital administrators, and three consumers, one of whom shall represent the elderly. The Insurance Commissioner, the President of the Senate, and the Speaker of the House of Representatives shall appoint the board. The Insurance Commissioner shall appoint one major health-care purchaser, one health-care provider, and one consumer who represents the elderly. The President of the Senate and the Speaker of the House of Representatives shall each appoint one major health-care purchaser who represents the health insurance industry, one health-care provider who shall be a hospital administrator, and one consumer.

(2) **TERMS; VACANCIES.**—Members of the board shall serve for terms of 4 years each. No member shall serve on the board for more than two consecutive terms. A vacancy shall be filled by the appointing authority within not more than 60 days from the date in which the vacancy occurs, which appointment shall be for the remainder of the unexpired term.

(3) **OFFICERS; MEETINGS; COMPENSATION.**—The members of the board shall elect a chairman and vice chairman from its members biennially. The chairman and vice chairman of the board shall serve 2-year terms. The board shall meet as frequently as its duties require, but not less than four times per year, except that the first meeting shall be called by the Insurance Commissioner prior to August 1, 1979. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Five members shall constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless five members concur therein. The members of the board shall be remunerated at the rate of \$50 per diem while on official board business and shall be reimbursed for their expenses while on official business for the board in accordance with the provisions of s. 112.061.

(4) **STAFF; FACILITIES; EQUIPMENT.**—Upon recommendation of the board, the Insurance Commissioner shall employ such staff as are necessary to fulfill the responsibilities and duties of the board. The staff shall be assigned to the board on a full-time basis. The staff of the board shall be subject to the career service law, chapter 110. The board may contract with persons outside the board for services necessary to carry out its activities where this will promote efficiency, avoid duplication of effort, and make best use of available expertise. The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health-care costs.

(5) **COMMITTEES.**—The board may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, as it deems necessary. The members of any ad hoc advisory committee shall be entitled to reimbursement for expenses incurred, including travel expenses.

395.504 Powers and duties of board.—To properly carry out its authority the board shall:

(1) Require the submission by hospitals of such financial and accounting data which the board deems necessary in order

to have available the statistical information necessary to properly conduct budget reviews. Such data shall include, but not be limited to, necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The board shall also obtain from each hospital a current schedule of charges as well as any subsequent amendments or modifications of that schedule as it may desire.

(2) When reviewing the budget under this part for each hospital, take into account the recommendations of appropriate health systems agencies and the designated state health planning agency to ensure compliance with ss. 381.493-382.498, the Health Facilities and Health Services Planning Act.

(3) Conduct studies for and provide its findings to the Department of Health and Rehabilitative Services with respect to the financial feasibility of applications for certificates of need filed pursuant to ss. 381.493-381.498. In addition, the board shall make recommendations to any health systems agency with regard to new capital expenditures within that agency's geographic jurisdiction.

(4) Advise on the integration of the requirements of state health care cost containment efforts with other state health regulations, such as certification of need and federal requirements pertaining to the delivery of health services.

(5) Consult with and make recommendations to the commissioner with respect to analyses and studies of hospital health-care costs and related matters which may be undertaken by the board.

395.505 Rules; public hearings; investigations; subpoena power.—In addition to the powers granted to the board elsewhere in this part, the board is authorized to:

(1) Adopt, amend, and repeal rules respecting the exercise of the powers conferred by this part which are applicable to the promulgation of rules.

(2) Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection therewith. The board may administer oaths or affirmations in any hearing or investigation.

(3) Exercise, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this part.

395.507 Uniform system of financial reporting.—

(1) The board shall by rule, after consulting with appropriate professional and governmental advisory bodies and public hearings, and considering existing and proposed systems of accounting and reporting utilized by hospitals, specify a uniform system of financial reporting based on a uniform chart of accounts developed after considering the American Hospital Association Chart of Accounts, the American Institute of Certified Public Accountants Hospital Audit Guide, and generally accepted accounting principles. However, this provision shall not be construed to authorize the board to require hospitals to adopt a uniform accounting system. As a part of such uniform system of financial reporting, the board may require the filing of any information relating to the cost, to both the provider and the consumer, of any service provided in such hospital except the cost of a physician's services which is billed independently of the hospital.

