



Journal of the Senate

Number 29

Monday, May 28, 1979

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

Excused: Periodically, Senators Hair, W. D. Childers, Myers, Vogt, Scott, Johnston, Stuart, Frank, Ware, McClain, Thomas, MacKay, Chamberlin, Maxwell, Gordon, Skinner, Peterson and Steinberg conferees and alternates on House Bills 1046, 1036 and 1689 and SB 1297.

Prayer by Senator Holloway:

Dear heavenly Father, we thank you for this day. We thank you for our many blessings, your understanding, your mercy, your love and your protection. And on this Memorial Day, as we honor those who answered with valor and loyalty the nation's call to war, and to all those who served in the Armed Forces and to the loved ones they left behind, we offer our concern and understanding and ask your blessing. We ask that you bless us, keep us and guide us in our many undertakings. Please help us maintain a spirit of love, compassion and understanding for our fellow man, all of which will be acceptable in thy sight, O Lord, our Savior and our Redeemer. Amen.

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

Recorded Vote

Senator Hill was recorded as voting yea on HB 504 which passed May 25.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 28, 1979:

CS for SB 1224	HB 698	SB 1189
CS for SB 1239	SB 918	CS for SB 277
SB 983	HB 1546	CS for SB 370
SB 364	SB 933	CS for SB 874
HB 322	CS for SB 968	CS for SB 958
SB 461	SB 1028	CS for SB 236
SB 624	CS for SB 1013	SB 1156
CS for HB 440	SB 1065	HB 1603
SB 862	CS for SB 1146	CS for SB 627
CS for SB 922	CS for SB 1177	SB 1304
SB 924	CS for HB 1632	CS for SB 1168

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 874

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

The following report was filed:

The Committee on Executive Business recommended that no further action be taken on the appointment by the Governor of Julie L. Jett to the Board of Regents in that the committee was not scheduled to meet again this session and the appointment was not considered by the first committee of reference.

Honorable Philip D. Lewis
President, The Florida Senate

Dear Mr. President:

Your Committee on Rules and Calendar respectfully recommends a revision of Senate Rules 1.18 and 2.44, attached hereto and by reference made a part of this report.

The Committee also submits the attached bill by Senator Spicola relating to telephone communications, for introduction pursuant to Rule 4.6.

Respectfully submitted,
Dempsey J. Barron, Chairman

On page 14, at the end of Rule 1.18 add:

Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

Rule 2, Part Six, Page 33, a new Rule 2.44 is created to read:
2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute by that committee need not be filed.

(Renumber all sections of Part Seven, Rule 2)

On motion by Senator Barron, the foregoing report was adopted.

On motion by Senator Spicola, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION

By Senator Spicola—

SB 1313—A bill to be entitled An act relating to telephone communication; amending s. 365.16(1), Florida Statutes; prohibiting any person from making a telephone call to a location at which a person receiving the call has a reasonable expectation of privacy, during such call making any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, vulgar, or indecent, and by such call or language intending to offend, annoy, abuse, threaten, or harass any person at the called number; providing a penalty; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 1252 and CS for SB 1282 were withdrawn from the Committee on Ways and Means.

On motions by Senator Scott, by two-thirds vote Senate Bills 768 and 815 were withdrawn from committees of reference and indefinitely postponed.

On motions by Senator McKnight, by two-thirds vote SB 484 was withdrawn from committees of reference and indefinitely postponed.

On motions by Senator Don Childers, the rules were waived and by two-thirds vote HCR 403 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed at the end of the special order calendar.

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 610 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 1591 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Vogt, by two-thirds vote Senate Bills 501, 961, 1238 and 1241 were withdrawn from committees of reference and indefinitely postponed.

On motions by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet May 29 immediately upon adjournment to consider HB 1701 and SB 317.

REQUESTS FOR EXTENSION OF TIME

May 28, 1979

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

SB 496 by Committee on Health and Rehabilitative Services	SB 987 by Senator Chamberlin
SB 863 by Senator Myers	SB 1059 by Senator Peterson
	SB 1120 by Senator Grizzle

May 28, 1979

The Committee on Governmental Operations requests an extension of 5 days for consideration of the following:

SB 360 by Senators Scott, Ware and others
SB 937 by Senator Dunn and others
CS for HB 4 by Finance & Tax Committee and Representative Richmond and others
HB 436 by Criminal Justice Committee
HB 1503 by Health and Rehabilitative Services Committee and others

May 28, 1979

The Committee on Natural Resources and Conservation requests an extension of 10 days for consideration of the following:

