



Journal of the Senate

Number 30

Tuesday, May 29, 1979

The Senate was called to order by Senator Henderson 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.

INTRODUCTION

By Senators Ware and Grizzle—

SB 1310—A bill to be entitled An act relating to Pinellas County; providing for the moneys to reimburse the Society for the Prevention of Cruelty to Animals of St. Petersburg, a tax exempt charitable organization located in Pinellas County, for payment of certain paid ad valorem taxes; providing that certain outstanding tax certificates be cancelled or redeemed, the debts, including interest accrued, be forgiven, and the Society for the Prevention of Cruelty to Animals of St. Petersburg, Florida not be required to pay certain tax bills; providing an effective date.

Proof of publication of the required notice was attached.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1323 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gardner—

HB 1323—A bill to be entitled An act relating to education; amending s. 233.063(1), Florida Statutes, relating to instruction in operation of motor vehicles in secondary schools, to include instruction in the operation of motorcycles and mopeds; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 1174 CS for HB 420

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Silver—

HB 1174—A bill to be entitled An act relating to personnel of the school system; amending s. 231.40(1)(c), Florida Statutes, providing a new basis for determining terminal pay for accumulated sick leave for administrative or instructional staff members; providing for conditional repeal; providing an effective date.

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

By the Committee on Education, K-12 and Representative Davis—

CS for HB 420—A bill to be entitled An act relating to the district school system; amending s. 232.01(1)(c), Florida Statutes; removing the compulsory attendance exemption for unmarried students who are pregnant or have had a child out of wedlock; providing that assignment of married students, unmarried pregnant students, or unmarried student parents to a special class or program shall be voluntary; providing an effective date.

—was read the first time by title and 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 passed as amended—

HB 41 HB 675

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Hollingsworth and J. W. Lewis—

HB 41—A bill to be entitled An act relating to minors; creating s. 562.485, Florida Statutes, prohibiting minors from attending certain establishments licensed to sell alcoholic beverages which permit certain types of sexual conduct on the premises; providing a penalty; providing an effective date.

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

By the Committee on Tourism & Economic Development—

HB 675—A bill to be entitled An act relating to common carriers; amending and renumbering ss. 352.22, 352.23, and 352.24, Florida Statutes, revising the classes of persons to whom free or reduced transportation may be granted, to include sheriffs on official duty, public officers and employees traveling to promote economic development or tourism, and certain business persons connected with such promotion; deleting specific references to railroads; providing for reports of free or reduced transportation by common carriers; revising penalties to conform; directing that changes in terminology be made; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

The Honorable Philip D. Lewis, President

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

HB 1672 HB 1714

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1672—A bill to be entitled An act relating to county and municipal planning; amending s. 163.170(2), Florida Statutes, providing that charter counties may appoint one or more commissions; providing an effective date.

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

By the Committee on Community Affairs—

HB 1714—A bill to be entitled An act relating to the Housing Authorities Law; amending s. 421.03(7), Florida Statutes, and adding new subsection (11); providing definitions; amending s. 421.08(4), Florida Statutes; granting to housing authorities the power to assess security deposits; amending s. 421.10(1)(c), Florida Statutes, 1978 Supplement; allowing authorities to charge monthly rent; adding new subsection (3) to s. 421.21, Florida Statutes, 1978 Supplement; permitting housing authorities to execute mortgages on real property for the purpose of participating in housing programs administered by the Federal Government; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1785 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on House Administration and Representatives Kiser and Gordon—

HB 1785—A bill to be entitled An act relating to legislative salaries; amending s. 11.13(1), Florida Statutes, to provide for a 7 percent increase in the salaries of members of the Senate and the House of Representatives in 1979 and 1980; providing a procedure for future adjustment; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 212 and 1276 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representatives Silver and Beard—

CS for HB's 212 and 1276—A bill to be entitled An act relating to traffic violations; adding subsections (3), (4), and (5) to s. 316.1945, Florida Statutes, 1978 Supplement, providing for the use of local traffic citation forms by any law enforcement officer; creating a presumption with respect to responsibility for illegally parked and unattended vehicles; amending s. 316.1967, Florida Statutes, providing that any person issued a local parking ticket is charged with a noncriminal violation; providing a penalty for failure to pay the ticket or comply with a court directive; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 1617

CS for HB 1024

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Thompson and others—

HB 1617—A bill to be entitled An act relating to discovery; adding paragraph (d) to s. 119.07(2), Florida Statutes, 1978 Supplement, providing that provisions relating to public records are not intended to affect present court rules relating to discovery in criminal and civil actions; providing an effective date.

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

By the Committee on Community Affairs and Representative McPherson—

CS for HB 1024—A bill to be entitled An act relating to recreation districts; amending s. 418.20, Florida Statutes, 1978 Supplement, which authorizes the creation of such districts by municipalities and counties; providing restrictions with regard to such districts which have the same boundaries as any condominium or cooperative property; requiring a referendum when a majority of resident electors petition to create a district; amending s. 418.21, Florida Statutes, 1978 Supplement; requiring the appointment of a district advisory board for a recreation district; providing for a board of directors; amending s. 418.22(4), Florida Statutes, 1978 Supplement, relating to powers of districts, to include a reference to counties; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1728 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1728—A bill to be entitled An act relating to public debt; amending s. 315.05(1) and (4), Florida Statutes, deleting the interest ceiling on port facilities bonds; amending s. 215-685, Florida Statutes, deleting the interest ceiling on state, county, municipal, etc., bonds; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1664 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1664—A bill to be entitled An act relating to tax on transient rentals; amending s. 212.03(1), (2), (4), and (7)(a) and (c), Florida Statutes, and adding paragraph (e) to subsection (7); including condominiums as taxable facilities with respect to the sales tax on transient rentals; decreasing from 12 months to 6 months the duration for which tax is levied on a continuous resident, and providing that any individual signing a written lease for 6 months or longer shall be exempt from taxation; providing that certain full-time students and military personnel on active duty shall be exempt from taxation; clarifying language regarding exemption of certain facilities; providing that living accommodations in migrant labor camps are exempt from said tax; amending s. 125.0104(3)(a), Florida Statutes; providing that the local option tourist development tax shall not be imposed on living accommodations which are exempt under the provisions of chapter 212; amending s. 125.0104(5), Florida Statutes, providing clarifying language and correcting cross reference; amending s. 212.04(2)(b), Florida Statutes, 1978 Supplement, exempting admissions to the National Football League Championship game from the sales tax; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 989 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 989—A bill to be entitled An act relating to gasoline and oil inspection; amending s. 525.06, Florida Statutes; providing for the posting of a refundable bond in lieu of confiscation; deleting the requirement of posting a sign designating the degree of gravity of product sold; amending s. 206.01(1), Florida Statutes, including alcohol blended fuels in the definition of motor fuel; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

CS for HB 373 HB 1738 CS for HB's 1604 & 1649

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Kutun—

CS for HB 373—A bill to be entitled An act relating to landlord and tenant; creating s. 83.591, Florida Statutes; prohibiting a landlord or his agents or employees from interfering with the occupancy of, or entrance to, a dwelling unit except pursuant to s. 83.59(3), Florida Statutes; prohibiting a landlord or his agents or employees from terminating any utility service provided to the tenant for certain purposes; clarifying the duties of public utilities; providing a civil action for damages and injunctive relief by a tenant; creating s. 83.455, Florida Statutes, prohibiting landlords from requiring tenants or prospective tenants to sign leases more than 90 days prior to the expiration of the current lease; providing limited damages in the event that two tenants living in the same rental unit sign a lease within 90 days of the expiration of his current lease and either tenant dies; providing an effective date.

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

By the Committee on Governmental Operations—

HB 1738—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.211(2)(a) and (c), Florida Statutes, 1978 Supplement, providing that a notarized statement from a registered architect or engineer must accompany plans for the erection or remodeling of buildings used as public lodging establishments or public food service establishments; amending s. 509.211, Florida Statutes, relating to safety regulations for apartment houses, townhouses, and cooperative or condominium apartment buildings; repealing s. 509.211(2)(b), Florida Statutes, relating to permit fees payable with respect to erection or remodeling of public lodging and public food service establishments; repealing s. 509.212, Florida Statutes, relating to the provision for the construction inspectors within the Division of Hotels and Restaurants; providing for conditional repeal; providing an effective date.

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

By the Committees on Appropriations & Governmental Operations and Retirement, Personnel & Collective Bargaining—

CS for HB's 1604 & 1649—A bill to be entitled An act relating to state government; creating s. 14.25, Florida Statutes, creating the Executive Office of the Governor and an Administration Commission as a part thereof; creating a Data Based Management Information System Developmental Task Force; transferring state-related comprehensive planning functions from the Department of Administration to the Executive Office of the Governor; transferring the Governor's Commission on Advocacy for Persons with Developmental Disabilities to the Executive Office of the Governor; transferring the Migrant Labor Program of Department of Community Affairs, the Commission on Hispanic Affairs and the Governor's Council on Indian Affairs from the Department of Community Affairs to the Executive Office of the Governor; amending s. 13.9965(1), Florida Statutes, 1978 Supplement, and

adding subsections (5) and (6), and amending s. 13.9966(1), Florida Statutes, 1978 Supplement, to conform to the act; creating s. 14.26, Florida Statutes, creating within the Executive Office of the Governor the Citizen's Assistance Office; providing for appointment and duties; amending s. 215.195(1) and (4), Florida Statutes, 1978 Supplement, transferring the State-Federal Relations Trust Fund to the Executive Office of the Governor; amending s. 14.23(2), Florida Statutes, specifying the scope and method of determination of duties of the Office of State-Federal Relations; providing for an executive director; transferring budget functions from the Department of Administration to the Executive Office of the Governor; amending s. 215.32(2)(c), Florida Statutes; providing an increased percentage for determination of the amount of the Working Capital Fund; providing for appropriations to the fund under certain conditions; providing for consultation by the Administration Commission with legislative appropriations committees; amending s. 215.35, Florida Statutes; providing for form of warrants; creating s. 215.87, Florida Statutes; providing for an official Revenue Estimating Conference to determine the General Revenue Fund estimate; amending the introductory paragraph and paragraphs (a), (b), (bb) and (cc) of s. 216.011(1), Florida Statutes, adding paragraphs (gg) and (hh) thereto, and amending subsection (2) thereof; amending ss. 216.023, 216.031, 216.043, 216.044, 216.051, 216.081, 216.091, 216.102(2)(b), 216.121, 216.131, 216.141(3), 216.151(2), 216.162(1), 216.172(2), 216.181, 216.182, 216.192(3), 216.201, 216.212(3), 216.221(1), 216.231(1), 216.241, 216.262(1)(a), (b) and (e) and (2), 216.275, 216.292(1) and (3), 216.301(1) and (2)(b), and 216.321, Florida Statutes, and repealing s. 216.292(4), Florida Statutes; providing definitions; providing duties of Executive Office of the Governor under chapter 216; providing duties of legislative appropriations committees with respect to agency legislative budget requests and related data, statements of intent regarding appropriations, and waiver of certain requirements; providing for consultation with said committees with respect to form of budget request documents, certain program changes in relationship to proposed budgets, expenditure of federal funds, budget reductions, release of certain classified appropriations, initiation of or changes in programs, increases in authorized positions, and appropriation transfers; deleting provision relating to submission of employee data; including the state courts system within provisions relating to estimates of financial needs which are not subject to review by the Governor, balance statements furnished by the Comptroller, submission of budget requests directly to legislative committees, release of appropriations, certification of undisbursed balances, and construction of chapter 216; providing duties of the Department of General Services regarding proposed capital outlay projects; requiring the Comptroller and state agencies to furnish certain information to the Legislature; providing a penalty; requiring that services of the Executive Office of the Governor be available to the Legislature; restricting expenditure of federal funds; providing duties of State Treasurer regarding clearing accounts; exempting biennial appropriations from provisions relating to undisbursed balances; amending s. 20.31(2) and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (3), changing the structure of the Department of Administration to conform to the act; creating an Office of Labor Relations; revising chapter 110, Florida Statutes, relating to state personnel management; creating part I of said chapter, relating to general state employment provisions; providing employment policy of the state; providing for a state group insurance program; providing duties of the Department of Administration regarding productivity improvement; providing for affirmative action plans; specifying paid holidays; providing for terminal payment for accumulated sick leave; providing for administrative leave for certain athletic competition; providing pay periods; providing for wage deductions; permitting certain other state employment by historical commission employees; providing for tuition refunds; providing for a personnel information system and payroll procedures; providing for services to political subdivisions; providing for payment of administrative costs; providing powers of department regarding oaths, testimony, and records; providing penalties; creating part II of said chapter, relating to the Career Service System; providing for personnel rules, records and reports; providing definitions; providing exemptions from the system; providing for a uniform classification plan and a pay plan; providing for recruitment; providing for examination and selection procedures; providing for eligible registers and for certification of qualified persons; providing for a career advancement program; providing for examinations for deaf and blind persons; providing a penalty; providing for attendance