(2) For the purposes of this section, and in order to allow meaningful comparisons, the board shall by rule classify hospitals according to characteristics, including but not limited to size, range of services provided, special services offered, cost centers, and duration of care.

(3) In establishing such uniform reporting procedures, the board shall, among other issues, take into consideration the need for financial data which reflects the average bill per day and the average bill per stay billed by the hospital and the degree of cross-subsidization by cost center.

(4) Where appropriate, the reporting system shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred in connection with educational research and other nonpatient-related activities, including, but not limited to, charitable activities of such hospitals.

(5) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(6) All reports filed under this part, except privileged medical information, shall be open to public inspection.

(7) The board shall have the right of inspection of hospital books, audits, and records, including records of individual or corporate ownership.

(8) All hospitals shall submit reports to the board on forms adopted by the board and based on the system promulgated by the board. The system shall be initially effective at such time and date as the board shall direct, but no earlier than January 1, 1980. In determining the initial effective date and subsequent dates for reporting requirements, the board shall consider both the immediate need for uniform facility reporting information to effectuate the purposes of this part and the administrative and economic difficulties which hospitals face in compliance, but in no event shall such effective date be later than July 1, 1980. The board shall require such interim reports as it deems desirable to utilize whatever portions of the uniform system that are available prior to the effective date of this subsection.

395.508 Hospital costs and finances; analyses, studies and reports.—

(1) The board shall from time to time undertake analyses and studies relating to hospital health-care costs, making maximum use of health systems agencies and the designated state health planning agency whenever possible, and to the financial status of any hospital or hospitals subject to the provisions of this part, and may publish and disseminate such information as it deems desirable in the public interest.

(2) The board shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the board hereunder as will advance the purposes of this part.

395.509 Review of hospital budgets, rates, and charges.—

(1) The board shall have the power to initiate, upon timely receipt of the reports required herein, such reviews or investigations of hospital budgets, rates, and charges as the board deems necessary. For purposes of budget, rate, and charge comparison, the board may establish classes or groupings of hospitals according to characteristics, including but not limited to size, range of services provided, special services offered, cost centers, and duration of care. The board may also establish statistical indicators to serve as measures of comparison with respect to the relative efficiency of hospital performance. Such statistical indicators shall include, but not be limited to, the percentage increase in rates for the current year over the preceding year for each hospital.

(2) The board is empowered to review any hospital's projected annual revenues and the rates and charges proposed by the hospital to generate those revenues. At least annually, the board shall publish and disseminate to the public an in-depth study comparing the rates and charges and other relevant information of all hospitals, both statewide and by county.

(3) The board is authorized to review the budget of any hospital at a public hearing if it finds that the hospital's rates and charges or other statistical indicators as the board may define are in the upper 20 percent of such indicators for all hospitals in its class or group. However, this authorization shall not be construed to limit the authority of the board to hold public hearings pursuant to s. 395.505(2).

(4) The board may publish its findings in connection with any review conducted under this section, and shall publish its findings in connection with any hearings conducted under this section in the newspaper of largest general circulation in the county in which the hospital is located.

(5) In conducting reviews of budgets, rates, and charges under this part the board shall consider the need for increased efficiency in hospital operation, the need to close surplus beds or to convert them to meet unfilled needs, and the need to discontinue existing services which are unnecessarily duplicative of services available in the area served by the hospital.

(6) Physicians who provide services within a hospital are exempt from the provisions of this part, provided that they bill for their services independently of the hospital.