SB 26 by Senator Henderson and others	SB 334 by Senator Skinner
SB 35 by Senator Henderson	SB 389 by Senator Tobiassen
SB 140 by Senator Henderson	SB 501 by Senator Vogt
SB 174 by Senators Trask and Peterson	SB 552 by Senator Stuart

May 28, 1979

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

CS for SB 969 by Health and Rehabilitative Services Committee and Senator Chamberlin
SB 1006 by Senator Gorman
SB 1189 by Health and Rehabilitative Services Committee and Senator Myers

CS for SB 1259 by Health and Rehabilitative Services Committee and Senator Holloway

SB 422 by Senator Maxwell
CS for HB 67 by Appropriations Committee and Representative Gustafson

HB 1015 by Transportation Committee
HB 1597 by Agriculture and General Legislation
HB 1679 by Corrections, Probation & Parole and Representative Girardeau

On motion by Senator Gorman, the rules were waived and SB 398 which passed May 25 was ordered immediately certified to the House.

On motions by Senator Barron, the rules were waived and the Senate reverted to introduction for the purpose of introducing the following resolutions which, by two-thirds vote, were placed on the special order calendar and taken up instanter.

INTRODUCTION

By Senators W. D. Childers and Tobiassen—

SR 1311—A resolution commending the Pine Forest High School Eagles on their achievements in football.

—was read the first time by title. On motion by Senator W. D. Childers SR 1311 was read the second time in full and adopted. The vote on adoption was:

Yeas—37

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

Nays—None

Senator W. D. Childers escorted Lon R. Wise, principal of Pine Forest High School, Pensacola, and Coach Roy Roberts, athletic director and head football coach, to the rostrum where he presented them with copies of the resolution. Senator Childers recognized the following coaches of Pine Forest High School seated in the gallery: Jimmy Nichols, Tom White, Charlie Armstrong and Gary Bagwell.

By Senator Frank—

SCR 1312—A concurrent resolution commending Captain Drew D. Dix, United States Army.

—was read the first time in full. On motions by Senator Frank by two-thirds vote SCR 1312 was read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

At the request of the President, Senator Frank escorted U. S. Army Capt. Drew D. Dix, Medal of Honor winner, to the rostrum where he was presented a copy of SCR 1312. Capt. Dix addressed the Senate briefly.

By Senator Holloway—

SCR 1314—A concurrent resolution requesting the Governor of the State of Florida to return Senate Bill No. 753 to the Legislature for the purpose of further consideration.

—was read the first time in full. On motions by Senator Holloway, by two-thirds vote SCR 1314 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

By Senator Scott—

SCR 1315—A concurrent resolution requesting the Governor of the State of Florida to return Senate Bill No. 9 to the Legislature for the purpose of further consideration.

—was read the first time in full. On motions by Senator Scott, by two-thirds vote SCR 1315 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

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 accepted the Conference Committee Report as an entirety and passed CS for HB's 619 & 917 as amended by the Conference Committee Report.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 536	SB 537	SB 539
SB 540	SB 558	SB 1097
SB 1039	SB 1284	SB 506
SB 514	SB 538	SB 721
SB 1061	SB 1280	SB 1286
SB 1291	SB 1295	SB 1296
SB 1299	SB 1300	SB 1305
SB 1306	SB 1307	SB 5

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1112 and SCR 1312.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1314 and SCR 1315.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

CS for SB 1205 SB 1090 CS for SB 162

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—

CS for HB 1104 HB 1508 HB 1199
 HB 945

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to CS for HB 1689 and requests the appointment of a Conference Committee. The Speaker has appointed Representatives Hodes, Bell, Morgan, Burnsed, Pajcic; alternate D. Jones as the Conferees on the part of the House.

Allen Morris, Clerk

Conference Committee on HB 1689

The President announced the appointment of Senators Gordon, MacKay, Peterson, Maxwell and Ware as conferees on the part of the Senate.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to CS for HB 1036 and requests the appointment of a Conference Committee. The Speaker has appointed Representatives Young, Nergard and Moffitt as the Conferees on the part of the House.

Allen Morris, Clerk

Conference Committee on HB 1036

The President announced the appointment of Senators MacKay, Chamberlin, Maxwell, and alternates, Senators Frank and Steinberg, as conferees on the part of the Senate.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 5 amendments—

By Senator Henderson—

SB 54—A bill to be entitled An act relating to coal slurry pipeline companies; creating s. 361.08, Florida Statutes; providing the right of eminent domain to coal pipeline companies; creating s. 361.09, Florida Statutes; providing for regulation of coal pipeline companies; requiring that investments be treated as plant investments; requiring that tax investment credits inure to the benefit of ratepayers; specifying a legislative intent; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, lines 30 & 31, strike all of said lines and insert: Section 5. This act shall take effect when every state in which the coal slurry pipeline will pass en route to Florida has enacted laws granting eminent domain authority to coal slurry pipeline companies or other entities operating or proposing to operate a coal slurry pipeline, and when the appropriate governmental authority has guaranteed in writing to the Public Service Commission that a continuous source of water shall be available for use in said coal slurry pipeline.