and leave policies; providing for maternity leave; providing for an awards program; providing for suspensions, dismissals, pay reductions, demotions, layoffs and transfers; providing for retirement or transfer of employees 65 and older; prohibiting certain acts and political activities; creating part III of said chapter, replacing the Career Service Commission with a Personnel Commission consisting of three full-time commissioners; providing for appointment, terms, compensation, and duties; providing procedures with respect to suspensions and dismissals; providing penalties; providing for transfer of powers, duties and functions; creating part IV of said chapter, relating to senior management; creating a Senior Management Advisory Committee; providing for a senior management group; providing for reports and recommendations; transferring part VIII of chapter 112, Florida Statutes, relating to volunteers, to chapter 110, and redesignating it as part V of said chapter; amending s. 112.902, Florida Statutes, 1978 Supplement, correcting cross references; amending s. 112.021, Florida Statutes, relating to Florida residence as a condition precedent to county employment; amending s. 112.171(1), Florida Statutes, relating to employee wage deductions by counties, municipalities, and special districts; amending s. 215.425, Florida Statutes, relating to extra compensation claims; amending ss. 20.04(7) and 20.16(3), and 295.11, Florida Statutes, 1978 Supplement, and ss. 104.31(3), 112.044(4), 241.195, 295.12, and 400.19(2), Florida Statutes; correcting cross references; providing for conditional repeal; providing for repeal of Division of Personnel rules; providing for department employees whose positions are abolished or transferred; providing for pending proceedings; repealing chapter 110, Florida Statutes, and Florida Statutes, 1978 Supplement, relating to the State Career Service System; repealing s. 112.031, Florida Statutes, relating to employees of historical commissions, s. 112.041, Florida Statutes, 1978 Supplement, relating to discrimination in state employment, s. 112.045, Florida Statutes, relating to examinations for deaf and blind persons, s. 112.051, Florida Statutes, relating to retirement or transfer of employees over 65, s. 112.055, Florida Statutes, relating to pay periods, s. 112.075, Florida Statutes, relating to state officers and employees group insurance program, s. 112.20, Florida Statutes, relating to terminal payment for sick leave, s. 112.216, Florida Statutes, 1978 Supplement, relating to administrative leave for certain athletic competition, and s. 683.011, Florida Statutes, relating to paid holidays; transferring certain powers, duties and functions of the State Energy Office of the Department of Administration to the Executive Office of the Governor; transferring all powers, duties and functions of the Commission on Human Relations to the Department of Administration; amending s. 13.231, Florida Statutes, providing independence of the Commission on Human Relations from the Department of Administration; amending s. 120.65(1), Florida Statutes, 1978 Supplement, providing certain administrative support and service to the Division of Administrative Hearings; providing independence of the division from the Department of Administration; amending s. 20.18(2) and (3), Florida Statutes, 1978 Supplement, conforming divisions within the Department of Community Affairs to the act; transferring all powers, duties and functions of certain units within the Department of Administration to the Department of Community Affairs; amending s. 163.3164(18), Florida Statutes, redefining "state land planning agency"; amending s. 18.101(1) and (2), Florida Statutes, 1978 Supplement, authorizing the State Treasurer to approve deposit of money outside the State Treasury, and the Executive Office of the Governor to authorize revolving funds; amending s. 112.061(4)(b), Florida Statutes, 1978 Supplement, authorizing an agency head to approve payment of per diem in excess of 30 continuous workdays and requiring a report; amending s. 273.055(1), Florida Statutes, to transfer to the Executive Office of the Governor duty to approve disposal of certain tangible personal property; providing exceptions; creating s. 25.382, Florida Statutes, defining the "state courts system" and exempting officers and employees of the system from certain provisions relating to planning and budgeting; providing for personnel policies within the system; amending s. 23.022(2), Florida Statutes, restricting the application of provisions relating to electronic data processing management to the executive branch; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Rules and Calendar; Ways and Means Subcommittee E; and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1781 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1781—A bill to be entitled An act relating to courts; amending ss. 26.031(1), (e), (f), (h), (k), (o), (q), (r) and (s) and 34.022(6), (13), (48) and (52), Florida Statutes, 1978 Supplement, providing an additional circuit judge in the fifth, sixth, eighth, eleventh, seventeenth, eighteenth, and nineteenth judicial circuits, providing two additional circuit judges in the fifteenth circuit, and providing an additional county judge in Broward, Dade, Orange, and Pinellas Counties; amending ss. 35.01-35.042, Florida Statutes, and creating s. 35.043, Florida Statutes, creating a Fifth District Court of Appeal; redistricting the remaining four district courts of appeal; amending s. 35.05, Florida Statutes, providing for the headquarters of the appellate districts; amending s. 35.06, Florida Statutes, providing for judges in the newly created circuit; creating ss. 35.063 and 35.064, Florida Statutes, providing for judges in realigned districts, specifying new jurisdiction in the First District Court of Appeal; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 1437	HB 1439	HB 1599
HB 1731	HB 1745	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dyer—

HB 1437—A bill to be entitled An act relating to building construction standards; amending s. 553.73(1), Florida Statutes, relating to adoption of State Minimum Building Codes by local governments and state agencies with building construction regulation responsibilities; providing an effective date.

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

By Representatives Plummer and Fox—

HB 1439—A bill to be entitled An act relating to historic preservation; designating the Venetian Causeway as a historic highway; prohibiting the use of state funds for certain physical changes on or near the road; requiring approval of the Division of Archives, History and Records Management of the Department of State for other specific changes; authorizing the division to erect markers along the road; providing severability; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 1599—A bill to be entitled An act relating to agriculture and plant industry; amending s. 581.141, Florida Statutes, 1978 Supplement; authorizing the Department of Agriculture and Consumer Services to impose fines for violations of chapter 581, Florida Statutes; providing a time limitation for payment of such fine and sanctions for failure to pay; providing an effective date.

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

By the Committee on Insurance—

HB 1731—A bill to be entitled An act relating to insurance; creating s. 629.401, Florida Statutes; providing for a Florida insurance exchange to provide a facility for the underwriting

of reinsurance, direct insurance of risks located outside the United States, and certain risks eligible for export; providing for a committee to write a constitution and bylaws upon a determination by the Insurance Commissioner and Treasurer that the exchange may operate in an economic and beneficial manner; providing requirements with respect thereto; providing for certain tax exemption and providing an exception; providing for application of the insurance law; providing for limitations on investments in and by exchange members; providing for inapplicability of state security or guaranty funds; providing for conditional repeal; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 1745—A bill to be entitled An act relating to the Florida Pesticide Law; amending s. 487.021(41), Florida Statutes, and adding new subsections (15) and (45) thereto; defining the terms “experimental use permit,” “restricted use pesticide” and “special local need registration”; amending s. 487.031(6), (7), (8) and (9), Florida Statutes, 1978 Supplement, providing for purchase authorization cards and records of sales; providing for use of restricted use pesticides under supervision; prohibiting the use and disposal of any pesticide other than by label instructions with certain exceptions; providing for use of persistent pesticides according to label instructions; requiring certain reports of use; amending s. 487.041(3) and (4), Florida Statutes, 1978 Supplement, requiring efficacy data with respect to certain pesticides and providing for data review; providing continued registration and sale of pesticide if not prohibited by the Department of Agriculture and Consumer Services or the United States Environmental Protection Agency; amending s. 487.042, Florida Statutes, 1978 Supplement, providing for purchase authorization cards and for direct supervision of non-licensed persons in the application of restricted use pesticides; amending s. 487.071(2), Florida Statutes, providing enforcement authority for pesticides used within state; amending s. 487.081(4), Florida Statutes, exempting persons governed by chapter 388, Florida Statutes, (mosquito control) from the provisions of the Florida Pesticide Law; amending s. 487.101(1), Florida Statutes, relating to stop sales with respect to pesticides used in violation of the law; amending s. 487.152, Florida Statutes, providing for licensing of persons using certain pesticides by the Department of Agriculture and Consumer Services; amending s. 487.153(3), (4), (5), (23), (24), (25) and (27), Florida Statutes, providing that certified applicators of certain pesticides must be licensed; providing supervision of non-licensed employees; amending s. 487.155(4), Florida Statutes, eliminating present provisions relating to restricted pesticide permits for private applicators; amending s. 487.156, Florida Statutes, requiring examinations for public applicators; amending s. 487.157, Florida Statutes, providing for evidence of continued competency as determined by rule; amending s. 487.158(2), Florida Statutes, 1978 Supplement, providing for recommendation of pesticide use; amending s. 487.161(3), Florida Statutes, exempting certain persons performing applied research; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 1696 HB 1716 HB 1718

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1696—A bill to be entitled An act relating to fees for applications relating to banks, trust companies, and savings and loan associations; amending ss. 658.08(3) and 665.032(3), Florida Statutes, providing that foreign nationals shall reimburse the Department of Banking and Finance for expenses incurred as a result of investigating such applicants; providing an effective date.

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

By the Committee on Education, Higher and Representative Morgan and others—

HB 1716—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the chemistry graduate research building at Florida State University the “Karl Dittmer Laboratory of Chemistry”; providing an effective date.

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

By the Committee on Education, Higher and Representatives Mills and Martin—

HB 1718—A bill to be entitled An act relating to the University of Florida; naming the building housing The Florida State Museum the Joshua C. Dickinson, Jr., Hall; directing the University of Florida to erect suitable markers; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1147 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Batchelor—

HB 1147—A bill to be entitled An act relating to the Board of Regents; amending s. 243.151(2), Florida Statutes, relating to lease agreements with respect to income-producing student housing facilities, to authorize the use of certain trust funds for payment of rent; providing for replacement; providing an effective date.

—was read the first time by title and 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 passed—

HB 1640 HB 1726 HB 1730
 HB 1124 HB 1127 CS for HB 778

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Richmond—

HB 1640—A bill to be entitled An act relating to mechanics’ liens; amending s. 713.01(19), Florida Statutes; including subcontractors within the definition of “lienors giving notice”; amending s. 713.04, Florida Statutes; providing that a notice of commencement need not be filed with respect to liens relating to subdivision improvements; providing that such a lienor need not serve a notice to owner; amending s. 713.05, Florida Statutes; providing for liens of persons in privity; amending s. 713.06(2)(a), (3)(c), Florida Statutes; requiring certain materialmen to serve a copy of the notice to owner on the contractor; providing certain defenses to enforcement of a lien; providing additional duties of a contractor upon termination of a contract before completion; amending s. 713.08(3), Florida Statutes; revising the claim of lien form; amending s. 713.09, Florida Statutes; changing the conditions under which a single claim of lien may be recorded on multiple improvements; amending s. 713.13(3), (5), Florida Statutes; providing for the effect of notice of commencement of improvements on the recording of liens; amending s. 713.23, Florida Statutes; providing and revising certain forms; amending s. 713.31(2)(c), Florida Statutes; authorizing certain subcontractors to bring an action for damages with respect to a fraudulent lien; repealing s. 713.231, Florida Statutes, relating to contract disclosures; providing an effective date.

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

By the Committee on Finance & Taxation and Representative Sample—

HB 1726—A bill to be entitled An act relating to certificates of title; amending ss. 319.31(2) and 371.76(3), Florida Statutes; requiring that certificates of title for motor vehicles and boats contain a labeled place for indication of the seller's price; providing legislative intent that no notary public shall notarize a title transfer and no tax collector or other agent shall accept a title for transfer without such information if so labeled; providing for a report by the Department of Revenue; providing an effective date.

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

By the Committee on Appropriations—

HB 1730—A bill to be entitled An act relating to the Department of Legal Affairs; creating s. 16.53, Florida Statutes; creating the Legal Affairs' Revolving Trust Fund for the purpose of funding the investigation, prosecution, and enforcement of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act or state or federal antitrust laws; providing sources of moneys for the fund; providing for the allocation of recovered funds; defining "moneys recovered"; providing for moneys remaining in the fund at the end of the fiscal year; providing an effective date.

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

By Representative Hector and others—

HB 1124—A bill to be entitled An act relating to the Administrative Procedure Act; adding subsection (4) to s. 120.53, Florida Statutes; providing that agencies may designate an official reporter to publish and index agency orders; providing an effective date.

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

By Representative Hector—

HB 1127—A bill to be entitled An act relating to county government; amending ss. 125.011(2) and 125.012(14), Florida Statutes, adding public mass transportation facilities to those projects authorized to be constructed by counties; providing an effective date.

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

By the Committee on Judiciary and Representative L. J. Smith—

CS for HB 778—A bill to be entitled An act relating to liens; amending s. 713.76(1) and (2), Florida Statutes, requiring lienees to file a specified amount to cover court costs in certain actions against a lienor for release of their property; providing that a cash bond filed by a lienee shall automatically revert to the lienor if the lienee does not bring an action within 15 days; entitling the prevailing party to damages, costs, and attorney's fees in certain actions by lienors or lienees to release their property; reenacting s. 713.823, Florida Statutes, to incorporate the amendments to s. 713.76(1) and (2) in a reference thereto; 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 1782 **HB 1628** **HB 1093**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services—

HB 1782—A bill to be entitled An act relating to spouse abuse; providing a definition; providing for the issuance of restraining

orders, without the necessity of legal representation, in cases where spouse abuse is alleged; amending s. 409.602, Florida Statutes, 1978 Supplement; providing definitions; amending s. 409.603, Florida Statutes, 1978 Supplement; directing the Department of Health and Rehabilitative Services to establish health, safety, and minimum program requirement standards for certifying spouse abuse centers to receive state funds; directing the department to receive and process applications for state funding of centers; authorizing the entrance and inspection of such facilities; directing the department to prescribe by rule the standards for certification of a center; amending s. 409.605, Florida Statutes, 1978 Supplement; establishing requirements which a center must meet in order to be certified and receive funding; providing for out-patient services for victims of spouse abuse; amending s. 409.606, Florida Statutes, 1978 Supplement; providing that information received by a center or the department relating to spouse abuse shall be confidential and exempt from the provisions of the public records act; amending s. 409.607, Florida Statutes, 1978 Supplement; permitting law enforcement officers to notify persons subject to spouse abuse of the availability of center services; amending s. 741.01(2), Florida Statutes, 1978 Supplement; directing county court judges and clerks of circuit courts to collect an additional \$5 fee upon receipt of an application for the issuance of a marriage license which fee shall be used to fund spouse abuse centers; 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 the Committee on Transportation—

HB 1628—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055(4) (a), Florida Statutes and creating new subsections 287.055(6) and (7), Florida Statutes; revising procedures with respect to evaluation and selection of firms offering to provide engineering services to the Department of Transportation, and revising procedures for award of engineering contracts by the Department of Transportation, under said act; providing an effective date.

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

By Representative Gallagher—

HB 1093—A bill to be entitled An act relating to conveyances by corporations; amending s. 692.01, Florida Statutes, authorizing corporate officers to execute assignments of mortgages and acquittances of debts; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 105 **CS for HB 203** **HB 1052**
HB 1306 **HB 1669** **HB 1712**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Moffitt—

HB 105—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.076(1), Florida Statutes, to provide for furnishing to the lienholder certain information regarding tax certificates issued on land encumbered by lien; providing an effective date.

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

By the Committee on Commerce and Representative Cox—

CS for HB 203—A bill to be entitled An act relating to employers and employees; providing definitions; requiring an employer to permit an employee or former employee to examine, at

certain times and upon written request, such employee's personnel record; providing a statute of limitations; providing a penalty; providing an effective date.

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

By Representatives Healey and T. F. Lewis—

HB 1052—A bill to be entitled An act relating to service warranty associations; amending s. 634.401(2), Florida Statutes, 1978 Supplement, excluding from the definition of "service warranty" certain service contracts entered into between consumers and nonprofit organizations or cooperatives whose members consist of condominium associations and condominium owners; providing an effective date.

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

By Representative Bush—

HB 1306—A bill to be entitled An act relating to mopeds; adding a new subsection (5) to s. 320.0803, Florida Statutes, 1978 Supplement, to require display of moped license tags; providing an effective date.

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

By the Committee on Transportation—

HB 1669—A bill to be entitled An act relating to transportation; transferring s. 218.32(4), Florida Statutes, relating to data on road construction, maintenance, etc., to be reported by local governments to the Department of Banking and Finance, to s. 334.225, Florida Statutes; providing an effective date.

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

By the Committee on Retirement, Personnel & Collective Bargaining and Representative McPherson and others—

HB 1712—A bill to be entitled An act relating to the State Career Service System; amending s. 110.051(2)(k), Florida Statutes, 1978 Supplement, and adding subsection (4) thereto; exempting assistant directors or deputy directors of divisions and bureau chiefs, or comparable positions, from the State Career Service System; providing for the reversal of exempt status; adding paragraph (g) to s. 447.203(3), Florida Statutes, to provide that persons occupying certain positions exempted from the State Career Service System shall not be deemed public employees for the purposes of organization of public employees, collective bargaining, etc.; 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.