395.511 Quality assurance programs.—Each hospital shall maintain a quality assurance program, which program shall include monitoring of the necessity of admission, appropriateness of the length of stay, proper utilization of services, and the evaluation of the quality of services rendered.

395.512 Budget; expenses; assessments; hospital cost containment program account.—

(1) The board shall biennially prepare a budget which shall include an estimate of income and expenditures for administration and operation of the hospital cost containment program for the biennium, to be submitted to the Governor for transmittal to the Legislature for approval. Subject to the approval of the Legislature, expenses of the program shall be financed by assessments against hospitals in an amount to be determined biennially by the board, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs for the provision of hospital services for its last fiscal year ending on or before June 30 of the preceding calendar year except that for the fiscal biennium 1979-1981 this act shall constitute legislative authorization for expenditures and positions by the board within the above stated limits. Beginning October 1, 1979, the assessments shall be levied and collected quarterly. All moneys collected are to be deposited by the State Treasurer in the Hospital Cost Containment Trust Fund in the general fund, which account is hereby created.

(2) Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the board in succeeding years.

395.513 Program accountability.—On or before March 1 of each year, the board shall prepare and transmit to the Governor and the Legislature a report of hospital cost containment program operations and activities for the preceding year. This report shall include copies of summaries, compilations, and supplementary reports required by the act, together with such facts, suggestions, and policy recommendations as the board deems necessary. The board shall specifically state its findings and recommendations on the following issues:

(1) The extent to which Florida hospitals are meeting guidelines and goals established by the national Voluntary Effort program for reducing the rate of increase in hospital rates;

(2) The extent to which cross-subsidization affects the rates and charges to different types of hospital services; and

(3) Whether the Legislature should vest in the board additional authority to regulate hospital rates.

395.514 Penalty.—Any hospital which refuses to file reports or other information required to be filed under the provisions of this part shall be punished by a fine not exceeding \$1,000 per day in violation, to be fixed, imposed, and collected by the board. Each day in violation shall be considered a separate offense. Knowing and willful falsification of a report required under this act shall be grounds for removal of a hospital's license under s. 395.06, Florida Statutes.

Section 2. Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, rebate, or engage in any split fee arrangement in any form whatsoever with any physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to:

(a) A hospital licensed under chapter 395, Florida Statutes;

(b) A nursing home licensed under chapter 400, Florida Statutes;

(c) A clinical laboratory licensed under chapter 483, Florida Statutes;

(d) An ambulatory surgical center licensed under chapter 395, Florida Statutes; or

(e) A pharmacy registered under chapter 465, Florida Statutes.

(2) The Department of Health and Rehabilitative Services shall adopt rules which assess administrative penalties for acts prohibited by subsection (1). In the case of an entity licensed by the department, such penalties may include any disciplinary action available to the department under the appropriate licensing laws. In the case of an entity not licensed by the department, such penalties may include:

(a) A fine not to exceed \$1,000;

(b) If applicable, a recommendation by the department to the appropriate licensing board that disciplinary action be taken.

Section 3. Subsection (7) is added to section 215.422, Florida Statutes, 1978 Supplement, to read:

215.422 Warrants, vouchers, and invoices; processing time limits; agency compliance.—

(7) *In order to alleviate any hardship that may be caused to a health care provider as a result of delay in receiving reimbursement for services, any payment or payments for hospital, medical, or other health care services which are to be reimbursed by the state, either directly or indirectly, shall be made to the health care provider not more than 35 days from the date eligibility for payment of such claim is determined.*

Section 4. This act shall take effect July 1, 1979.