Amendment 3—On page 3, line 29, after the period, add a new subsection (2), and renumber remaining subsection. and insert: (2) All coal slurry pipeline companies, as common carriers, shall be subject to the rules and regulations of the Florida Public Service Commission relating thereto and all applicable laws, including but not limited to those governing common carriers as defined in s. 350.11. No such coal slurry pipeline company shall discriminate between or against any person, corporation, public utility, municipality or other legal entity in regard to facilities furnished, services rendered, or rates charged for the transportation of coal or its derivatives. All contracts or agreements between any coal slurry pipeline company and any person, corporation, public utility, municipality or other legal entity for the transportation of coal or its derivatives shall be submitted to the Public Service Commission for review and approval prior to their execution. The Public Service Commission shall adopt rules and regulations to insure that all contracts, rates and charges involving the transportation of coal or its derivatives by pipeline shall be just and reasonable, nondiscriminatory and offer no preference to any person, corporation, public utility, municipality or other legal entity. The Public Service Commission shall prohibit any contract charging a rate for the transportation by pipeline of coal or its derivatives which is higher than the lowest rate available by any other common carrier operating in Florida.

Amendment 4—On page 1, line 12 in the title, strike the period and insert: upon granting of eminent domain authority by all involved states and upon guarantee of a continuous source of water.

Amendment 5—On page 1, line 7 in title, after the semicolon insert: forbidding discrimination in rates and service among users; forbidding rates higher than those available through other common carriers;

Amendment 6—On page 4, strike all of lines 30-31 and insert: a new section 5:

Section 5. There is created the Coal Slurry Pipeline Study Committee, to be composed of the chairman of the Florida Public Service Commission, the Secretary of the Department of Environmental Regulation and the Secretary of the Department of Health and Rehabilitative Services, or their respective designees. The committee shall study the net energy cost of construction and maintenance of a coal slurry pipeline in this state, its overall impact on other transportation modes and the costs of moving other commodities, freight and passengers by such other transportation modes, and other health, economic and social impacts of a coal slurry pipeline. Such study shall be completed and submitted to the Speaker of the House and the President of the Senate on or before February 1, 1980. This act shall not take effect until completion of this report and completion of the regular session of the 1980 Legislature.

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

SB 54 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Chamberlin	Fechtel	Gordon
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Votes after roll call:

Yea—Carlucci, Holloway

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 Trask—

SB 881—A bill to be entitled An act relating to damage by dogs; amending ss. 767.02, 767.03, Florida Statutes; providing a defense for the killing or injuring of livestock-killing dogs; creating ss. 767.05, 767.06, 767.07, Florida Statutes; making an owner liable for any damage caused by his dog; permitting the killing of dogs under prescribed conditions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 23, 27, 28, strike domestic animal and insert: dairy cattle

Amendment 2—On page 1, line 18, strike *livestock sheep* and insert: *cattle or sheep*

Amendment 3—On page 1, line 30, strike “or harassing the” and on page 2, line 1, strike “livestock” and insert: or harassing dairy cattle

Amendment 4—On page 1, line 5 in the title, strike livestock and insert: dairy cattle

Amendment 5—On page 1, lines 29-30; page 2, lines 1-2 strike all of said lines

Amendment 6—On page 1, lines 6-9 in the title, strike all of said lines and insert: , and 767.07, Florida Statutes; making an owner liable for any damage caused by his dog; providing an effective date.

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

SB 881 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Barron Grizzle

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 the Committee on Judiciary-Criminal and Senator D. Childers and others—

CS for SB 193—A bill to be entitled An act relating to personnel of the school system; amending s. 231.06, Florida Statutes; providing penalties for assault or battery upon instructional personnel of the school system; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 13 & 16, after instructional insert: *or non-instructional*

Amendment 2—On page 1, line 5 in title, after instructional insert: *or non-instructional*

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

CS for SB 193 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Spicola

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 4 amendments—

By Senators Henderson and MacKay—

SB 331—A bill to be entitled An act relating to interest rates and the usury laws; amending s. 687.02, Florida Statutes, and s. 687.03(1), Florida Statutes, 1978 Supplement; providing that loans or contracts exceeding \$500,000 in amount or value shall not be usurious as to a corporation unless the interest thereon exceeds the provisions of section 687.071, Florida Statutes, (criminal usury); providing that this act apply only to loans made after its effective date; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 25, strike *from an individual*