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 104 CS for HB's 625 and 1352 **HB 1055**
—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Moffitt and others—

CS for HB 104—A bill to be entitled An act relating to issuance of inspection warrants; creating ss. 933.20-933.28, Florida Statutes, to provide for the issuance of inspection warrants for suspected violations of any state or local law or rule relating to building, fire, safety, plumbing, electrical, health, minimum housing, or zoning standards; providing restrictions upon the issuance and use of such warrants; prohibiting denial of entry to possessors of such warrants; providing a penalty for refusing to permit an authorized inspection; providing a penalty for maliciously causing the issuance, execution or service of an inspection warrant; providing an effective date.

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

By the Committee on Commerce and Representatives L. R. Hawkins and Rosen—

CS for HB's 625 & 1352—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Law; amending s. 501.203(4), Florida Statutes and adding a subsection (9); redefining "enforcing authority" and defining "consumer"; amending s. 501.205(1), Florida Statutes, 1978 Supplement; providing that the Department of Legal Affairs shall adopt rules and procedures upon a majority vote of the Governor and Cabinet; amending s. 501.207(2), Florida Statutes; providing procedure for probable cause hearings; amending s. 501.208, Florida Statutes, 1978 Supplement; providing procedure for cease and desist orders; amending s. 501.210(5), Florida Statutes and adding a subsection (6); providing for attorney's fees and costs awards; creating s. 501.2101, Florida Statutes, providing for the deposit of reimbursements for certain attorney's fees in the Consumer Frauds Trust Fund; creating the Consumer Frauds Trust Fund; providing certain exemptions; amending s. 501.212(5), Florida Statutes; exempting banks or savings and loan associations regulated by federal agencies; providing an effective date.

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

By Representative Warner—

HB 1055—A bill to be entitled An act relating to education; amending s. 236.013(2)(c), Florida Statutes; revising the definition of full-time equivalent student; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 857 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation—

HB 857—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a), Florida Statutes, 1978 Supplement, requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities regulated under chapters 253 and 403, Florida Statutes, under certain conditions; provides the department may accept certification of compliance for programs; removes a limitation on activities which may be so authorized; specifically excludes new construction or expansion of existing roadways from authorization; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Transportation and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1624 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Ethics & Elections—

HB 1624—A bill to be entitled An act relating to elections; amending s. 99.021(1)(a), Florida Statutes, and s. 105.031(4), Florida Statutes, 1978 Supplement, eliminating the requirement that candidates submit a sworn statement of contributions and expenditures at the time of qualifying for election; amending s. 106.011(4), Florida Statutes, redefining the term "expenditure" for the purposes of campaign financing; amending s. 106.021(1)(a), Florida Statutes, eliminating a provision allowing a candidate to change the designation of the office for which he is a candidate and to use accumulated campaign funds for that candidacy; amending s. 106.025(2)(c), Florida Statutes, relating to the day upon which testimonial moneys must be reported; amending s. 106.07(1) and (2), Florida Statutes, providing that filing dates for candidate reports shall be on certain Fridays; providing for the filing of duplicate cam-

paigned reports by candidates for less than statewide office; amending s. 106.08(2), Florida Statutes, 1978 Supplement, relating to contributions; creating s. 106.125, Florida Statutes; authorizing statewide candidates and political committees supporting or opposing statewide candidates or issues to obtain and use credit cards for certain purposes; providing terms and conditions for use of such cards; providing for report to the Secretary of State; adding paragraph (1) to s. 106.07(4), Florida Statutes; providing for reporting of credit card purchases to Division of Elections; requiring campaign treasurers to retain receipts for each credit card purchase; amending s. 106.11(3), Florida Statutes, 1978 Supplement, providing for the use of credit cards; amending s. 106.142, Florida Statutes, redefining the term "political advertisement"; 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 CS for HB 1327 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representative Hodes and others—

CS for HB 1327—A bill to be entitled An act relating to education; adding a new paragraph (n) to s. 230.23(4), Florida Statutes, 1978 Supplement, assigning responsibility to the district school board for the provision of an appropriate program of instruction and special education services to students under the residential care of the Department of Health and Rehabilitative Services; providing for cooperative planning between the Department of Health and Rehabilitative Services and school boards for facilities and furnishings to house education programs; providing for the use of existing Department of Health and Rehabilitative Services education facilities; providing for capital outlay requests for additional facilities; providing for written agreement between district school boards and Department of Health and Rehabilitative Services; amending s. 236.013(2)(c), Florida Statutes, permitting membership in programs scheduled for more than 180 days to include programs for students in Department of Health and Rehabilitative Services residential care facilities; amending s. 236.602(1), Florida Statutes, to exclude full-time equivalent students in residential care facilities from certain computations; amending s. 402.22, Florida Statutes, broadening legislative intent for provision of educational services to students under the residential care of the Department of Health and Rehabilitative Services; requiring the provision of an appropriate program of instruction and special education services to students age 5 through 18 to be the responsibility of the district school board of the county in which the residential care facility is located; providing an exception; deleting the requirement for an annual education plan to be developed by the Department of Health and Rehabilitative Services and the Department of Education; providing for earning of full-time equivalent student membership under the Florida Education Finance Program; providing for the assignment of students to basic or other special programs as appropriate; requiring a certain number of contact hours of instructional and special education services with certain clients in residential care facilities; providing for State Board of Education and Department of Health and Rehabilitative Services rules to assist in the orderly transfer of responsibility for education; providing for a hold harmless regarding the number of educational hours provided to students in Youth Services residential programs; requiring that 900 hours of instruction be provided mental health and retardation students; providing an effective date.

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

The Senate recessed at 8:40 a.m.

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

A quorum present—40:

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

Excused: Periodically, Senators Hair, W. D. Childers, Myers, Spicola, Dunn, Barron, Henderson, Vogt, Scott, Johnston, Stuart, Frank, Ware, McClain, Thomas, MacKay, Chamberlin, Maxwell, Gordon, Skinner, Peterson and Steinberg conferees and alternates on House Bills 1046, 35, 1036 and 1689 and SB 1297.

Prayer by William A. Curl, associate pastor, First Baptist Church, Orlando:

Thank you, Father, for the privilege of pausing a few moments early in the day to acknowledge your presence and request your guidance.

We praise you for who you are, and thank you for your loving interest in us. We remember that you have said "Righteousness exalts a nation, but sin is a reproach to any nation."

Therefore Father, for those who dare to stand for right, we ask that their defeats will never discourage them nor their discouragements defeat them as they seek to make their vision of a better world become reality.

We ask your wisdom for all who have been given the sacred trust of guiding our governments even if they do not seek your counsel, so that you may continue to preserve and prosper our state and nation, and the ideals of liberty, justice and unity under God.

Help us all to gladly accept not only the privileges of freedom but its responsibilities as well.

And at the close of this day may we be able to say, "It has been good to have walked with you."

This we pray in the name of the Savior whom to follow is to walk in the steps of greatness; whom to know is to possess a peace beyond understanding; and whom to trust is to discover life eternal. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 29, 1979:

CS for SB's 627, 480, 616, 1060, 1086 and 1068	CS for SB 1189
SB 1156	CS for SB 277
HB 892	CS for SB 370
SB 862	CS for SB 958
HB 679	CS for SB 874
HB 951	SB 443
CS for SB 922	CS for SB 236
CS for CS for SB 793	HB 1603
SB 924	SB 1304
CS for SB 1172	CS for SB 1168
HB 698	HCR 403
SB 918	CS for SB 69
HB 1546	SB 403
CS for SB 1265	SB 309
SB 933	CS for SB 383
SB 968	SB 354
SB 1028	SB 550
CS for SB 1013	CS for CS for SB 645
SB 1065	CS for SB 952
CS for SB 1146	CS for HB 60
CS for SB 1177	SB 1313
CS for HB 1632	HB 1668

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends the following pass: CS for SB 827

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

The Committee on Rules and Calendar recommends the following pass: SB 1289, SB 392

The bills were placed on the calendar.

The Committee on Rules and Calendar recommends a Committee Substitute for the following: SB 739

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 829 was withdrawn from the Committee on Agriculture.

On motion by Senator Peterson, the rules were waived and by two-thirds vote, HB 1321 was withdrawn from the Committee on Commerce.

On motion by Senator Johnston, by unanimous consent the Senate agreed to consider HB 1570.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1256 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1160 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Spicola, by two-thirds vote SB 1313 was withdrawn from the Committee on Judiciary-Civil.

REQUEST FOR EXTENSION OF TIME

May 29, 1979

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

- | | |
|-------------------------------------|---|
| SB 629 by Senator Henderson | SB 931 by Senator McKnight |
| SB 668 by Senator Neal | SM 945 by Senator Fechtel |
| SJR 673 by Senator Henderson | SCR 472 by Senator Holloway |
| SM 674 by Senator Jenne | HCR 362 by Representative Nuckolls |
| SB 683 by Senator Jenne | HCR 931 by Representative Kelly and others |
| SCR 689 by Senators Dunn and MacKay | HB 1139 by Representatives Richmond & Smith |
| SJR 697 by Senator Stuart | HCR 1572 by Representative Johnson |
| SB 713 by Senator Neal | HCR 1760 by Representative Sadowski |
| SB 719 by Senator Don Childers | |
| SM 900 by Senator Ware and others | |

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 46, 270, 343, 410, 435 and 709 which he approved on May 24, 1979.

Appointments Subject to Confirmation by the Senate

The Secretary of State on May 24, 1979 certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Janice Chapin Brockus, Pinellas Park, Member of the Board of Trustees of the St. Petersburg Junior College, for term ending May 31, 1979

Stewart R. Kester, Pompano Beach, Member of the Board of Trustees of the Historic Broward County Preservation Board, for term ending November 1, 1979

—which were referred to the Committee on Executive Business.

The Secretary of State on May 29, 1979, certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Frank S. Bouis, Leesburg, Member of the Florida Citrus Commission, for term ending May 31, 1982

Joe L. Davis, Sr., Wauchula, Member of the Florida Citrus Commission, for term ending May 31, 1982

Arlen N. Jumper, Ocala, Member of the Florida Citrus Commission, for term ending May 31, 1982

R. V. Phillips, Haines City, Member of the Florida Citrus Commission, for term ending May 31, 1982

—which were referred to the Committees on Agriculture and Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

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

CS for SB 932 SB 1012 SB 625

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB's 678 and 654, as amended.

Allen Morris, Clerk

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 660—A bill to be entitled An act relating to negligence; amending s. 768.28(13), Florida Statutes; authorizing state agencies and subdivisions insuring against homogeneous risks to obtain protection jointly, notwithstanding charter provisions or laws to the contrary; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 16, after the word "subdivisions" insert: *and constitutional officers*

Amendment 2—On page 1, line 22, after the word "subdivisions" insert: *or constitutional officers*

Amendment 3—On page 1, line 4 in the title, after the word "subdivisions" insert: *and constitutional officers*

Amendment 4—On page 1, strike lines 27 & 28 and insert: Section 2. Section 768.091, Florida Statutes, is created to read:

768.091 Liability for damages.—Any individual shall have a right of recovery for mental, emotional, or physical injury caused by the negligence or wrongful conduct of another, even in the absence of physical impact, where it is established by the

greater weight or preponderance of the evidence that such emotional, mental, or physical injury was proximately caused by the negligence or wrongful conduct.

Section 3. This act shall take effect upon becoming law; provided however, that section 2 shall apply to all cases pending and thereafter filed.

Amendment 5—On page 1, line 7 in the title, strike providing an effective date and insert: creating s. 768.091, Florida Statutes, providing recovery for mental, emotional, or physical injury proximately caused by negligent or wrongful conduct; providing an effective date and establishing applicability.

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

Amendment 1—On page 1, strike "on page 1, line 16" and everything thereafter and insert: on page 1 line 26 after the period insert: *Sheriffs may join together as self-insurers to provide coverage for police professional liability claims only.*

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

Amendment 2—On page 1, strike "on page 1, line 22" and everything thereafter and insert: on page 1 line 22 after the word subdivision ", and sheriffs for the purpose of police professional liability only,"

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

Amendment 3—On page 1, in title, strike "on page 1, line 4" and everything thereafter and insert: on page 1, line 5, after the word "jointly" insert "providing self-insurance for sheriffs for police professional liability;

On motions by Senator Gorman, the Senate concurred in House Amendments 1, 2 and 3 as amended and the House was requested to concur in the Senate amendments.

On motions by Senator Gorman, the Senate refused to concur in House Amendments 4 and 5 and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

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

By Senator Carlucci—

SB 545—A bill to be entitled An act relating to unemployment compensation; amending s. 443.08(1), Florida Statutes, 1978 Supplement; authorizing the Division of Employment Security of the Department of Labor and Employment Security to adopt rules allowing other than quarterly contributions or reporting by certain employers; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 11, after the colon ":" 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 ~~88~~. 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 pursuant to this section.*

(renumber subsequent sections)

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

On motions by Senator Carlucci, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 4 and 5; amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for HB 510 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Hector—

CS for HB 510—A bill to be entitled An act relating to landlord and tenant law; creating part IV of chapter 83, Florida Statutes, consisting of ss. 83.801 through 83.808, Florida Statutes, entitled the "Mini-self-storage Landlord and Tenant Act"; providing for the application of the act; providing definitions; providing that rental agreements under the act impose an obligation of good faith on the parties; providing for a mini-self-storage owner's lien for rent; providing remedies for mini-self-storage owners; providing for postjudgment procedures; providing an effective date.

House Amendment 1 to Senate Amendment 1—Strike all after "page 3" and insert: lines 6-14, strike "Each" on line 6 and lines 7 through 14 and insert:

"A mini-self-storage owner to whom rent is due shall have a lien for rent as provided to a Landlord under FS 83.08."

House Amendment 1 to Senate Amendment 2—Strike lines 1 and 2 and insert: "Service of process may be obtained in such manner as prescribed by law including the Florida Rules of Civil Procedure and Florida Rules of Summary Procedure promulgated by the Florida Supreme Court."

On motions by Senator Anderson, the Senate concurred in House Amendment 1 to Senate Amendment 1 and House Amendment 1 to Senate Amendment 2.