Conference Committee Amendment 2—On page 1 in title, line 2-29, strike all of said lines and insert: A bill to be entitled An act relating to health care; creating part II of Chapter 395, Florida Statutes; providing definitions; creating the Hospital Cost Containment Board in the Department of Insurance; providing membership; providing for staff and the appointment of committees; providing for powers and duties of the board; providing rule-making authority and the power to hold public hearings; requiring the board to adopt a uniform hospital financial reporting system; providing for periodic analysis of health-care costs and the financial status of hospitals; providing for the review of hospital budgets; requiring hospitals to maintain quality assurance programs; providing for assessments against hospitals to fund the board; creating the Hospital Cost Containment Trust Fund; providing for board accountability; providing penalties; prohibiting rebates and kickbacks; adding s. (7) to s. 215.422, Florida Statutes, 1978 Supplement; providing direction for reimbursement for services; providing an effective date.

The President presiding

On motion by Senator Johnston, Rule 4.5 was waived and the report of the Conference Committee on CS for HB's 619 and 917 was read the second time.

On motion by Senator Johnston, the Conference Committee Report was adopted, and CS for HB's 619 and 917 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—34

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

Nays—2

Anderson Neal

Vote after roll call:

Yea—Ware

SPECIAL ORDER, continued

Consideration of CS for SB 1224, CS for SB 1239, SB 983 and CS for CS for SB 240 was deferred.

SCR 226—A concurrent resolution honoring Isaac Bashevis Singer, a resident of Surfside, Florida, for his significant contributions to world literature and culture, which have brought him critical acclaim and the 1978 Nobel Prize for Literature.

—was read the second time in full. On motion by Senator Gordon, SCR 226 was adopted and certified to the House. The vote on adoption was:

Nays—None

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

Yeas—33

Votes after roll call:

Yea—Henderson, Hill

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

HB 1623—A bill to be entitled An act relating to vinous beverages; amending s. 564.05, Florida Statutes, authorizing the sale of wine in 4-liter containers; providing an effective date.

—as amended passed May 24.

The question recurred on the passage of HB 1623, which failed. The vote was:

Yeas—None

Nays—35

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

On motion by Senator Spicola, SB 332 with committee substitute was indefinitely postponed.

Consideration of SB 364 was deferred.

By the Committee on Governmental Operations and Senators Thomas and Don Childers—

CS for SB 385—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(7)(d), (f), Florida Statutes, 1978 Supplement; increasing to 20 cents per mile the mileage allowance public officers and employees shall be entitled to when using privately owned vehicles for transportation for official business; requiring monthly mileage allowances to be calculated on the mileage rate of 20 cents per mile; providing an effective date.

—was read the first time by title and SB 385 was laid on the table.

On motions by Senator Don Childers, by two-thirds vote CS for SB 385 was read the second time by title.

Senator Chamberlin moved the following amendment:

Amendment 1—On page 1, line 26, strike "20" and insert: 17

Pending further consideration of CS for SB 385, on motion by Senator Thomas, by two-thirds vote HB 322 was withdrawn from the Committee on Ways and Means.

On motion by Senator Thomas—

HB 322—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(7)(d), Florida Statutes, 1978 Supplement, increasing to 17 and 19 cents per mile the mileage allowance public officers and employees may be entitled to when using privately owned vehicles for transportation for official business; providing an effective date.

—a companion measure, was substituted for CS for SB 385 and read the second time by title.

On motion by Senator Chamberlin, further consideration of HB 322 was deferred.

SB 395—A bill to be entitled An act relating to vehicle liens; amending s. 713.78, Florida Statutes; providing definitions; providing that any person regularly engaged in the business of transporting vehicles by wrecker, tow truck, or car carrier shall have a lien on any vehicle which he recovers, removes, or stores on instructions from the owner of such vehicle, from the owner, lessor or agent of the owner or lessor of private property upon which such vehicle has been wrongfully parked, or from any law enforcement agency; providing certain procedures for notice, filing of complaint, and hearing; deleting provision which limits liability of such person to occasions when service was requested by certain property owners, lessors, or their agents; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles.—

(1) For the purposes of this section, "vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(2) Whenever a person regularly engaged in the business of transporting ~~towing motor~~ vehicles by wrecker, tow truck or car carrier recovers, removes or stores a vehicle upon instructions from:

(a) The owner thereof, or

(b) The owner or lessor, or a person authorized by the owner or lessor, of the property on ~~from~~ which such vehicle is wrongfully parked, or

(c) Any law enforcement agency, he ~~towed~~, the person ~~removing such vehicle~~ shall have a lien on such ~~motor~~ vehicle for a reasonable towing fee, and for a reasonable storage fee; except that no storage fee shall be charged if such vehicle is stored for less than 6 hours.