Amendment 2—On page 2, line 26, strike 15 percent per annum and insert: *the provisions of section 687.071 (criminal usury) 15 percent per annum*

Amendment 3—On page 1, line 7 in title, strike as to a corporation

Amendment 4—On page 3, line 11, strike October 1, 1979 and insert: July 1, 1979

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

SB 331 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

By Senator Fechtel—

SB 770—A bill to be entitled An act relating to Lake County; amending s. 2(2), chapter 73-519, Laws of Florida; providing that the candidate receiving 50 percent plus one vote in the non-partisan primary ballot for the office of superintendent of schools for the Lake County school district shall be placed on the ballot in the general election; providing that if no candidate receives 50 percent plus one vote, then the two candidates receiving the highest number of votes shall appear on the ballot in the general election; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1 after line 28 insert:

Section 2. Subsection (2) of section 3 of chapter 73-519, Laws of Florida, is amended to read:

Section 3.

(2) If three (3) or more qualify for election as prescribed by general law, then those three (3) or more names shall appear on the non-partisan primary ballot. The name of the candidate receiving 50 percent plus one vote shall be placed on the ballot for election in the general election. In the event none of the candidates receives 50 percent plus one vote, then the two (2) candidates receiving the highest number of votes shall appear on the ballot in the general election.

Amendment 2—On page 1, line 7, add or the office of Lake County School Board members

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

SB 770 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	Steinberg
Anderson	Grizzle	Myers	Thomas
Chamberlin	Hair	Neal	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	McClain	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 Gorman—

SB 892—A bill to be entitled An act relating to the Department of Insurance; amending s. 20.13(2), Florida Statutes, 1978 Supplement, to create the Division of Liquefied Petroleum Gas; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 1, line 18, strike everything after the semi-colon and insert: *(e) Division of Liquefied Petroleum Gas; and*

(f) Division of Insurance Rating.

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

Amendment 3—On page 1, line 5 in the title, after the word "Gas;" insert: to create the Division of Insurance Rating;

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

SB 892 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 18, strike "chapter" and all of lines 19 and 20 and insert: chapter 21228, Laws of Florida, 1941, as amended by chapter 65-1957, Laws of Florida is amended to read:

Amendment 2—On page 2, line 6, strike after the word "chapter": 195 and insert: 200

Amendment 3—On page 1, lines 3 & 4 in the title, strike "chapter 21228, Laws of Florida, as amended" and insert: chapter 21228, Laws of Florida, 1941, as amended by chapter 65-1947, Laws of Florida

Amendment 4—On page 1, line 13 in the title, strike after the word "chapter": 195 and insert: 200

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

Amendment 1—On page 1, line 2, strike "65-1947" and insert: 65-1957

On motions by Senator Skinner, the Senate concurred in House Amendments 1, 2 and 4; House Amendment 3 as amended and the House was requested to concur in the Senate amendment.

SB 1287 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Williamson

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 as further amended, and passed as further amended—

By the Committee on Transportation—

HB 717—A bill to be entitled An act relating to driver records and the reporting of judicial dispositions of traffic violations; amending s. 43.41, Florida Statutes, and s. 322-25(6), Florida Statutes, 1978 Supplement, authorizing clerks of the courts to submit data relating to traffic offense dispositions to the Department of Highway Safety and Motor Vehicles in an automated fashion; adding subsections (4)-(6) to s. 322.20, Florida Statutes, 1978 Supplement, requiring the department to promulgate rules and procedures for the automated reporting of traffic dispositions; requiring the department to publish statistics and provide records to court clerks; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 3, line 30, strike line 23 and insert:

Section 4. Subsection (3)(a) of s. 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3)(a) No vehicle shall exceed a length of 40 feet extreme overall dimension, inclusive of front and rear bumpers, and load carried thereon but exclusive of detachable wind deflection devices which have been approved by the department. Any vehicle in excess of 35 feet, except buses, shall have not less than 3 axles. No combination of vehicles coupled together shall consist of more than 2 units, and no such combination of vehicles shall exceed a total length of 55 feet, inclusive of load carried thereon but exclusive of detachable wind deflection devices which have been approved by the department. Automobile tow-away or drive-away operations, transporting new or used trucks, may use what is known to the trade as saddle mounts, provided the overall length shall not exceed 55 feet and in no instance may more than 2 saddle mounts be towed. Combinations of vehicles up to 5 in number will be authorized for the sole purpose of collecting refuse and transporting same to the dump by vehicles and combinations of vehicles provided that such vehicles or combination of vehicles shall be covered in such manner that refuse transported therein shall not spill from the vehicles, if they otherwise comply with the provisions of this law and only use the state roads to the extent necessary to collect and dispose of refuse.