CS for HB 510 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Spicola

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2; refused to recede from House Amendments 3, 5, 6 & 7, further amended and passed as further amended; and has recalled from the Senate, reconsidered passage and vote by which receded from House Amendment 2, refused to recede from House Amendment 2, passed as further amended—

By the Committee on Health and Rehabilitative Services and Senator Skinner and Committee on Corrections—

CS for CS for SB 252—A bill to be entitled An act repealing chapter 917, Florida Statutes; relating to mentally disordered sex offenders; requiring the Department of Health and Rehabilitative Services prior to January 1, 1980, to return mentally disordered sex offenders in its custody to the committing court; providing procedures for treatment by the Department of Corrections and Department of Health and Rehabilitative Services of mentally disordered sex offenders on and after January 1, 1980; requiring time spent in certain treatment programs to be considered time served on sentence; prohibiting offenders in a treatment program from participating in a work-release or community furlough program; prohibiting subsequent offenders to participate in treatment programs; providing for mental health programs approved by the Department of Health and Rehabilitative Services; allowing the Department of Health and Rehabilitative Services to establish a program to train persons to provide postdischarge treatment; adding s. 945.12(6), Florida Statutes, to provide for voluntary transfers to the Department of Health and Rehabilitative Services; amending s. 947.16, Florida Statutes, as amended by Chapter 78-417, Laws of Florida, to provide for judicial retention of jurisdiction for certain enumerated sex offenses; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 2, line 9, strike Prior to January 1, 1980 and insert: Upon completion of the treatment program

Amendment 3—On page 2, line 11, after the word custody insert: pursuant to chapter 917, Florida Statutes, as that chapter existed prior to July 1, 1979

Amendment 5—On page 1, lines 5 & 6 in title, strike prior to January 1, 1980 and insert: upon completion of the treatment program

Amendment 6—On page 5, line 26, following the word “program” insert: or committed to the Department of Health & Rehabilitative Services for appropriate residential treatment

Amendment 7—On page 2, line 22, strike January 1, 1980 and insert: July 1, 1979

Amendment 8—On page 7, line 27, strike all of line 27 and insert: Section 9. The provisions of sections 2, 3, 4, 5, 6 and 7 of this act shall stand repealed on July 1, 1981.

Section 10. This act shall take effect July 1, 1979.

Amendment 9—On page 6, lines 23-31, strike all of lines 23 through and including line 31, and on page 7 lines 1-20, strike all of lines 1 through and including line 20 and insert: Section 8. Subsection (3) of section 947.16, Florida Statutes, 1978 Supplement, is amended to read:

947.16 Eligibility for parole; powers and duties of commission.—

(3) Persons who have become eligible for parole and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first third of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to the first third of the maximum sentence imposed for the highest felony

charged and proven. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to one-third of the total consecutive sentences imposed.

(a) In retaining jurisdiction for the purposes of this act, the trial court judge shall state the justification with individual particularity, and said justification shall be made a part of the court record.

(b) Gain-time as provided for in ss. 944.27, 944.271, and 944.29 shall accrue; except that an offender over whom the trial court has retained jurisdiction as provided herein shall not be released during the first one-third of his sentence by reason of gain-time.

(c) In such cases of retained jurisdiction, the commission, within the time requirements of s. 947.17(4), shall send notice of its release order to the original sentencing court and to the appropriate state attorney. Such notice shall stay the time requirements of s. 947.17(4).

(d) Within 10 days of receipt of the notice provided for in paragraph (a), the original sentencing court shall notify the commission as to whether or not it further desires to retain jurisdiction. If the original sentencing court does not so notify the commission within the 10-day period or the court notifies the commission that it does not desire to retain jurisdiction, then the commission may dispose of the matter as it sees fit.

(e) Upon receipt of notice of intent to retain jurisdiction from the original sentencing court, the commission shall, within 10 days, forward to the court its release order, findings of fact, parole hearing examiner's report and recommendation, and all supporting information upon which its release order was based.

(f) Within 30 days of receipt of the items listed in paragraph (c), the original sentencing court shall review the order, findings, and evidence, and, if the court finds the commission's order is not based on competent substantial evidence or that the parole is not in the best interest of the community or the inmate, the court may vacate the release order. The court shall notify the commission of its decision, and, if the release order is vacated, such notification shall contain the evidence relied on and the reasons for denial. A copy of such notice shall be sent to the inmate.

(g) The decision of the trial court judge to vacate any parole release order as provided in this act shall not be appealable.

Senator Scarborough presiding

On motions by Senator Skinner, the Senate concurred in House Amendments 2, 3, 5, 7, 8 and 9; again refused to concur in House Amendment 6 and requested the House to recede.

CS for CS for SB 252 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Holloway

SPECIAL ORDER

By the Committee on Education and Senators Peterson, Frank, Maxwell, Steinberg and McKnight—

CS for SB's 627, 480, 616, 1068, 1086 and 1060—A bill to be entitled An act relating to education; amending s. 236.081-

(1)(c), (d), Florida Statutes, 1978 Supplement; providing cost factors for certain educational programs for fiscal years 1979-1980 and 1980-1981; establishing cost factor for severely emotionally disturbed for fiscal years 1979-1980 and 1980-1981; providing for full-time exceptional students participation in basic programs; amending s. 236.013(2)(c), Florida Statutes, defining the term "full-time equivalent student" under certain circumstances; providing additional compensatory education for students failing to meet graduation requirements; amending s. 230.2311(1), (3), Florida Statutes, providing requirements for programs to meet individual needs of all students for mastery of basic skills, including adults; amending s. 232.246(3), Florida Statutes, 1978 Supplement; authorizing an additional high school year for remedial studies; creating s. 236.0815, Florida Statutes, providing for inclusion of certain students within the basic programs; providing an effective date.

—was read the first time by title and Senate Bills 627, 480, 616, 1068, 1086 and 1060 were laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB's 627, 480, 616, 1068, 1086 and 1060 was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 2, lines 15-19, strike after the word "week." on line 15 through and including the words "instructional program." on line 19

Amendment 2—On page 4, line 28, after "d. Diversified" strike "1.43 1.31" and insert: 2.10 2.10

Amendment 3—On page 5, between lines 2 and 3 insert:
 j. Individualized Manpower Training Systems 2.10 2.10
 k. Vocational Handicapped 3.13 3.13

The State Board of Education may approve up to three cost categories for each special vocational-technical job preparatory program. However, the sum of the weighted F.T.E.'s for the levels of cost for a program may not exceed the product of the statutory cost factor multiplied by unweighted F.T.E.'s for a program.

Senator Trask presiding

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

Amendment 4—On page 9, line 5, strike "for the entire school year" and insert: semester the student is in membership. A student shall attend class at least three periods a day during the semester the student is in membership.

Senator Peterson moved the following amendment to Amendment 4 which was adopted:

Amendment 4A—On page 1, line 1, strike "semester the student is in membership." and insert: ""

Amendment 4 as amended was adopted:

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

Amendment 5—On page 11, line 19, insert after the word "deficiencies.": *This special instruction shall be funded from the district's state compensatory education funds.*

Senator Peterson moved the following amendments which were adopted:

Amendment 6—On page 3,

	1979-80 Cost Factor	1980-81 Cost Factor
Line 7 strike	1.08 and insert	1.09
Line 11 strike	2.16 and insert	2.18 strike 2.10 and insert 2.12
Line 12 strike	2.81 and insert	2.85 strike 2.76 and insert 2.78
Line 13 strike	3.46 and insert	3.51 strike 3.49 and insert 3.52
Line 15 strike	6.25 and insert	6.01 strike 6.13 and insert 6.02
Line 17 strike	7.86 and insert	8.26 strike 7.19 and insert 7.39
Line 18 strike	3.76 and insert	3.81 strike 3.69 and insert 3.71
Line 19 strike	11.00 and insert	10.77 strike 11.27 and insert 11.15
Line 20 strike	3.56 and insert	3.54 strike 3.87 and insert 3.56
Line 21 strike	5.97 and insert	6.23 strike 5.47 and insert 5.59
Line 22 strike	3.35 and insert	3.41 strike 3.23 and insert 3.26
Line 24 strike	5.40 and insert	5.81 strike 4.75 and insert 4.96

Line 25 strike 2.33 and insert 2.32 strike 2.33 and insert 2.32
 Line 26 strike 2.66 and insert 2.71 strike 2.53 and insert 2.56
 Line 28 strike 14.41 and insert 14.84 strike 14.55 and insert 14.76

and on page 4

Line 22 strike 1.11 and insert 1.15 strike 1.06 and insert 1.08
 Line 25 strike 2.40 and insert 2.48 strike 2.22 and insert 2.26
 Line 26 strike 1.82 and insert 1.87 strike 1.75 and insert 1.78
 Line 27 strike 1.60 and insert 1.65 strike 1.58 and insert 1.61
 Line 29 strike 2.22 and insert 2.28 strike 2.20 and insert 2.23
 Line 30 strike 2.63 and insert 2.68 strike 3.09 and insert 3.12
 Line 31 strike 1.79 and insert 1.83 strike 1.63 and insert 1.65

and on page 5

Line 1 strike 2.08 and insert 2.10
 Line 2 strike 1.42 and insert 1.47 strike 1.26 and insert 1.49

and on page 5

Line 5 strike 1.92 and insert 1.98 strike 1.78 and insert 1.81
 Line 6 strike 1.46 and insert 1.50 strike 1.40 and insert 1.42
 Line 7 strike 1.28 and insert 1.32 strike 1.27 and insert 1.29
 Line 8 strike 1.78 and insert 1.82 strike 1.76 and insert 1.78
 Line 9 strike 2.11 and insert 2.14 strike 2.48 and insert 2.50
 Line 10 strike 1.44 and insert 1.46 strike 1.31 and insert 1.32
 Line 11 strike 1.83 and insert 1.82

Senator Scarborough presiding

Amendment 7—On page 7, between lines 8 and 9 insert: Section 1. Paragraphs (c) and (d) of subsection (1) are amended, subsections (3), (4), (5) and (6) are renumbered (4), (5), (6) and (7), a new subsection (3) is added and subsection (6)(a) is amended to Section 236.081, Florida Statutes, 1978 Supplement, to read:

(3) *DECLINE IN FULL-TIME EQUIVALENT STUDENTS.* The full-time equivalent student membership in each program multiplied by the cost factor for each program, adjusted for the maximum, shall be compared to this calculation for the prior year. In those districts where there is a decline in weighted full-time equivalent students, the decline is to be multiplied by the base student allocation and then multiplied by a factor of 0.5.

(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:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the decline in full-time equivalent students as determined in subsection (3), less the required local effort as determined in subsection (5). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:

(1) Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

(2) Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

(3) From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for current operation. The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.

Senator Frank moved the following amendment which was adopted:

Amendment 8—On page 12, strike lines 3-5, and insert: Section 6. Section 232.2481, Florida Statutes, is created to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Board of Regents, boards of trustees of community colleges, the Department of Corrections, and the Board of Trustees of the Florida School for the Deaf and the Blind, which is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247 and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a "district school board."

(2) The Commissioner of Education shall establish procedures to extend the state-administered assessment program to school programs operated by such state or local public agencies in the same manner and to the same extent as such program is administered in each district school system.

Section 7. This act shall take effect upon becoming a law; provided however, sections 1, 2, and 6 shall take effect July 1, 1979.

Senator Trask moved the following amendment which was adopted:

Amendment 9—On page 12, between lines 2 and 3, insert: Section 6. The presiding officer of any district school board may order the removal, from a public meeting held by the school board, of any person interfering with the expeditious or orderly process of such meeting, provided such officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the officer shall remove any person ordered removed pursuant to this section.

(Renumber subsequent section.)

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

Amendment 10—On page 1 in title, line 8, insert after "1980-81;": establishing cost factors for individualized manpower training systems and vocational handicapped for 1979-80 and 1980-81;

Senator Peterson moved the following amendment which was adopted:

Amendment 11—On page 1, in title, line 10, after the word "programs;" insert: creating a new subsection (3), renumbering subsequent subsections and amending subsection (6) in s. 236.-081, Florida Statutes, 1978 Supplement; provides for additional funding for school districts with declining full-time equivalent students;

Senator Trask moved the following amendment which was adopted:

Amendment 12—On page 1 in title, line 24, after the semicolon ";," and before the word "providing" insert: authorizing the presiding officer of a district school board to order removal of persons interfering with the expeditious or orderly process of any public meeting held by the school board; providing for removal of such persons;

Senator Frank moved the following amendment which was adopted:

Amendment 13—On page 1, line 24, strike everything after the semicolon ";," and insert: creating s. 232.2481, Florida Statutes; extending the requirements of ss. 232.245, 232.246, 232.247 and 232.248, Florida Statutes, to elementary and secondary school programs operated by other state and local public agencies; providing an effective date.

On motion by Senator Peterson, by two-thirds vote CS for SB's 627, 480, 616, 1068, 1086 and 1060 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Johnston	Peterson	Steinberg
MacKay	Poole	Stuart
Maxwell	Scarborough	Thomas
McClain	Scott	Tobiassen
McKnight	Skinner	Trask
Myers	Spicola	Vogt

Ware
Williamson
Winn

Nays—None

Vote after roll call:

Yea—Chamberlin

On motions by Senator Peterson, by two-thirds vote HB 1055 was withdrawn from the Committees on Education and Ways and Means and by two-thirds vote placed next on the Special Order Calendar.

On motion by Senator Peterson—

HB 1055—A bill to be entitled An act relating to education; amending s. 236.013(2)(c), Florida Statutes; revising the definition of full-time equivalent student; providing an effective date.

—was taken up and considered by unanimous consent. On motions by Senator Peterson, by two-thirds vote HB 1055 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 1156—A bill to be entitled An act relating to public works; prohibiting political subdivisions and governmental agencies from adopting any provision establishing a prevailing wage rate; providing that any ordinance, resolution, or rule of a political subdivision, agency, or authority establishing a prevailing wage rate is void; providing that no existing contract shall be impaired; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which failed:

Amendment 1—On page 1, lines 26-29, strike all of section 2 and renumber succeeding sections

Senator Anderson moved that the rules be waived and SB 1156 be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—22

Anderson	Gorman	Neal	Thomas
Barron	Grizzle	Peterson	Tobiassen
Childers, D.	Henderson	Poole	Trask
Childers, W. D.	Johnston	Skinner	Ware
Fechtcl	Maxwell	Spicola	
Gordon	McClain	Stuart	

Nays—12

Carlucci	Hair	Jenne	Scott
Chamberlin	Hill	McKnight	Steinberg
Frank	Holloway	Myers	Winn

HB 892—A bill to be entitled An act relating to cable television; removing authority of counties and municipalities to regulate rates for cable television service; providing an effective date.

—was taken up together with pending Amendment 8.

Senators Hair, Carlucci, Poole and Fechtel offered the following substitute amendment which was moved by Senator Hair:

Amendment 9—On page 1, line 7, strike everything after the enacting clause and insert: *Section 1. No municipality, county, or other local authority shall regulate rates of cable television entities and any provision in any municipal or county ordinance or charter to the contrary is hereby declared to be null and void and of no force and effect.*

Section 2. This act shall not apply to any municipality, county, or other local authority which has an exclusive franchise agreement with any cable television entity.

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

Senator Stuart moved the following amendment to Amendment 9 which failed:

Amendment 9A—On page 1, between lines 8 and 9, insert: Section 3. The term "rates" as used in this act means the basic monthly service charges as provided for in any ordinance, charter, franchise agreement, or contract of a municipality, county, or other local authority.

(Renumber subsequent section.)