(3)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles who comes into possession of a vehicle pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles, or of a corresponding agency in any other state.

(b) Notice by registered or certified mail shall be sent to the registered owner and to all persons claiming a lien within 14 days of the date of possession. It shall state the fact of possession of the vehicle, that a lien as provided in subsection (2) is claimed, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4).

(4)(a) The owner of a vehicle removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 5 days of the time he has knowledge of the location of said vehicle, may file a complaint in the county court of the county in which the vehicle is stored or in which the owner resides to determine if his property was wrongfully taken or withheld from him.

(b) Upon filing a complaint, an owner or lienholder may have his vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount

of the charges for towing or storage, to ensure the payment of such charges in the event he does not prevail. At the time of such release, after reasonable inspection, he shall give a receipt to the towing-storage company reciting any claims he has for loss or damage to the vehicle or the contents thereof.

(c) Upon determination of the respective rights of the parties by the court:

1. Should the owner or lienholder prevail, he may collect damages and costs from the party instigating the tow.

2. Should the person instigating the tow prevail, he shall recover his costs.

3. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle owner or lienholder; or the agency ordering the tow; or the owner, lessor, or agent thereof of the property from which the vehicle was removed.

(5) Any vehicle which is stored pursuant to subsection (2) and which remains unclaimed or, for which reasonable towing or storing charges remain unpaid, may be sold by the owner or operator of the storage space after 45 days from the time the vehicle is stored therein. The sale shall be at public auction for cash. Notice of the sale shall be given to the person in whose name the vehicle is registered and to all persons claiming a lien on the vehicle as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by registered or certified mail to the owner of the vehicle and the person having the recorded lien on the vehicle at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held or by notices posted for 10 days in three public places in the county, one of which shall be at the courthouse, and another in some conspicuous part of the storehouse. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale shall be deposited with the clerk of the circuit court for the county, if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent on such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens except those registered with the Department of Highway Safety and Motor Vehicles.

(6)(2) No person regularly engaged in the business of recovering, towing, or storing ~~motor~~ vehicles shall be liable for damages connected with such services the towing or storage of a ~~motor~~ vehicle, provided that they have been performed such vehicle has been moved with reasonable care, upon request of a person purporting, and reasonably appearing, to be the owner or lessor, or a person authorized by the owner or lessor, of the property from which such vehicle is removed. No person regularly engaged in the business of recovering, towing, or storing ~~motor~~ vehicles shall operate a wrecker, tow truck, or car carrier unless the name, address, and telephone number of the company performing such service ~~doing~~ the towing is clearly printed on the side of its vehicle ~~the truck~~.

Section 2. Section 85.031(3), Florida Statutes, is hereby repealed.

Section 3. 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 4. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike all of line 1 through and including line 19 and insert: A bill to be entitled An act relating to vehicle liens; amending s. 713.78, Florida Statutes; defining "vehicle;" providing that any person regularly engaged in the business of transporting vehicles by wrecker, tow truck, or car carrier shall have a lien on any vehicle which he re-

covers, removes, or stores on instructions from the owner of such vehicle, from the owner, lessor or agent of the owner or lessor of private property upon which such vehicle has been wrongfully parked, or from any law enforcement agency; providing certain procedures for notice, filing of complaint, and hearing; providing a lien enforcement sale procedure; repealing section 85.031(3), Florida Statutes; providing an effective date.