Section 5. This act shall take effect October 1, 1979, except that Section 2 shall take effect upon becoming law.

On motion by Senator W. D. Childers, the Senate concurred in the House Amendment.

HB 717 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 7 & 8 and passed SB 468, as amended.

Allen Morris, Clerk

SB 468—A bill to be entitled An act relating to the excise tax on documents; amending s. 199.052(7), 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; 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; creating s. 201.24, Florida Statutes, exempting obligations to pay money of municipalities, agencies and political subdivisions of the state; providing an effective date.

—as amended passed. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Myers	Stuart
Anderson	Hair	Neal	Thomas
Barron	Henderson	Peterson	Tobiassen
Carlucci	Hill	Poole	Trask
Chamberlin	Jenne	Scarborough	Ware
Childers, D.	Johnston	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Winn
Dunn	McClain	Spicola	
Frank	McKnight	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 HB 951.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Evans and Barrett—

HB 951—A bill to be entitled An act relating to community colleges; adding a paragraph to s. 230.754(2), Florida Statutes, authorizing a community college board of trustees to contract with the college president with respect to the duration of and compensation for his employment; authorizing the board to furnish such president with the use of or an allowance for a motor vehicle; adding subsection (4) to s. 230.7565, Florida Statutes, authorizing certain community colleges to pay housing allowances to their presidents; providing an effective date.

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

A Message from the House containing SB 163 with House Amendment was referred to the Committee on Education.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1343 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Burrall and Hodges—

HCR 1343—A concurrent resolution commending Mr. J. Morgan Ingraham, former legislator, for his contributions to the State of Florida.

—was read the first time in full. On motions by Senator Neal, by two-thirds vote HCR 1343 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—37

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 969, HB 898, SB 1105, CS for HB's 78 and 756, and SB 1172 were withdrawn from the Committee on Ways and Means; and CS for HB 4 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motions by Senator Barron, the rules were waived and by two-thirds vote House Bills 679 and 951 were withdrawn from the Committee on Education.

SPECIAL ORDER

By the Committee on Judiciary-Civil and Senator Barron—

CS for SB 1224—A bill to be entitled An act relating to the Florida Evidence Code; repealing the Florida Evidence Code in 1983; providing for legislative review of the code; providing an effective date.

—was read the first time by title and SB 1224 was laid on the table.

On motions by Senator Barron, by two-thirds vote CS for SB 1224 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—36

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

Nays—None

Senator Scarborough presiding

Consideration of CS for SB 1239 and SB 983 was deferred.

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 taken up with pending Amendment 6 which was adopted:

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

Senator Gordon moved the following amendments which failed:

Amendment 7—On page 2, lines 10-11, insert:

(3) He elects not to go to college but has resided continuously in the state for 2 years and qualifies as a graduate of a Florida high school as of July 31, 1979.

Amendment 8—On page 2, line 17, strike the period (.) and insert: , or in the case of qualified Florida high school graduates who elect not to go to college, the department shall make payments directly to each person equivalent to the amount established for the tuition voucher each year, but not to exceed 4 years per person.

Senator Frank moved the following amendments which failed:

Amendment 9—On page 2, line 24, strike (all) and insert:

Section 5. There shall be calculated the difference of the cost of educating undergraduate students attending a Florida university and the amount granted tuition vouchers and such difference shall be allocated annually from the general revenue fund to the state university system

(Renumber subsequent sections.)

Amendment 10—On page 2, line 24, strike all of line and insert: Section 5. There shall be appropriated from the general revenue fund 34 million dollars to the state university system for the purpose of quality improvement.

(Renumber subsequent sections.)

Senator Frank moved the following amendment:

Amendment 11—On page 2 between lines 10-11, insert: (3) He has a satisfactory high school record, including at least "C" average in all academic subjects, and (2) attains a score on the scholastic achievement test among the highest 40 percent of the high school seniors in the state and meets such other admission standards as are required by the state university system.