The vote was:

Yeas—15

Anderson	Frank	MacKay	Thomas
Carlucci	Holloway	Skinner	Williamson
Chamberlin	Jenne	Spicola	Winn
Childers, D.	Johnston	Stuart	

Nays—16

Barron	Hair	McKnight	Scott
Childers, W. D.	Henderson	Peterson	Steinberg
Fechtcl	Maxwell	Poole	Trask
Grizzle	McClain	Scarborough	Ware

Senator Stuart moved the following amendment to Amendment 9 which was adopted:

Amendment 9B—On page 1, line 5, insert after the period (.): However, any municipal or county franchise agreement that provides for the regulation of cable television rates as of the effective date of this act shall continue in full force and effect until such time as the agreement is renegotiated or expires. No franchise agreement negotiated or renegotiated after the effective date of this act may provide for regulation of cable television rates.

The vote was:

Yeas—26

Carlucci	Hair	McKnight	Stuart
Chamberlin	Henderson	Peterson	Thomas
Childers, D.	Holloway	Scarborough	Trask
Fechtcl	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn
Gordon	MacKay	Spicola	
Gorman	McClain	Steinberg	

Nays—7

Anderson	Childers, W. D.	Neal	Ware
Barron	Maxwell	Poole	

Senators Stuart and MacKay offered the following amendment to Amendment 9 which was moved by Senator MacKay and adopted:

Amendment 9C—On page 1, line 5, after the "period" insert:

This section shall be applicable only to franchise agreements which contain no restrictions on competition, or other agreements obligating the governmental agency to use the powers of government to restrict the normal operation of the competitive free enterprise system.

Amendment 9 as amended was adopted.

Senators Hair, Carlucci, Poole and Fechtel offered the following amendment which was moved by Senator Hair and adopted:

Amendment 10—On page 1, line 1, strike the title and insert: *A bill to be entitled an act relating to cable television rates; providing for deregulation of rates of cable television entities; providing an exception; providing for an effective date.*

Senator Stuart moved the following amendment which was adopted:

Amendment 11—On page 1 in title, line 3, strike "providing an exception;" and insert: providing exceptions;

On motion by Senator Poole, by two-thirds vote HB 892 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Frank	McClain	Steinberg
Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Neal	Trask
Carlucci	Hill	Peterson	Ware
Childers, D.	Holloway	Poole	Williamson
Fechtcl	Maxwell	Scarborough	Winn

Nays—12

Chamberlin	Henderson	MacKay	Spicola
Childers, W. D.	Jenne	Scott	Stuart
Gordon	Johnston	Skinner	Thomas

Vote after roll call:

Yea—Gorman

SB 641 was laid on the table.

Abstained from Voting

Although I do not believe that there exists an actual prohibited conflict of interest, in this matter, in abundance of caution, I respectfully abstain from voting on HB 892 because my law firm represents two cable TV companies in ad valorem tax litigation in Volusia and Brevard Counties. I believe in the concept of deregulation in general and would support this bill to prospectively deregulate the rates of cable TV franchises, leaving rates to be determined by free-market forces of supply, demand, etc.

Edgar M. Dunn, 10th District

I have abstained from voting on final passage of HB 892 on the grounds that my law firm has represented, in the past, on one occasion, a cable TV company in a rate proceeding. The firm does not now represent any such company, but I wish to avoid any appearance of a conflict. Had I voted, I would have voted for the measure.

Kenneth M. Myers, 37th District

SB 862—A bill to be entitled An act relating to distress for rent; amending s. 83.11, Florida Statutes; providing for the filing of an affidavit in support of an action for a distress writ; amending s. 83.12, Florida Statutes; providing that a judge of any competent court may issue a distress writ if such affidavit is filed; providing that a clerk of that court may issue such writ under certain circumstances; amending s. 83.13, Florida Statutes; providing circumstances under which a levy on property is sufficient service on the defendant; creating s. 83.135, Florida Statutes; providing for an immediate hearing on the motion of the defendant; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 862 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Senator Gordon objected to the consideration of HB 679.

On motion by Senator Maxwell, by unanimous consent—

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 taken up and read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 2, lines 3-8, strike all of Section 2 and renumber subsequent section.

Senator Steinberg moved the following amendment which was adopted:

Amendment 2—On page 2, lines 3-9, strike all of lines 3 through 9 and insert: Section 2. Paragraph (c) of subsection (2) of section 230.754, Florida Statutes, is amended and paragraph (1) is added to subsection (2) of section 230.754, Florida Statutes, to read:

230.754 Community colleges district boards of trustees; duties and powers.—

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

(c) The board of trustees shall adopt such minimum standards consistent with and no less stringent than those ~~as are considered desirable by it to supplement those standards of adopted by the state board of education. Such rules and procedures may include but are not limited to the following:~~

1. Appointment, employment, and removal of personnel.
2. Student services, activities, loans, and scholarships.
3. Establishment and discontinuance of program and course offerings; provision for instructional and non-instructional community services, location of classes and services provided; and dissemination of information concerning such programs and services.

(1) The board of trustees is authorized to develop and produce work products related to educational endeavors which are subject to trademark, copyright, or patent statutes. To this end, the board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board is authorized in its own name to:

1. Perform all things necessary to secure letters patent, copyrights, and trademarks on any such work products and to enforce its rights therein.
2. License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as the board shall deem proper.

3. Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.

4. Enforce the collection of any sums due said board for the manufacture or use thereof by any other party.

5. Sell any of the same and execute all instruments necessary to consummate any such sale.

6. Do all other acts necessary and proper for the execution of the powers and duties provided by this paragraph.

Section 3. Section 230.755, Florida Statutes, is amended to read:

230.755 Minimum standards, definitions, and guidelines for community colleges.—The state board of education shall prescribe by rule minimum standards, definitions, and guidelines ~~which must be met for the community college district board of trustees and its employees before a community college is organized, acquired, or operated, and which will assure quality education, systemwide coordination, and that the purposes of the college are attained. Such standards, definitions, and guidelines may include but are not limited to:~~

- (1) Conditions of employment including work credit for time of service; personnel classifications for contractual purposes; suspension and dismissal criteria for contractual personnel; approved leaves of absence; and provision for staff development.
- (2) Provisions for curriculum development, program offerings, graduation requirements, college calendars, and program service areas.
- (3) Student admissions, conduct and discipline, and non-classroom activities.
- (4) Budgeting, accounting, and financial procedures.
- (5) Reports, surveys, and information systems including forms and dates of submission.
- (6) Waiver of registration and tuition fees.

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

Senator Maxwell moved the following amendment which was adopted:

Amendment 3—On page 1, strike lines 10-13, and insert: providing an effective date.

Senator Steinberg moved the following amendment which was adopted:

Amendment 4—On page 1, in title, strike lines 2-13, and insert: An act relating to community colleges; amending paragraph (c) of s. 230.754(2), Florida Statutes, providing some minimum standards to be incorporated in rules and procedures by community college district boards of trustees; adding paragraph (k) 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 paragraph (1) to s. 230.754(2), Florida Statutes; authorizing community college district boards of trustees to develop and produce work products related to educational endeavors which are subject to trademark, copyright, or patent statutes and to establish the percentage of ownership thereof; amending s. 230.755, Florida Statutes, authorizing the State Board of Education to establish minimum standards, definitions, and guidelines for community colleges which will assure quality education and systemwide coordination; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote HB 951 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Childers, W. D.	Grizzle	Johnston
Barron	Dunn	Hair	MacKay
Carlucci	Fechtel	Hill	Maxwell
Chamberlin	Frank	Holloway	McClain
Childers, D.	Gorman	Jenne	McKnight

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

Nays—None

By the Committee on Commerce and Senator Ware—

CS for SB 922—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021(12), (13), Florida Statutes; redefining fire protection systems and specifying the classes of contractors; amending s. 633.061(1), (7), Florida Statutes, 1978 Supplement; prescribing the classes of licenses required of organizations and individuals doing certain work with fire extinguishers and systems; exempting licensed plumbers from licensure requirements of chapter 633, Florida Statutes, for certain systems; amending s. 633.065(1), (2), Florida Statutes; specifying requirements for installation of fire protective equipment; amending s. 633.521(1), (2)(a), Florida Statutes, 1978 Supplement; requiring an examination for each class of contractor; amending s. 633.524, Florida Statutes, 1978 Supplement; specifying the application and renewal fees for all types of certificates; requiring all moneys collected to be deposited in the State Treasurer's Regulatory Trust Fund; providing an effective date.

—was read the first time by title and SB 922 was laid on the table.

On motions by Senator Ware, by two-thirds vote CS for SB 922 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—29

Anderson	Grizzle	Neal	Trask
Barron	Hair	Peterson	Vogt
Chamberlin	Henderson	Scott	Ware
Childers, D.	Hill	Skinner	Williamson
Childers, W. D.	Holloway	Spicola	Winn
Dunn	Johnston	Steinberg	
Fechtel	McClain	Thomas	
Gorman	McKnight	Tobiassen	

Nays—1

Frank

On motion by Senator Dunn, by unanimous consent the Senate proceeded to consideration of CS for SB 277, CS for SB 370, CS for SB 958 and CS for SB 874.

By the Committee on Governmental Operations and Senators Gorman, Henderson, Maxwell and Williamson—

CS for SB 277—A bill to be entitled An act relating to real estate brokers and salesmen; reviving, readopting, and amending various sections of chapter 475, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; creating ss. 475.001, 475.011, 475.125, 475.175, 475.182, 475.183, 475.454, 475.455, Florida Statutes; providing purpose, definitions, and exemptions; creating the Board of Real Estate in the Department of Professional Regulation and providing membership, terms, powers, and duties thereof; providing for fees; prescribing qualifications for practice; providing for examinations and licensure; providing for renewal; providing for inactive status; requiring brokers to maintain certain offices and signs; providing for registration of branch offices; providing grounds and procedures for discipline; providing rules of evidence; authorizing payment of costs; providing that certain contracts are void; prescribing prohibited acts and providing penalties therefor; providing presumptions; providing for licensure of certain schools and persons teaching real estate; prohibiting such schools and persons from making certain representations; providing procedures for advance-fee transactions; providing penalties; providing circumstances for award of treble damages and attorney's fees; providing procedures for rental information transactions; providing penalties; requiring the board to report criminal violations; providing for exchange of disciplinary information; creating the Florida Real Estate Recovery Fund; prescribing eligibility and providing procedures for recovery from the fund; providing for subrogation; providing for investment of the fund; prohibiting certain false state-

ments in connection with claims; providing penalties; amending s. 20.30(4)(x), Florida Statutes, 1978 Supplement, as amended; changing the name of the Real Estate Commission to the Board of Real Estate; providing for continuation of rules; providing for legislative review; allowing to stand repealed under the Regulatory Reform Act ss. 475.06, 475.07, 475.08, 475.09, 475.11, 475.12, 475.13, 475.131, 475.14, 475.16, 475.18, 475.19, 475.20, 475.21, 475.26, 475.29, 475.34, 475.40, Florida Statutes, as amended, relating to powers and duties of the Florida Real Estate Commission which are superseded by chapter 79-36, Laws of Florida, or by this act; allowing to stand repealed under the Regulatory Reform Act s. 475.48, Florida Statutes, relating to penalties for false advertising and s. 475.481, Florida Statutes, which provided a short title; providing a retroactive effective date.

—was read the first time by title and SB 277 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 277 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 6, between lines 6 and 7, insert: (3) Any corporation which deals with property in which it is a part owner, unless it receives a larger share of the proceeds or profits from the transaction than its proportional investment therein would otherwise justify, such excess share being directly or indirectly the result of the service of buying, selling, exchanging, or leasing the property.

(Renumber subsequent sections.)

Amendment 2—On page 11, line 29, insert after the period (.): An applicant for licensure as a broker shall first successfully complete all educational and examination requirements prescribed for licensure as a salesman.

On motion by Senator Anderson, by two-thirds vote CS for SB 277 was read the third time by title.

Senator Anderson moved the following amendment which failed:

Amendment 3—On page 10, strike line 24 and insert: shall be 18 years of age and shall have been a bona fide resident of the state for at least 6 months,

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

Amendment 4—On page 1, line 1 to the bill as amended by Amendment 1 after "corporation" add: , partnership limited partnership or joint venture

CS for SB 277 as amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 370—A bill to be entitled An act relating to landscape architects; providing purposes and definitions; creating the Board of Landscape Architecture within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules regulating the practice of landscape architecture; authorizing the board to establish certain fees; prescribing require-

ments for the examination and registration of landscape architects; requiring each registrant to have a seal; prescribing requirements for the formation and registration of partnerships and corporations engaged in the practice of landscape architecture; providing for temporary registrations prohibiting any county or municipality from issuing a building permit to any applicant under certain circumstances; providing for the issuance, renewal, inactivating, suspension, and revocation of registration and the discipline of registrants; providing exemptions from licensure; prohibiting unauthorized practice or use of certain titles or registrations or giving false or forged evidence in order to obtain registration; providing penalties; continuing rules; providing for the repeal of the act; repealing chapter 467, Florida Statutes; providing retroactive effective date.

—was read the first time by title and SB 370 was laid on the table.

On motions by Senator Henderson, by two-thirds vote CS for SB 370 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

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

Nays—None

Votes after roll call:

Yea—McClain, Stuart

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 958—A bill to be entitled An act relating to the practice of architecture; providing purposes and definitions; creating the Board of Architecture within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules regulating the practice of architecture; authorizing the board to establish certain fees; providing for the disposition of such fees; prescribing requirements for the examination and licensure of architects; requiring each registered architect to have a seal; prescribing requirements for the formation and licensure of partnerships and corporations engaged in the practice of architecture; prohibiting any county or municipality from issuing a building permit to any applicant under certain circumstances; providing for the issuance, renewal, suspension, and revocation of registrations and the discipline of registrants; prohibiting unauthorized practice or use of certain titles or registration certificates or giving false or forged evidence in order to obtain registration; providing penalties; providing for the continuation of rules; providing for repeal of the act; repealing chapter 457, Florida Statutes; providing a retroactive effective date.

—was read the first time by title and SB 958 was laid on the table.

On motions by Senator Neal, by two-thirds vote CS for SB 958 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson

Statement of Intent

Senator Myers: Mr. President, I would like to ask Senator Neal some questions to establish a statement of legislative intent on this bill. Senator, you recall that throughout the committee proceedings there was a clear understanding that this bill would not affect the ongoing process and practice of comprehensive land planners in performing urban and rural land planning functions in accordance with their usual and customary practices in that this new Architects Act would not prohibit those usual and ordinary functions. Is that your understanding?

Senator Neal: Senator Myers, there was a clear understanding and intent of the committee to do as you have just stated for the Architects Act and it is not our intent to put the land planners in the normal conduct of their functions under the provisions of the act. The answer is yes.