On motion by Senator Gorman, by two-thirds vote SB 395 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

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

Nays—None

SB 444—A bill to be entitled An act relating to public business; amending s. 286.26, Florida Statutes; decreasing the notification time within which a physically handicapped person may direct a written request to the head of an authority of a state agency or of a political subdivision to make their public meetings accessible to the physically handicapped; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 1, line 28, strike everything after the enacting clause and insert: 286.26 Accessibility of public meetings to the physically handicapped.—Whenever any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken, receives at least 48 hours 7 days prior to the meeting, a written request by a physically handicapped person to attend the meeting, [directed] to the chairperson or director of such board, commission, agency, or authority, [such chairperson or director] shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

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

Amendment 2—On page 1, title, line 2-9, strike same and insert: An act relating to public meetings, amending s. 286.26, Florida Statutes, decreasing the notice requirements for required accessibility of public meetings to the physically handicapped; providing an effective date.

Pending further consideration of SB 444 as amended, on motion by Senator MacKay, the rules were waived and by two-thirds vote HB 504 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator MacKay—

HB 504—A bill to be entitled An act relating to public meetings; amending s. 286.26, Florida Statutes, decreasing the notice requirement for required accessibility of public meetings to the physically handicapped; providing an effective date.

—a companion measure, was substituted for SB 444 and read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 504 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 444 was laid on the table.

Consideration of SB 461 was deferred.

CS for CS for SB 240, by the Committee on Commerce and Senator MacKay, was read the first time by title and SB 240 and CS for SB 240 were laid on the table.

On motions by Senator MacKay, the rules were waived and by two-thirds vote CS for HB 1423 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce.

On motion by Senator MacKay—

CS for HB 1423—A bill to be entitled An act relating to the Florida Patient's Compensation Fund; adding paragraphs (f)-(i) to subsection (1) and amending s. 768.54(2)(b) and (e) and (3), Florida Statutes, 1978 Supplement; providing definitions; providing a limitation of liability under the fund per occurrence; providing a maximum amount for a health care provider's escrow account; increasing the persons to whom the limitation of liability afforded by the fund applies; providing that the fund shall pay claims arising out of activities of committees, as defined in the act; providing for assessments against hospitals under certain circumstances; vesting management of the fund in the board of governors thereof; prescribing membership of such board; providing for the establishment of certain fees by the Insurance Commissioner after consultation with the board; reducing the maximum amount of the fund; providing that certain documents and assets are subject to the authority of the board; designating the board as the administrator of certain investments; designating an agent for service of process; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 240 and read the second time by title. On motion by Senator MacKay by two-thirds vote CS for HB 1423 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

CS for CS for SB 240 was laid on the table.

SB 625—A bill to be entitled An act relating to insurance; amending s. 625.121(4), (5), (6), (7)(b) and (9), Florida Statutes; increasing the percentage interest allowable with respect to the valuation of life insurance contracts; providing that the commissioners' reserve valuation method of the Standard Valuation Law shall apply to certain insurance contracts; providing a new formula for the computation of deficiency reserves; amending s. 627.476(1), and (8), Florida Statutes; providing that the standard nonforfeiture law shall be renamed the standard nonforfeiture law for life insurance; increasing the interest rate allowable under such law; providing for conditional repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 29-31 and insert: reserve valuation method defined in subsection (5); 5 percent interest for group annuity and pure endowment contracts and 3-1/2 percent

Amendment 2—On page 6, strike lines 5-6 and insert: (a) Except as otherwise provided in this subsection (5), reserves according to the commissioners' reserve

Amendment 3—On page 7, strike line 20 and insert: shall be calculated by a method which is consistent with and yields results consistent with the principles.