Amendment 11 failed. The vote was:

Yeas—15

Anderson	Frank	Johnston	Vogt
Chamberlin	Gordon	McKnight	Williamson
Childers, D.	Grizzle	Myers	Winn
Fechtcl	Jenne	Skinner	

Nays—23

Barron	Hill	Peterson	Stuart
Carlucci	Holloway	Poole	Thomas
Dunn	MacKay	Scarborough	Tobiassen
Gorman	Maxwell	Scott	Trask
Hair	McClain	Spicola	Ware
Henderson	Neal	Steinberg	

Senator Frank moved the following amendment which failed:

Amendment 12—On page 2, between lines 10 and 11, insert:

(3) No college engaged in teacher education shall be eligible for tuition voucher payments unless it meets the same standards and requirements of students in teacher education in public universities

Senator Hair moved that the rules be waived and SB 364 as amended be read the third time by title. The motion was adopted. The vote was:

Yeas—26

Anderson	Hair	Neal	Stuart
Barron	Henderson	Peterson	Tobiassen
Carlucci	Jenne	Poole	Trask
Childers, W. D.	MacKay	Scarborough	Ware
Dunn	Maxwell	Scott	Williamson
Fechtcl	McClain	Spicola	
Gorman	McKnight	Steinberg	

Nays—11

Chamberlin	Gordon	Johnston	Thomas
Childers, D.	Grizzle	Myers	Vogt
Frank	Hill	Skinner	

Senator Don Childers moved that the Senate reconsider the vote by which SB 364 was placed on third reading. The motion failed.

The President presiding

Senator Scarborough presiding

SB 364 as amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—10

Chamberlin	Grizzle	Myers	Vogt
Frank	Hill	Skinner	
Gordon	Johnston	Thomas	

Vote after roll call:

Yea—Holloway

SB 983—A bill to be entitled An act relating to bingo; amending s. 849.093, Florida Statutes, 1978 Supplement, which allows the conduct of bingo games by certain organizations

under specified conditions, to define "bingo game"; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, line 3, insert: (11) None of the provisions of this chapter shall apply to bingo games conducted on federal trust lands.

On motion by Senator Maxwell, by two-thirds vote SB 983 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

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.

—was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 385 was laid on the table.

On motion by Senator Steinberg, by two-thirds vote SB 461 was removed from the special order calendar and indefinitely postponed.

SB 624—A bill to be entitled An act relating to unemployment compensation; amending s. 443.08(3)(a), (e), Florida Statutes, 1978 Supplement; providing that an employment record shall be charged if the eligible individual was paid in excess of a specified amount within the base period; prohibiting an employer's contribution rate from being rounded to less than one-tenth of one percent; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 13, insert: Section 1. Paragraph (a) of subsection (2) of section 443.04, Florida Statutes, is amended to read:

443.04 Payment of benefits.—

(2) WEEKLY BENEFIT AMOUNT.—

(a) An individual's "weekly benefit amount" shall be an amount equal to one-half of his average weekly wages, but

not less than \$10 or more than \$90 until a worker has drawn 24 weeks of unemployment compensation benefits. After the 24th week of drawing unemployment compensation benefits, the maximum benefit amount shall be \$100 ~~\$82~~. Such weekly benefit amount, if not a multiple of \$1, shall be rounded to the next higher multiple of \$1.

(Renumber subsequent subsections.)

Senator Myers moved the following substitute amendment:

Amendment 2—On page 1, line 13, insert: Section 1. Paragraph (a) of subsection (2) of section 443.04, Florida Statutes, is amended to read:

443.04 Payment of benefits.—

(2) WEEKLY BENEFIT AMOUNT.—

(a) An individual's "weekly benefit amount" shall be an amount equal to one-half of his average weekly wage, but not less than \$10 or more than \$95 ~~\$82~~. Such weekly benefit amount, if not a multiple of \$1, shall be rounded off to the next higher multiple of \$1. *The provisions of this subsection apply only to benefit years beginning on and after July 1, 1979; provided, that no individual currently eligible for benefits shall be re-determined ineligible for benefits shall be re-determined ineligible pursuant to this section.*

(Renumber subsequent sections.)

Senator Carlucci moved the following amendment to Amendment 2 which failed:

Amendment 2A—On page 1, line 7, strike "\$95.00" and insert: \$88.00

Amendment 2 was adopted.

Senator Neal moved the following amendment which failed:

Amendment 3—On page 8, line 5, insert a new Section 2: Subsection (1) of section 443.06, Florida Statutes, 1978 Supplement, is amended to read:

443.06 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1) For the week in which he has voluntarily left his employment without good cause attributable to his employer or in which he has been discharged by his employing unit for misconduct connected with his work, if so found by the 3division.