By the Committee on Governmental Operations—

CS for SB 874—A bill to be entitled An act relating to the practice of public accounting; creating the Board of Accountancy within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules; authorizing the board to establish certain fees and providing for their disposition; prescribing examination and licensing requirements for any person desiring to be licensed as a certified public accountant; providing for the issuance, renewal, suspension, and revocation of licenses and the disciplining of licensees; prescribing requirements for the formation and requiring registration of partnerships and professional service corporations engaging in the practice of public accounting; limiting the transferability of records of accountants; prohibiting certain contingent fee arrangements; providing that certain communications between a practitioner and his client are privileged; prohibiting unauthorized practice or use of title, use of certain licenses, or the giving of false or forged evidence in order to obtain a license; providing penalties; repealing chapter 473, Florida Statutes, relating to public accountancy; providing for repeal of the act; providing a retroactive effective date.

—was read the first time by title and SB 874 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 874 was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 5, after line 11, insert a new subsection (4) to read:

(4)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Senator Hair moved the following amendment which was adopted:

Amendment 2—On page 5, line 18, after “the Auditor General,” insert: the City of Jacksonville as an accountant or post auditor on the staff of the council auditor,

On motion by Senator Myers, by two-thirds vote CS for SB 874 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

By the Committee on Ways and Means and Senators Vogt, Henderson, Trask, Spicola, Carlucci, Tobiassen, Hill, MacKay and Scott—

CS for CS for SB 793—A bill to be entitled An act relating to acquisition of state lands; adding s. 20.25(2)(f), Florida Statutes; creating the Division of State Lands within the Department of Natural Resources; reassigning the Bureau of State Lands to such division; reassigning the Bureau of Coastal and Land Boundaries to said division; prescribing powers and duties of said division; creating certain positions within said division; amending s. 211.02(1), Florida Statutes; amending s. 211.31(1), (3), (4), Florida Statutes, 1978 Supplement; providing that 50 percent of proceeds of the excise tax on the severance of oil, gas, and solid minerals is to be credited to the Conservation and Recreation Lands Trust Fund; creating s. 253.023, Florida Statutes; establishing within the Department of Natural Resources the Conservation and Recreation Lands Trust Fund; providing that such fund is to be credited one-half the moneys collected from the severance tax on oil, gas, and solid minerals, not to exceed \$5 million for fiscal year 1979-80 or fiscal year 1980-81 and \$40 million for subsequent fiscal years; providing that the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund may allocate moneys from such fund to acquire interest in lands for certain public purposes; directing the board of trustees to designate an agency to manage such lands; requiring that certain land acquisition procedures be followed; requiring agencies designated to manage such lands to develop management plans for each project; requiring certain funds be set aside for management and maintenance of such lands; requiring such lands be open for certain public uses; creating s. 253.025, Florida Statutes; requiring certain state agencies to follow prescribed procedures in acquisition of land; requiring title searches and appraisals prior to negotiations; requiring agreements for purchase to meet certain standards and to be subject to final action of the board of trustees; requiring certain standards for gifts, grants, or bequests to the state; requiring conveyances be in no less than special warranty deed; amending s. 255.28(2), Florida Statutes; requiring the Department of General Services to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 258.23(1), Florida Statutes; requiring the Department of Natural Resources to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 259.03, Florida Statutes; modifying the definition of state capital projects for environmentally endangered lands; modifying the definition of board; creating s. 259.035, Florida Statutes; creating a selection committee; prescribing the membership, powers, and duties of such committee; amending s. 259.04, Florida Statutes; requiring certain procedures for acquisition of environmentally endangered and outdoor recreational lands; amending s. 272.124, Florida Statutes; requiring the Division of Building Construction and Property Management to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 375.031(1), Florida Statutes; requiring conformity with s. 253.025, Florida Statutes; amending s. 589.07, Florida Statutes; requiring the Division of Forestry to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; providing an appropriation; providing severability; providing an effective date.

—was read the first time by title and SB 793 and CS for SB 793 were laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for CS for SB 793 was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 8, line 21, strike “July” and insert: October

Amendment 2—On page 8, line 23, strike “\$5 million” and insert: \$3 million

Amendment 3—On page 22, line 22, strike “July 1” and insert: October 1

Amendment 4—On page 1 in title, line 23, strike “\$5 million” and insert: \$3 million

On motion by Senator Vogt, by two-thirds vote CS for CS for SB 793 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Williamson

SB 924—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, 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 second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 6, line 2, after the period (.) insert: (6) The candidate and his campaign treasurer, in the case of a candidate, or the political committee chairman and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chairman who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete is guilty of a *misdeemeanor of the first felony of the third degree*, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Amendment 2—On page 5, line 26, strike the comma (,) and insert: and subsection (6) of said section is amended

Amendment 3—On page 1 in title, line 22, strike the comma (,) and insert: , and amending subsection (6) of said section, decreasing the penalty with respect to certain fake campaign reports;

Pending further consideration of SB 924 as amended, on motion by Senator Scott, the rules were waived and by two-thirds vote HB 150 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

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.

—a companion measure, was substituted for SB 924 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 924 was laid on the table.

The President presiding

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1809 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Easley and Hodes—

HCR 1809—A concurrent resolution commending Frank H. Netter, M.D. for his contributions to medicine and medical art.

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

On motion by Senator Johnston, by two-thirds vote HCR 1809 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed next on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Johnston, by two-thirds vote HCR 1809 was read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

The President welcomed Congressman Claude Pepper who was invited to the rostrum where he addressed the Senate.

On motion by Senator Thomas the following remarks were ordered printed in the Journal:

Congressman Claude Pepper: Thank you very much. Mr. President and members of the Senate, I am grateful and honored by the privilege you extend me today of a brief visit with you. As the President has graciously said and most of you recall, I've attended every session of the Florida Legislature since I was a member in 1929.

My painful regret today is that my beloved Mildred, whom I met in the corridors of this Capitol, cannot be with me today. I hope I may say as I said upon her passing, she was a perfect wife and possessed all those noble virtues which have adorned great women from time immemorial.

I'm proud to be back here again. Thank you for your kind words, Mr. President.

I know you've had many experiences which have tried your patience as well as your strength in this session of the Legislature.

I heard the story a bit ago about Woodrow Wilson while he was President. One evening an aide summoned him to the telephone to take an emergency call. He said, "Hello, this is the President."

The person on the line said, "Mr. President, this is the Assistant Postmaster of New York City."

The President said, "Why are you calling me like this?"

"Well," he said, "Mr. President, the Postmaster of New York City has died."

The President said, "I'm sorry to hear that but why did you call me at this time of the night to tell me that?"

He said, "Mr. President, I was just wondering if it would be alright with you if I took the Postmaster's place?"

The President said, "If it's alright with the undertaker it's alright with me."

I want to commend you, Mr. President, and your fellow Senators, upon the fine job you do. As a citizen of this state I can appreciate it because I have had some experience in the legislative arena myself.

Incidentally, last evening six of us had a delightful and a very fruitful experience of having our fiftieth anniversary get-together. We were the six surviving members of the House of Representatives of 1929, except for our dear friend Dan Chappel of Miami who wasn't able to be here.

Those present were Governor Millard Caldwell, Alfred T. Airth, of Live Oak, Vasco Peebles of Punta Gorda, Ed Faircloth of Tallahassee, Judge Claude Ogilvie of Jacksonville and I.

We reminisced, and we called the roll of all the remainder of those ninety-five—one great lady and all those other ninety-four great men who worked and lived together during that great session of 1929.

We all agreed on two things, beginning with Governor Caldwell who first made the statement.

He said, "That was the happiest period of my life."

I echoed the same sentiment. We reminisced over some of the problems we had in 1929 when some municipalities and counties went bankrupt, threw up their hands and said they were no longer able to function, when this state, to a large degree was paralyzed from economic panic and economic sluggishness.

Today we're a great state. We were a little over one million population at that time. Now we are nearly nine million population, one of the fastest growing and greatest states of the Union.

So, it was the consensus of that group in reminiscing that we've travelled as a state and a nation through depression, through stagnation, through war, through many other vicissitudes and problems and we've come to this high elevation we enjoy today, painful as it has been in many respects. It gives us new courage for the future from what we've seen that justifies our confidence from the past.

Now, there are two or three things that I just want to mention, Mr. President, briefly. One is, we have had a problem in the Florida Legislature and the Florida government with the government of the United States, particularly with a member of the House of Representatives, the Honorable John Brademas, in respect to the administration of the Legislation aided by the federal government pertaining to the disabled.

You have met a problem that we are trying to meet as the Aging Committee of the House of Representatives, the problem of proliferation—the difficulty of people who are entitled to be the beneficiaries of those federal and state programs in finding the program that they want to be aided by. And you have put together, in your rehabilitation program, a number of different agencies so one will only contact the group agency to get the several services that one would like to enjoy. But Mr. Brademas, as he termed it to me on the floor the other day, insists that in respect to the federal program pertaining to the disabled there must be only one agency to administer that program.

Well now, there are two prospects of doing something about it. One is, there is a bill pending, as you know, to separate the Department of Health, Education and Welfare and to put off to one side a separate entity, the Department of Education. That is pending now and will be subject to hearing very shortly.

Mr. Dante Fascell, a distinguished member of the Florida delegation and a member of the Government Operations Committee, has introduced an amendment to that bill giving discretion to the Secretary of H.E.W. to waive that single agency administrator requirement if in his discretion he chooses to do so and if there is no impairment in the efficacy of the program and the program offered by the state as an efficient way of administering that program.

In other words, the federal goals are still to be met and the administrative program of the state is one that can be approved by the federal government.

That is pending now. We will, however, have to adopt an amendment to the existing law if that law is not enacted and I don't know whether it's going to be or not. There is considerable opposition from many of our school people to the setting up of a separate Department of Education.

I am going, this week, to introduce an amendment which is the same as the Fascell amendment, which has been approved by the state here—our Florida authorities—and I presume both by the House and the Senate here; introduce the Fascell amendment to the existing law so that if we do not pass the bill setting up a separate Department of Education we can still fight it out as I propose to do with Mr. Brademas to see if we can't apply that same amendment to the existing law.

The federal government has no concern except that the program financed partially by the federal government shall be properly administered and shall achieve its intended purpose in the service of the people. And if Mr. Brademas wants to be arbitrary about it we are going to fight it out.

Mr. President, I understand that your Rules Committee here has a measure of influence in this body. I am a ranking Democrat in the Rules Committee in the House of Representatives and I'll see if a comparable influence may be exerted in that body toward this worthy end. So, we're going to take on Mr. Brademas on this and see if we can't put the federal government more in accord with the policies of the state in respect to this matter.

Now, everybody has a right to know, in this country, if we're making any progress toward chilling inflation in this country.

Well, we've been disappointed, frankly, that we haven't had better results. The Administration has admitted, so far, our failure, but they still cling to the hope that the economy is going to be stimulated and strengthened in productivity and that by the end of this year there will be not only a stop in the rise but a decline in the rate of inflation in the country.

It may be that we are making one significant contribution toward that. Just as you have tried to be a frugal Legislature, we have tried to be a more frugal Congress than we have been in the past.

Under our present budgeting system, which we are just completing now, and have just completed, we have reduced the federal deficit from 60 billion dollars two years ago to 23 billion dollars for fiscal 1980 and have the commitment of the President and of Congress for a balanced budget in fiscal 1981, so we're hoping that that effort we're making toward a more stable economy and more stable fiscal program will contribute toward reducing the flames and the fires of inflation.

I'll mention only one other matter. In this State of Florida, we're very vitally concerned about the gasoline shortage and of course the energy crisis. We had a vote the other day in the House—the President's proposal that we de-control gasoline—which I supported and both of our Dade delegation supported. It was defeated because they didn't want to see the prices rise. Well, the price is going to rise anyway, it is generally agreed, but if we can produce more then there is a better chance of being able to get gas.

The other day I got to the point where my car had a gallon left in it in Miami because we couldn't find a station that was open. It's not a very comfortable feeling to have a gallon in your gasoline tank. So we're trying to find a way to meet this problem.

In the early history of the crisis the President said that the crisis was the moral equivalent of war. Well, I was in the Congress and the Senate during the war days. I saw the government of the United States rise to meet the challenge of that emergency. They said we needed airplanes and President Roosevelt said we were going to build a hundred thousand airplanes. The critics and the doubters said Roosevelt was just a fanciful unrealist who couldn't think of achieving that. We built over a hundred thousand airplanes because we were determined to do it. And then the President said we're going to build ships, and Henry Kaiser began to turn out ships in twelve to fifteen days from his shipyards.

I've heard people who tell that not only the glory, the bravery, the heroism of our men on the fighting fronts in Europe and other parts of the world helped us to win the war, but that the enormous volume of material that came pouring out of the factories of America from the work of the people of America was a decisive turning point in the battle.

I think most of the Congress and most of the country share in the feeling that we haven't come to grips with the crisis in the way that we are going to have to do if we're going to master the crisis and meet the challenge and dispose of it.

The other day we had a meeting with the deputy secretary of energy, Mr. O'Leary, and in the course of his recital to a good many of us members of the House, Mr. O'Leary was mentioning a fact that the shortage of gasoline on the west coast was due to the shortage of refineries. So then I got recognized and I said, "Why, Mr. O'Leary, doesn't the President request authority to do whatever is necessary to meet the challenge of this crisis?"

He said "We've got the authority."

I said, "Well, why don't you build refineries then? Why don't you build pipelines? The spectacle of oil coming down from

Alaska, having a supply of crude on the west coast, and we can't get it to a pipeline in Texas so we can get it to the middle west and the other parts of the country without taking it around through the Panama Canal. A company is debating whether we're going to build a pipeline or not. If America needs a pipeline it would seem to me that it ought to be built."

So then I ventured to introduce this little short resolution the following day: "It is the sense of the House of Representatives that the big need energy crises demands strong and positive action and leadership on the part of the Government and that the President, in the interest of the national security, and therefore, the people, should exercise the power he now possesses, to insure that by increasing refineries, pipelines, and other facilities and by other positive action the energy needs of the people of this nation shall as far as possible be met. Further, that if the President in his judgment lacks authority to insure the maximum production of energy for the nation, Congress would give immediate consideration to his requests for such authority."

When I provoked Mr. O'Leary a little he launched into a spirited statement of what we could do if we just did it.

I said, "Mr. O'Leary, four years ago I was talking to Dr. Werner Von Braun, the great physicist that helped us so much in the space program. He said the Germans made gasoline from coal during the war—and he said we can do it here."

He said, "Yes. That's right, we could. We've got plants that are being built by American companies around the world, in Africa and in other places. If you really want to talk about what we could do—if we've got the resources—we've got the knowledge, technology, we've got the ability we can produce all the coal and the petroleum the people of this country need."

And I said it would cost about ten cents a gallon more to do it.

Then he said, "We can do it."

And I said, "Mr. O'Leary, why haven't we let the American people know. They'll pay ten cents a gallon more. They're probably going to have to pay it anyway while we've still got it chartered, but if you let the American people know that in the American way we are doing our best in the positive sense, then if we have to take deprivation, rationing, the people will say there is nothing else to do.

And so I just thought that I might mention some of the efforts that are being made in Washington to try to meet the challenge.