Amendment 4—On page 8, strike lines 24-25 and insert: aggregate reserves calculated in accordance with the method set forth in subsection (5) and

Amendment 5—On pages 9 and 10, strike line 27 through page 10 line 13 and insert: reserve thereon but using the minimum valuation standards of mortality and rate of interest, there shall be maintained on such policy or contract a deficiency reserve in addition to the reserve defined by subsection (5) ~~all other reserves required by law~~. For each such policy or contract the deficiency reserve shall be the present value, according to the minimum valuation standards of mortality and rate of interest ~~such standard~~, of an annuity of the ~~differences difference~~ between all such valuation net premiums ~~premium~~ and the corresponding premiums ~~premium~~ charged for such policy or contract during, ~~running for~~ the remainder of the premium-paying period. As regards renewable term life insurance the policy reserve and foregoing deficiency reserve shall be calculated using the current term period only. For any category of policies, contracts or benefits specified in subsection (4), issued on or after the operative date of s. 627.476 (the Standard Nonforfeiture Law), the aggregate deficiency reserves may be reduced by the amount, if any, by which the aggregate reserves actually calculated in accordance with subsection (7) exceed the minimum aggregate reserves prescribed by subsection (6).

Amendment 6—On page 11, strike line 13 and insert: not exceeding 4-1/2 percent per annum may be used for policies

On motion by Senator MacKay, by two-thirds vote SB 625 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	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Henderson	Peterson	Tobiassen
Carlucci	Hill	Poole	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, D.	Jenne	Scott	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Frank	MacKay	Spicola	Winn
Gordon	McClain	Steinberg	

Nays—None

SB 653—A bill to be entitled An act relating to the Auditor General; creating s. 220.25, Florida Statutes; requiring the Department of Revenue to make certain information relating to the Income Tax Code available to the Auditor General or his agent; providing for applicability of confidentiality requirements and penalties; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 1, line 22, strike the period after the word "duties" and insert: , however, no information shall be disclosed to the Auditor General or his authorized agent where such disclosure is prohibited by Federal law.

On motion by Senator MacKay, by two-thirds vote SB 653 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	Gorman	McKnight	Steinberg
Anderson	Hair	Myers	Stuart
Barron	Henderson	Neal	Thomas
Carlucci	Hill	Peterson	Tobiassen
Chamberlin	Holloway	Poole	Trask
Childers, D.	Jenne	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Ware
Frank	MacKay	Skinner	Williamson
Gordon	McClain	Spicola	Winn

Nays—1

Grizzle

SB 654—A bill to be entitled An act relating to the Auditor General; amending s. 214.21(1), Florida Statutes, and adding subsection (4) to said section; requiring the Department of Revenue to make certain information relating to the administration of certain designated nonproperty taxes available to the Auditor General or his agent; providing for applicability of confidentiality requirements and penalties; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 2, line 11, strike the period after the word "duties" and insert: , however, no information shall be disclosed to the Auditor General or his authorized agent where such disclosure is prohibited by Federal law.

On motion by Senator MacKay, by two-thirds vote SB 654 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	Gordon	McClain	Spicola
Anderson	Gorman	McKnight	Steinberg
Barron	Hair	Myers	Stuart
Carlucci	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiassen
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—1

Grizzle

SB 655—A bill to be entitled An act relating to the Auditor General; amending s. 198.09, Florida Statutes; requiring the Department of Revenue to make certain information relating to the estate tax available to the Auditor General or his agent; providing for applicability of confidentiality requirements and penalties; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 2, line 12, strike the period after the word "duties" and insert: , however, no information shall be disclosed to the Auditor General or his authorized agent where such disclosure is prohibited by Federal law.

On motion by Senator MacKay, by two-thirds vote SB 655 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	Gorman	McKnight	Steinberg
Anderson	Hair	Myers	Stuart
Carlucci	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiassen
Childers, D.	Holloway	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	McClain	Spicola	

Nays—1

Grizzle

SB 364—A bill to be entitled An act relating to education; creating the State Tuition Voucher Fund; requiring the Department of Education to issue a tuition voucher from such fund to college or university students who meet certain criteria; providing for the adoption of rules; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 26, insert: (1) He is a graduate of a Florida high school.