(a) Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause and until such individual has become reemployed and has earned wages equal to or in excess of 26 ~~10~~ times his weekly benefit amount; good cause as used in this subsection shall include only such cause as is attributable to the employer or consists of illness or disability of the individual requiring separation from his employment. An individual shall not be disqualified under this subsection for voluntarily leaving temporary employment to return immediately when called to employment by the permanent employer who temporarily terminated his employment within the previous 6 calendar months.

(b) Disqualification for being discharged for misconduct connected with his work shall continue for the full period of unemployment next ensuing after having been discharged and until such individual has become reemployed and has earned wages not less than 26 ~~10~~ times his weekly benefit amount and for not more than 52 weeks which immediately follow such week, as determined by the 3division in each case according to the circumstances in each case or the seriousness of the misconduct, pursuant to rules of the 3division enacted for determinations of disqualification ¹[for] benefits for misconduct.

(Renumber subsequent sections.)

The vote was:

Yeas—16

Anderson	Dunn	Henderson	Thomas
Barron	Fechtcl	Johnston	Tobiassen
Carlucci	Grizzle	MacKay	Ware
Childers, D.	Hair	Neal	Williamson

Nays—17

Chamberlin	Holloway	Scarborough	Trask
Frank	Jenne	Scott	Winn
Gordon	McClain	Spicola	
Gorman	McKnight	Steinberg	
Hill	Myers	Stuart	

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 2, after "compensation;" insert: amending s. 443.04(2)(a), Florida Statutes; increasing the maximum weekly benefit amount;

Pending further consideration of SB 624 as amended, on motions by Senator MacKay, the rules were waived and by two-thirds vote HB 1449 was withdrawn from the Committees on Commerce and Ways and Means.

On motion by Senator MacKay—

HB 1449—A bill to be entitled An act relating to unemployment compensation; amending s. 443.04(2)(a), Florida Statutes; increasing the weekly benefit amount; providing an effective date.

—a companion measure, was substituted for SB 624 and read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, strike all of said line and insert: Section 2. Paragraphs (a) and (e) of subsection (3) of section 443.08, Florida Statutes, 1978 Supplement, are amended to read:

443.08 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) The benefit payments made to any eligible individual shall be charged to the employment record of each employer who paid such individual wages equal to \$100 \$40 or more within the base period of said individual in the proportion to which wages paid by each such employer to such individual within the base period bears to total wages paid by all such employers to such individual within the base period. Provided, that no benefit charges shall be made to the employment record of any employer who has furnished part-time work to an individual who, because of loss of employment with one or more other employers, becomes eligible for partial benefits while still being furnished part-time work by such employer on substantially the same basis and in substantially the same amount as has been made available to such worker during his base period, whether the employments were simultaneous or successive. Provided, further, that benefit payments will not be charged to the accounts of employers when such employers have furnished the division with such notices regarding separations of individuals from work and the refusal of individuals to accept offers of suitable work as are required by the provisions of this chapter and the regulations of the division, if one or more of the following conditions are found to be applicable:

1. When an individual has left his job without good cause attributable to his employer or has been discharged by his employer for misconduct connected with his work, no benefits subsequently paid to him on the basis of wages paid to such individual by such employer prior to such separation shall be charged to such employer's account.

2. Benefits which are paid to any individual subsequent to the refusal without good cause by such individual of an offer of suitable employment from an employer will not be charged to the account of such employer when all or any part of such benefits are upon the basis of wages paid to such individual by such employer prior to the refusal by such individual to accept such offer of suitable work. (The division shall determine with respect to the payment of all benefits whether this proviso shall be applied without regard to whether a disqualification pursuant to the provisions of s. 443.06 has or may be invoked against a claimant or claimants for benefits.)

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 calendar years charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the current calendar year. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his taxable payroll entering into the computation of his benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer and the sum rounded to 3 decimal places to obtain each employer's contribution rate; *but at no time shall an provided that in years when the adjustment factor provided for in sub-subparagraph e. is negative the sum shall not be rounded to 3 decimal places for those employers whose sum is less than one tenth of 1 percent; provided further that no employer's contribution rate shall be rounded to less than one-tenth of 1 percent except in years when the adjustment factor provided for in sub-subparagraph e. is negative the minimum rate of one-tenth of 1 percent shall be reduced to the extent of the negative adjustment factor provided for in sub-subparagraph e.*