I'll just say this, Mr. President, we in the delegation in Washington—if we do have rationing—are going to do everything in our power, as you and the Speaker asked us to do when you were in Washington, to let Florida determine the manner in which the rationing is carried out. Because we know what it will do to our tourist industry if our tourists are denied the opportunity to get gasoline in this state.

We'll try to find the formula, in conjunction with you and the Speaker of the House, and the Senate, that will give the state as much discretion as possible as to the manner in which it will be done. I hope and pray that it will not be necessary.

Mr. President, I am grateful for this honor you have done me. I appreciate the time you have allotted me and I hope in the year 2029 that all of you will convene as we so happily did last night to reminisce over the delightful experiences of your '79 Senate Session.

Thank you very much.

SPECIAL ORDER, resumed

By the Committee on Education and Senators Tobiassen, W. D. Childers, Barron, Thomas, Peterson, Stuart, Hair, Gorman, Fechtel, Skinner, Trask, Neal, Carlucci and Scarborough—

CS for SB 1172—A bill to be entitled An act relating to education; creating s. 236.023, Florida Statutes; providing that the Department of Education, in cooperation with certain expert researchers shall conduct certain studies and develop and submit to the Legislature, a Cost of Education Index to be used in the Florida Education Finance Program; providing an appropriation; providing an effective date.

—was read the first time by title and SB 1172 was laid on the table.

On motion by Senator Tobiassen, by two-thirds vote CS for SB 1172 was read the second time by title.

Senator Chamberlin moved the following amendment which failed:

Amendment 1—On page 2, lines 15-21, strike everything after the word "Index" on line 15 and all of lines 16-21 and insert a period after word "Index" on line 15

Senator Gordon moved the following amendment which was adopted:

Amendment 2—On page 2, after line 12, insert: 4. The diversity of the ethnic and language background of the pupils of the district

On motion by Senator Tobiassen, by two-thirds vote CS for SB 1172 as amended was read the third time by title, passed, order engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Chamberlin

Vote after roll call:

Yea—Hair

HB 679—A bill to be entitled An act relating to discipline in the district school system; amending s. 232.27(1), Florida Statutes, providing that school principals do not have the authority to prohibit the use of corporal punishment; providing an effective date.

—was taken up by unanimous consent and read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 1, lines 29-31, after the period on line 29 strike lines 29 through 31

On motion by Senator Peterson, by two-thirds vote HB 679 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yea—Carlucci, McClain

HB 698—A bill to be entitled An act relating to municipal pension trust funds for public safety officers; amending s. 175.032(1), Florida Statutes, redefining "fireman" as "firefighter" for purposes of the "Municipal Firemen's Pension Trust Fund Act"; providing that certain public safety officers may continue to participate in chapter 175 and shall be included

in the definition of firefighter for retirement purposes; providing that certain public safety officers shall be considered police officers for such purposes; defining the term "volunteer firefighter"; amending s. 185.02(1), Florida Statutes, redefining the term "police officer" for the purpose of the Municipal Police Officers' Retirement Trust Fund; providing an effective date.

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

Yeas—29

Mr. President	Henderson	Poole	Tobiassen
Anderson	Hill	Scarborough	Trask
Barron	Holloway	Scott	Vogt
Chamberlin	Jenne	Skinner	Williamson
Fechtcl	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	
Grizzle	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—Dunn, Hair, McClain, Peterson

SB 918—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a), Florida Statutes, 1978 Supplement; requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities regulated by chapters 253 and 403, Florida Statutes, upon certification that the Department of Transportation will comply with requirements for environmental control and protection; providing for investigation and enforcement of such compliance; specifying contents of the authorization; providing for revocation of the authorization; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 9, strike "shall" and insert: may

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator McKnight and failed:

Amendment 2—On page 2, line 26, after the period insert: Nothing in this section shall authorize the construction of any new roadway where no roadway exists, or shall authorize the expansion of any existing roadway to incorporate additional traffic lanes without benefit of a permit from the department as may be required by this chapter.

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

Amendment 3—On page 4, line 4, after the period insert: Nothing in this section shall authorize the construction of any new roadway where no roadway exists, or shall authorize the expansion of any existing roadway to incorporate additional traffic lanes without benefit of a permit from the department as may be required by this chapter.

Amendment 4—On page 3, line 18, strike "shall" and insert: may

Pending further consideration of SB 918 as amended, on motions by Senator Holloway, by two-thirds vote HB 857 was withdrawn from the Committees on Natural Resources and Conservation, Transportation and Ways and Means.

On motion by Senator Holloway—

HB 857—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a),

Florida Statutes, 1978 Supplement, requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities regulated under chapters 253 and 403, Florida Statutes, under certain conditions; provides the department may accept certification of compliance for programs; removes a limitation on activities which may be so authorized; specifically excludes new construction or expansion of existing roadways from authorization; providing an effective date.

—a companion measure, was substituted for SB 918 and read the second time by title.

Senator Holloway moved the following amendment which was adopted:

Amendment 1—On page 2, strike line 24 and insert: for its revocation by the department. *Nothing in this section shall authorize the construction of any new roadway where no roadway exists, or shall authorize the expansion of any existing roadway to incorporate additional traffic lanes without benefit of a permit from the department as may be required by this chapter.*

Senator Holloway moved the following amendment which was adopted:

Amendment 2—On page 2, strike lines 7 through 8 and insert: *agency*. To this end, the department shall ~~may~~ accept such certification of compliance for programs of the agency *in accordance with the rules which have been established by this subsection*,

The vote was:

Yeas—16

Mr. President	Henderson	Maxwell	Stuart
Barron	Hill	Peterson	Tobiassen
Fechtcl	Holloway	Poole	Ware
Gorman	MacKay	Scott	Williamson

Nays—15

Carlucci	Grizzle	McKnight	Trask
Chamberlin	Hair	Skinner	Vogt
Dunn	Jenne	Spicola	Winn
Frank	Johnston	Steinberg	

Vote after roll call:

Nay to Yea—Carlucci

Senator Holloway moved the following amendment which was adopted:

Amendment 3—On page 3, strike lines 17 through 18 and insert: the department shall ~~may~~ accept such certification of compliance for programs of the agency *in accordance with the rules which have been established by this subsection*, ~~may~~ conduct investigations for

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

Amendment 4—On page 4, between lines 7 and 8, insert: Section 3. Paragraph (p) is added to subsection (2) of section 403.813, Florida Statutes, 1978 Supplement, to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection shall relieve an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(p) *The undertaking of temporary measures in response to emergencies due to natural calamitous occurrences such as, but*

not limited to, hurricanes, tornadoes, fires, floods, or high winds, which involve the loss of human life, limb, or property or which cause undue economic hardship; provided the requirements relating to emergencies contained in the rules of the department are complied with.

On motion by Senator Barron further consideration of HB 857 with pending Amendment 4 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1509 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives C. R. Smith and Hodges—

HCR 1509—A concurrent resolution commending Henry Scrivens for his heroism in saving the life of a fellow worker.

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

SPECIAL ORDER, continued

On motion by Senator Trask, by two-thirds vote HCR 1509 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed next on the special order calendar.

On motion by Senator Trask, by two-thirds vote HCR 1509 was read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:05 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

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

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

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 with amendment—

By Senator Poole and others—

SB 687—A bill to be entitled An act relating to funding for certain revenue-producing projects; authorizing the Department of Transportation to covenant to complete a certain revenue-producing project in Broward County; providing approval therefor; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 14-19, strike all of lines 14 through 19 and insert: Section 3. In accordance with the financial plan presented to the Legislature in obtaining authorization for a covenant to complete, any of the above interchanges may be partially or wholly funded from other available funds, excluding first gas tax funds, except as may be required pursuant to the covenant. Modifications may be made to said interchanges within the bond project budget. In the event that federal aid funding is required for any of the above interchanges, further legislative approval must be obtained. Federal aid projects for modification of adjoining or connecting roads or the terminal interchanges shall not be considered part of the bond project and shall not be subject to the fund restrictions imposed on the bond project.

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

SB 687 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gordon	McKnight	Steinberg
Anderson	Grizzle	Neal	Stuart
Barron	Hair	Peterson	Trask
Carlucci	Hill	Poole	Williamson
Childers, D.	Holloway	Scarborough	Winn
Childers, W. D.	Jenne	Scott	
Fechtcl	Johnston	Skinner	
Frank	MacKay	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 receded from House Amendments 1 and 2, further amended, and passed as further amended—

By the Committee on Judiciary-Civil—

CS for SB 47—A bill to be entitled An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.07, 40.23, 40.231, 40.24, 40.29-40.35, 905.01(1) and 905.37(3), Florida Statutes; prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; providing for certain persons to be disqualified or excused from jury service; prescribing procedures for summoning jurors; providing for jury pools; providing for payment of jurors summoned; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for the procurement of a grand jury; prescribing qualifications for grand jurors; creating ss. 40.221, 40.225, Florida Statutes; providing procedures for drawing jury venire; providing alternative method; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.08, Florida Statutes, relating to exemptions from jury duty; repealing ss. 40.09, 40.10, 40.11, 40.13, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to procedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire; repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.27, Florida Statutes, prescribing penalty for failure to

answer summons; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summons jurors; repealing s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; repealing s. 40.371, Florida Statutes, prescribing alternative selection method for drawing venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42, 40.43, Florida Statutes, which sections relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 3, line 1, strike everything after the enacting clause and insert:

Section 1. Section 40.01, Florida Statutes, is amended to read:

40.01 Qualifications and disqualifications of jurors.—

(1) ~~Grand and petit Jurors shall be taken from the male and female persons at least 18 years of age, who are citizens of this state and who have resided in this state for 1 year and in their respective counties for 6 months, and who are registered fully qualified electors of their respective counties; however, expectant mothers and mothers with children under 15 years of age, upon their request, shall be exempted from grand and petit jury duty.~~

(2) ~~No person who shall have been convicted of bribery, forgery, perjury, or larceny within this state or under the laws of any other state, government or country, or who shall have been convicted within this state of a felony, or under the laws of any other state, government or country of a crime which, if committed within this state, would be a felony, shall be qualified to serve as a juror unless restored to civil rights.~~

(3) ~~In the selection of jury lists only such persons as the selecting officers know, or have reason to believe, are law-abiding citizens of approved integrity, good character, sound judgment and intelligence, and who are not physically or mentally infirm, shall be selected for jury duty.~~

(4) ~~Where in the laws of Florida pertaining to jurors and the preparation of jury lists reference is made to male persons, such reference shall in each instance be taken and construed to mean male and female persons.~~

(5) ~~Wherever jurors are required by law or by order of court, to be kept together during the conduct of a trial, or while considering their verdict, or whenever by order of court lodging is required to be furnished juries, separate lodging and rest room facilities shall be provided for jurors of different sexes, and under contemplation of law jurors shall be deemed to have been kept together whenever the jurors of different sexes occupy the accommodations provided for their respective sexes.~~

(6) ~~Whenever female persons are sitting on any jury, and it becomes necessary that said jurors be committed to the charge of an officer, a female bailiff or deputy sheriff shall be provided to attend said jury in addition to the male officer to whom such juries are customarily committed, and all existing laws relating to the powers, duties and obligations of such male officer shall apply with like force and effect to such female officer.~~

Section 2. Subsection (1) of section 40.015, Florida Statutes, is amended to read:

40.015 Jury districts; counties exceeding 50,000.—

(1) In any county having a population exceeding 50,000 according to the last ~~preceding decennial state or federal~~ census and one or more locations in addition to the county seat at which the county or circuit court sits and holds jury trials, ~~the chief judge, with the approval of the Board of County Commissioners, upon the request of a majority of the circuit court judges of the circuit in which the county is located, is authorized to create a jury district for each court house location from which jury lists shall be selected in the manner presently provided by law.~~

Section 3. Section 40.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 40.02, F.S., for present text.)

40.02 Selection of jury lists.—

(1) The chief judge of each circuit, or a circuit judge in each county within the circuit who is designated by the chief judge, shall request the selection of a jury list in each county within the circuit during the first week of January of each year or as soon thereafter as practicable. The chief judge or his designee shall direct the clerk of the court to randomly select a sufficient number of names with the addresses from the list of persons who are qualified to serve as jurors under the provisions of s. 40.01, and to generate a list of not less than 250 persons to serve as jurors, which lists shall be signed and verified by the clerk of the court as having been selected as aforesaid. A circuit judge in a county to which he has been assigned may request additional jury lists as necessary to prevent the jury list from becoming exhausted. When the annual jury list is prepared pursuant to the request of a chief judge or his designee, the lists prepared the previous year shall be withdrawn from further use. If, notwithstanding this provision, some names are not withdrawn, such error or irregularity shall not invalidate any subsequent proceeding or jury. The fact that any person so selected had been on a former jury list or had served as a juror in any court at any time shall not be grounds for challenge of such person as a juror. If any person so selected shall be ascertained to be disqualified or incompetent to serve as a juror, such disqualification shall not affect the legality of such list or be cause of challenge to the array of any jury chosen from such list, but any person ascertained to be disqualified to serve as a juror, shall be subject to challenge for cause, as defined by law. The lists, although they may be defective or irregular in form or other formal requirement, or in the number or qualification of the persons so named, shall be the lists from which the names of persons for jury service are to be drawn as prescribed by law.

(2) The clerk of the court shall be responsible for preserving the security of the jury lists.

(3) The chief judge may designate the court administrator to perform the duties set forth in this section, and in sections 40.221, 40.23, and 40.231, in counties having an approved computerized jury selection system, the provisions of any special law or general law of local application to the contrary notwithstanding.

Section 4. Section 40.07, Florida Statutes, is transferred to section 40.013, Florida Statutes, and amended to read:

40.013 40.07 Persons disqualified or excused from jury services.—

(1) ~~BY CRIME.~~ No person who is under prosecution for any crime, or who ~~has~~ ~~shall~~ have been convicted in this state or any federal court, or any other state, territory, or country, of bribery, forgery, perjury, larceny, or any other offense that is a felony in this state or which if it had been committed in this state would be a felony, unless restored to civil rights, shall be qualified to serve as a juror.

(2) ~~BY OFFICIAL POSITION.~~ Neither the governor, nor ~~any~~ his cabinet ~~officer~~ officers, nor any sheriff or his deputy, municipal police officer, property appraiser, collector of revenue, county treasurer, clerk of court, or judge, county commissioner, or United States official shall be qualified to be a juror.

(3) ~~BY INFIRMITY.~~ No person not of sound mind and discretion shall be qualified to be a juror.

(3)(4) ~~BY INTEREST IN THE SUBJECT MATTER OF THE CAUSE.~~ No person interested in any issue to be tried therein shall be a juror in any cause; but no person shall be disqualified from sitting in the trial of any suit in which the state or any county or municipal corporation is a party by reason of the fact that such person is a resident or taxpayer within the state, or such county or municipal corporation.

(4) *Expectant mothers and mothers who are not employed full-time with children under 15 years of age, upon request, shall be excused from jury service.*

(5) A presiding judge may, in his discretion, excuse a practicing attorney, a practicing physician, or a person who is physically infirm, from jury service.