(Renumber subsequent subsections.)

Amendment 2—On page 1, line 17, strike “of \$1,000 per academic year”

The Committee on Education offered the following amendment which was moved by Senator Peterson:

Amendment 3—On page 1, strike lines 18 through 21 and insert: undergraduate students registered at an independent Florida college, university, or community college which is an agency holding membership in the Council on Postsecondary Accreditation, or an independent Florida institution whose credits are acceptable for transfer to state universities, or an independent Florida nursing diploma school approved by the Florida Board of Nursing, and which is not a state

Senators Hair and Peterson offered the following substitute amendment for Amendment 3 which was moved by Senator Hair:

Amendment 4—On page 1, line 16-23, strike said lines and insert: (2) The department shall issue from the fund a tuition voucher to any full-time undergraduate student registered at a non-profit college or university which is chartered in the state, which is accredited by an agency holding membership in the Council on Postsecondary Accreditation, which grants baccalaureate degrees and whose credits are acceptable without qualification for transfer to state universities, and which is not a state university or a pervasively sectarian institution.

Senator Gordon moved the following amendment to Amendment 4 which failed:

Amendment 4A—On page 1, strike everything after “to” on line 2 through the comma on line 8 and insert: undergraduate students registered at any independent college, university or community college which is accredited by a regional accrediting association

Senators Skinner and Gordon offered the following amendment to Amendment 4 which was moved by Senator Skinner and failed:

Amendment 4B—On page 1, line 18, after the word “student” insert:

who satisfactorily demonstrates that he is in significant financial need, and who is

Amendment 4 was adopted.

The Committee on Education offered the following amendment which was moved by Senator Peterson and failed:

Amendment 5—On page 2, between lines 10 and 11, insert: (3) He is not a recipient of a student assistance grant under section 239.461, Florida Statutes.

The Committee on Education offered the following amendment which was moved by Senator Peterson:

Amendment 6—On page 2, line 12, strike “\$1,000 per academic year” and insert: no more than \$1,000 per academic year or as specified in the General Appropriations Act

On motions by Senator Vogt, the rules were waived and by two-thirds vote House Bills 1565 and 1566 were withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 1004 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 1304 was withdrawn from the Committee on Ways and Means.

Senator Barron moved that the session scheduled for Monday, May 28, from 10:30 a.m. until 12:00 noon be cancelled and the Committee on Rules and Calendar be permitted to meet from 11:00 a.m. until 1:00 p.m. on May 28. The motion was adopted by two-thirds vote.

On motion by Senator Barron, it was agreed by two-thirds vote that the Special Order Calendar for Monday, May 28, would consist of bills carried over from today's Special Order Calendar and Senate Bills 277, 370, 874, 958, 236, 1156, HB 1603, Senate Bills 627 and 1304, CS for SB 1168 and HB 1632.

On motions by Senator MacKay, by two-thirds vote HB 399 was withdrawn from the Committees on Education and Ways and Means.

On motion by Senator MacKay, by unanimous consent—

HB 399—A bill to be entitled An act relating to the Teachers' Retirement System of Florida; creating s. 238.072, Florida Statutes, providing that certain state and county cooperative extension personnel who participate in the Teachers' Retirement System of Florida and who are prohibited from transferring to the Florida Retirement System may retire after 30 years of creditable service in the Teachers' Retirement System of Florida with full benefits; providing an effective date.

—was taken up out of order. On motions by Senator MacKay, by two-thirds vote HB 399 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—32

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

Nays—1

Williamson

ENROLLING REPORTS

SB 132	SB 29	SB 446
CS for	SB 49	SB 685
SB 209	CS for	SB 716
CS for	SB's 68 and 25	CS for
SB 489	SB 207	SB 820
SB 1052	SB 337	

have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 25, 1979.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 24 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:10 p.m. to convene at 8:30 a.m., Monday, May 28, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 2:00 p.m.