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate, except that in computing the adjustment factor for 1964 the 2 preceding calendar years of noncharged benefits will be used. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by December 31 of the same calendar year except that in computing the adjustment factor for 1964 the 2 preceding years of taxable payrolls will be used. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate, except that in computing the adjustment factor for 1964 the 2 preceding years' excess payments will be used. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in subsection (3)(e)1.a. Excess payments for the purpose of this section shall be defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding calendar years less the product of the maximum contribution rate and his taxable payroll for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by Decem-

ber 31 of the same calendar year, except that in computing excess payments for use in 1964 contribution rate determination the 2 preceding years will be used. Total excess payments shall be defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and the sum of 5 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and 5 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate is less than 5 percent but more than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar years as reported to the division by December 31 of that calendar year. In determining if a positive or a negative adjustment factor shall be applicable to contributions payable for the calendar quarters in the years 1973, 1974, and 1975, the taxable payrolls for the year ending September 30, 1972, shall be reduced by 30 percent prior to any computation applicable to contributions payable for calendar quarters in 1973; the taxable payrolls for the year ending September 30, 1973, shall be reduced by 20 percent prior to any computation applicable to contributions payable for calendar quarters in 1974; and the taxable payrolls for the year ending September 30, 1974, shall be reduced by 10 percent prior to any computation applicable to contributions payable for calendar quarters in 1975.

d. The maximum contribution rate that can be assigned to any employer shall be 2.9 percent with respect to the calendar year 1963, 3.5 percent with respect to the calendar year 1964, 4 percent with respect to the calendar year 1965, and 4.5 percent with respect to the calendar year 1966 and subsequent calendar years.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an "employer" the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records, and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

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

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, strike all of lines 2 through 5, and insert: An act relating to unemployment compensation;

amending s. 443.04(2) (a), Florida Statutes; increasing the maximum weekly benefit amount; amending s. 443.08(3) (a), (e), Florida Statutes, 1978 Supplement; providing that an employment record shall be charged if the eligible individual was paid in excess of a specified amount within the base period; prohibiting an employer's contribution rate from being rounded to less than one-tenth of one percent; providing an effective date.

Senator Neal moved the following amendments which were adopted:

Amendment 3—On page 1, between lines 21 and 22, insert: Section 2. Subsection (1) of section 443.06, Florida Statutes, 1978 Supplement, is amended to read:

443.06 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1) For the week in which he has voluntarily left his employment without good cause attributable to his employer or in which he has been discharged by his employing unit for misconduct connected with his work, if so found by the ³division.

(a) Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause and until such individual has become reemployed and has earned wages equal to or in excess of ~~26 10~~ times his weekly benefit amount; good cause as used in this subsection shall include only such cause as is attributable to the employer or consists of illness or disability of the individual requiring separation from his employment. An individual shall not be disqualified under this subsection for voluntarily leaving temporary employment to return immediately when called to employment by the permanent employer who temporarily terminated his employment within the previous 6 calendar months.

(b) Disqualification for being discharged for misconduct connected with his work shall continue for the full period of unemployment next ensuing after having been discharged and until such individual has become reemployed and has earned wages not less than ~~26 10~~ times his weekly benefit amount and for not more than 52 weeks which immediately follow such week, as determined by the ³division in each case according to the circumstances in each case or the seriousness of the misconduct, pursuant to rules of the ³division enacted for determinations of disqualification ¹[for] benefits for misconduct.

(Renumber subsequent sections.)

Amendment 4—On page 1 in title, line 3, after the semicolon insert: amending s. 443.06(1), Florida Statutes, 1978 Supplement; prescribing circumstances under which a person may be disqualified from receiving unemployment compensation benefits;

On motion by Senator MacKay, by two-thirds vote HB 1449 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Grizzle Neal Poole

SB 624 was laid on the table.

CS for HB 440—A bill to be entitled An act relating to securities; amending the introductory paragraph and subsections (6) and (8) of s. 517.021, Florida Statutes, 1978 Supplement, and adding a new subsection (12) thereto; providing for consideration of context with respect to definitions; modifying the definition of "dealer"; clarifying the exemption of banks there-

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

—was read the second time by title.

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

Amendment 1—On page 6, line 13, add a new subsection (c) to read: (c) An international bank of which the United States is a member; or

(Renumber subsection (c) accordingly.)

On motion by Senator Scott, by two-thirds vote CS for HB 440 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 4 was withdrawn from the Committee on Governmental Operations.

CO-INTRODUCERS

Senator Grizzle withdrew as a co-introducer of SM 900.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved.

The Journal of May 18 was further corrected and approved as follows:

Page 492, bottom line, column 2, after I, insert: II, III, and IV of Chapter 373, Florida Statutes, relating to water resources, and parts I,

The Journal of May 17 was further corrected and approved as follows:

Page 485, column 2, from bottom, line 21, strike "Nays" and insert: Yeas

On motion by Senator Barron, the Senate adjourned at 4:59 p.m. to reconvene at 8:30 a.m., Tuesday, May 29, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.