(6) A person may be excused from jury service upon a showing of hardship, extreme inconvenience, or public necessity.

(7) A person who has served as a juror in any court in his county of residence within 2 years of the first day of January in the calendar year for which he is being considered may, upon request and submission of a sworn affidavit that such service has been rendered, be excused from jury service.

Section 5. Section 40.221, Florida Statutes, is created to read:

40.221 Drawing jury venire.—A clerk of the court under supervision of a judge of any court of record shall randomly select from the jury list such number of persons as he deems necessary or expedient for a jury venire, to be returnable at such time as the judge shall specify, from which such venire or venires any jury may be organized, including a grand jury when drawn by or upon order of a judge of the circuit court. The clerk of the court shall keep the list in a secure place.

Section 6. Section 40.371, Florida Statutes, is transferred to section 40.225, Florida Statutes, and amended to read:

~~40.225~~ ~~40.371~~ Drawing jury venire; alternative method.—

(1) Whenever a majority of the judges authorized to conduct jury trials in a county consents, the names of prospective jurors and other data pertinent thereto may be fed into a mechanical, electronic, or electrical device and drawn therefrom as an alternative to other methods authorized by law for obtaining jury venires, if such drawing is by lot and at random and is approved by the Supreme Court as hereinafter provided.

(2) When a majority of the trial judges authorizes the alternative method of drawing a jury venire as provided in subsection (1), the chief presiding judge of the judicial circuit in which the county is located shall make a certificate to that effect and transmit the same to the Chief Justice of the Supreme Court together with a description of the equipment, methods and mode of operation to be used.

(3) The Chief Justice shall cause the certificate and data accompanying it to be presented to the Justices of the Supreme Court. If the court finds that the proposed method will produce venires selected by lot and at random, in compliance with all constitutional requirements of jury selection, and is otherwise feasible and practicable, an order of approval of same shall be made and filed. Thereafter the alternative method so approved may be used in the county so authorized.

(4) The chief presiding judge of the judicial circuit in which the county is located shall supervise the use of such alternative method whenever approval of same has been made by order of the Supreme Court.

(5) Nothing herein shall be construed as requiring uniform equipment or methods throughout the state.

Section 7. Section 40.23, Florida Statutes, is amended to read:

40.23 Summoning petit jurors.—

(1) The clerk of the court shall generate a venire as prescribed in s. 40.221, and sheriff shall summon the persons named in such venire to attend such court as petit jurors at least 14 7 days prior previous to the sitting of such court, by mailing registering to each person so named in the venire a written notice, addressed to his place of residence, and placing such notice in the United States mail with sufficient postage to carry the same. Upon order of the court, jurors may be summoned with less than 14 days' notice, and with return receipt requested, unless otherwise directed by the court. If otherwise directed by the court, then the sheriff shall summon such jurors in the manner directed, making the same returnable as directed by the court. However, in counties which use electronic data processing equipment for purposes of preparation of jury lists, the county commission or jury commission of any such county, as the case may be, shall be authorized to perform the duties of the sheriff as above specified insofar as the summoning of petit jurors is concerned.

(2) The jury service of any person who has been summoned may be postponed for a period not to exceed 6 months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made.

(3) Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse, shall pay a fine not to exceed \$100, which fine shall be imposed by the court to which the juror was summoned, and, in addition, such failure may be considered a contempt of court.

Section 8. Section 40.231, Florida Statutes, is amended to read:

40.231 Jury pools.—When persons named in a jury venire generated issued by the clerk of one of the courts mentioned in s. 10.22 are summoned to attend a that court as jurors, they may be placed in a jury pool from which the circuit court may draw persons to serve in that court as grand jurors or petit jurors, or both, and from which any other court mentioned in s. 10.22 may draw persons to serve as petit jurors therein. Persons placed in said jury pool may, when authorized by the court as an alternative to attending court, list a telephone number with the clerk of the court to which summoned, to be on call on an hour's notice.

Section 9. Section 40.235, Florida Statutes, is created to read:

40.235 Juror accommodations.—Whenever jurors are required by law or by order of court, to be kept together during the conduct of a trial, or while considering their verdict, or whenever by order of court lodging is required to be furnished juries, separate lodging and rest room facilities shall be provided for jurors of different sexes, and under contemplation of law jurors shall be deemed to have been kept together whenever the jurors of different sexes occupy the accommodations provided for their respective sexes.

Section 10. Section 40.24, Florida Statutes, is amended to read:

40.24 Pay of jurors.—Grand and petit Jurors of the regular panel and jurors summoned to complete a jury after the regular panel is exhausted in all the courts of the state, as well as jurors summoned upon inquest of the dead, shall receive \$10 for each day of active attendance upon the court or inquest \$10. Jurors summoned to complete a panel after the regular panel is exhausted and who are not accepted and not required to serve on the jury shall receive compensation of \$10 per day, and A fractional part of a day shall be counted as a day. In addition to the compensation above provided, each juror all jurors shall receive 14 cents per mile for each every mile necessarily traveled each day enroute in going to and returning from court by the nearest practicable route. Any juror Jurors who attends attend on any of the days of the term when the presiding judge is absent or, being present, does not hold the session of the court shall be entitled to receive the same compensation as if the court were in session. A juror who elects to be on call as provided in s. 40.231 shall receive the compensation provided in this section for only those days such juror actually attends court and not for those days he remains on call. Any juror who is excused from jury service serving on any jury at his own request shall not be entitled to receive any compensation either for travel or for attendance upon the court.

Section 11. Present subsection (2) of section 40.271, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to said section to read:

40.271 Jury service.—

(2) Threats by an employer or his agent of dismissal from employment for any cause to any person summoned for jury service in this state because of the nature or length of service upon such jury may be deemed a contempt of the court from which the summons issued.

Section 12. Section 40.29, Florida Statutes, is amended to read:

40.29 Clerks to estimate amount for pay of jurors and witnesses and make requisition.—Within 4 weeks of the commencement of any term of The clerk of the circuit court or

county court in and for any county, whether the same be a regular, special, or adjourned term, the clerk of such court shall make an estimate of the amount necessary for the payment by the state of jurors in the circuit court and the county court, during any quarterly fiscal period beginning July 1 and during each succeeding quarterly fiscal period, and of witnesses before the grand jury, and of witnesses summoned to appear before the state attorney with respect to any investigation prior to an indictment being returned or information being filed as a result of such investigation, and forward each such estimate to the Comptroller no later than the date scheduled by the Comptroller. At the time of any forwarding of such estimate, the clerk of said court shall make his requisition upon the Comptroller for the amount of such estimate, and the Comptroller may reduce the amount if in his judgment the requisition is excessive.

Section 13. Section 40.30, Florida Statutes, is amended to read:

40.30 Requisition endorsed by Comptroller and countersigned by Governor.—Upon receipt of such estimate and the requisition from the clerk of the circuit court or the clerk of the county court, the Comptroller shall endorse the amount that he may deem necessary for the pay of said jurors and witnesses during the quarterly fiscal period in said courts and witnesses before the grand jury, which endorsement shall be countersigned by the Governor, and the State Comptroller Treasurer shall transmit that amount by state warrant to the clerk making such requisition.

Section 14. Section 40.31, Florida Statutes, is amended to read:

40.31 Comptroller may apportion appropriation.—If the Comptroller shall have reason to believe that the amount appropriated by the Legislature is insufficient to meet the expenses of jurors and witnesses during the remaining part of the state fiscal year in all the courts at the next ensuing term of the circuit court or county court, he may apportion the money in the treasury for that purpose among the several counties, basing such apportionment upon the amount expended for the payment of jurors and witnesses in each county during the prior fiscal year at the last regular term of said courts. In such case the State Comptroller Treasurer shall remit only the amount so apportioned to each county, and when the amount so apportioned is insufficient to pay in full all the jurors and witnesses during a quarterly fiscal period at any term of the said court, the clerk of the circuit court or the clerk of the county court shall apportion the money received by him pro rata among the jurors and witnesses entitled to pay at such term, and shall give to each juror or witness a certificate of the amount of compensation still due, which certificate shall be held by the Comptroller as other demands against the state.

Section 15. Section 40.32, Florida Statutes, is amended to read:

40.32 Clerks to disburse money.—All moneys drawn from the treasury under the provisions of this chapter by the clerk of the circuit court or the clerk of the county court shall be disbursed by the clerk of the said court as far as needed in payment of jurors and witnesses for the legal compensation for service during the quarterly fiscal period at the term of the court for which said moneys were drawn and for no other purposes. Jurors and witnesses shall be paid by the appropriate clerk of the court either in cash as now permitted under this chapter or by warrant within 10 days of completion of jury service or of completion of service as a witness. Whenever the clerk of the court pays a juror or witness by cash, said juror or witness shall sign the payroll in the presence of the clerk, a deputy clerk, or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant he shall endorse on the payroll opposite the juror's or witness's name the words "Paid by warrant" giving the number and date of the warrant. Should any of the said moneys remain in the hands of said clerks unexpended after the payment of all of said jurors properly on the payroll as any term of the circuit court or county court, the clerk of any such court shall transmit the same to the Comptroller within 10 days after the adjournment of such court, and upon failure to do so shall be suspended from office by the Governor until the next meeting of the Legislature when the Governor shall report his action to the senate.

Section 16. Section 40.33, Florida Statutes, is amended to read:

40.33 Deficiency.—If Should the compensation of jurors and witnesses during a quarterly fiscal period exceeds at any term of the circuit court or county court exceed the amount estimated by the clerk of the court and therefore is be insufficient to pay in full the jurors and witnesses, the clerk of the court shall make his further requisition upon the Comptroller for the amount necessary to pay such default and the amount required shall be transmitted to the clerk of the court in the same manner as the original requisition or order.

Section 17. Section 40.34, Florida Statutes, is amended to read:

40.34 Clerks to make triplicate payroll.—

(1) The clerk of the court clerks of the several courts of record in this state whose jurors are paid from state funds, and whose witnesses before the grand jury or prosecuting attorney are paid from state funds, shall make out a payroll in triplicate for the payment of jurors and witnesses, which payroll shall contain:

(a) The name of each juror and witness, entitled to be paid with state funds, who attended any session of such court, or appeared before the grand jury or before the prosecuting attorney;

(b) The number of days for which such jurors and witnesses are entitled to be paid for;

(c) The number of miles traveled by each; and

(d) The total compensation each such juror or witness is entitled to receive.

(2) The form of such payroll shall be prescribed by the State Comptroller. Each juror and witness paid in cash by the clerk shall sign the payroll in the presence of the clerk, a deputy clerk or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant he shall endorse on the payroll opposite the name of the juror or witness the words "Paid by warrant" giving the number and date of the warrant.

(3) Compensation paid a witness or juror shall be attested as provided in s. 40.32. The payroll shall be approved by the signature of the clerk, or his deputy, except the payroll as to witnesses appearing before the state prosecuting attorney which payroll shall be approved by the signature of the state said prosecuting attorney, or an assistant state attorney.

(4)(3) The clerks of the courts aforesaid shall forward two copies of such payrolls to the State Comptroller, within 2 weeks 10 days after the last day of the quarterly fiscal period, and the Comptroller each adjournment of such courts, who shall audit such payrolls then.

(4) If upon audit as aforesaid the said payrolls are found correct the State Comptroller shall draw his warrant on the State Treasury for the amount due thereon, and shall deliver the same to the State Treasurer, together with all amounts returned by the said clerks, taking up the requisition of the clerk given the Treasurer.

Section 18. Section 40.35, Florida Statutes, is amended to read:

40.35 Accounting and payment to the Comptroller.—

(1) The clerk of any of the court said courts shall, within 2 weeks after the last day of the quarterly fiscal period adjournment of any term, render to the Comptroller a full statement of his accounts for moneys received and disbursed by him under the provisions of this chapter, and refund to the Comptroller pay over any balance in the clerk's his hands. If, upon audit, the payrolls are found correct and reconcile to the statement of account, the Comptroller shall draw his warrant on the State Treasury for the amount due thereon, and shall deliver the same to the State Treasurer, together with all amounts returned by the clerk of the court, taking up the requisition of the clerk of the court given the State Treasurer. If upon audit the Comptroller shall determine a balance due the clerk of the court, the Comptroller shall draw his warrant

on the State Treasury for the balance due thereon and shall deliver the same to the clerk of the court; ~~and~~

(2) If ~~should~~ any such clerk of the court fails ~~fail~~ to account for and pay over promptly the balance of all moneys so paid him, the sureties on his official bond shall be held liable and responsible for same; and the Comptroller shall report to the Governor any failure on the part of the clerk of the court to report and faithfully account for any such moneys; ~~and The Governor may, on account of such report from the Comptroller, suspend from office any such defaulting clerk until the next session of the Legislature.~~

Section 19. Subsection (1) of section 905.01, Florida Statutes, is amended to read:

905.01 Number and procurement of grand jury.—

(1) The grand jury shall consist of not less than 15 nor more than 18 persons. The provisions of law governing the qualifications, disqualifications, ~~excusals exemptions~~, drawing, summoning, supplying deficiencies, compensation, and procurement of petit jurors shall apply to grand jurors. In addition, no elected public official shall be eligible for service on a grand jury.

Section 20. Subsection (3) of section 905.37, Florida Statutes, is amended to read:

905.37 List of prospective jurors; impanelment; composition of jury; compensation.—

(3) A statewide grand jury shall be composed of 18 members, of which 15 members shall constitute a quorum. Each member of the statewide grand jury shall be a registered elector ~~have been a resident of the state for not less than 1 year and otherwise qualified as a juror~~ in the county in which he resides. In all other respects a statewide grand juror shall have the same qualifications as provided in this chapter in the case of a county grand jury.

Section 19. Sections 40.03, 40.04, 40.05, 40.06, 40.061, 40.08, 40.09, 40.10, 40.101, 40.11, 40.13, 40.20, 40.22, 40.25, 40.27, 40.28, 40.36, 40.39, 40.40, 40.42, and 40.43, Florida Statutes, are hereby repealed.

Section 20. This act shall take effect January 1, 1980.

Amendment 4—On pages 1 & 2 in title, lines 2-31, p.1, lines 1-27, p.2, strike all of lines 2 thru 31 on page 1, and all of lines 1 thru 27 on page 2 and insert:

An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.23, 40.231, 40.24, 40.29-40.35, 904.01(1) and 905.37(3), Florida Statutes; renumbering s. 40.271(2), Florida Statutes, and adding a new subsection (2) to said section; prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; prescribing procedures for summoning jurors; providing procedure for postponement of jury service; providing penalty for failure to answer summons; providing for jury pools; providing for payment of jurors summoned; providing penalty for threat of dismissal from employment to person summoned for jury service; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for number and procurement of grand juries and statewide grand juries; transferring s. 40.07, Florida Statutes, to s. 40.013, Florida Statutes, and amending said section; providing for certain persons to be disqualified or excused from jury service; creating ss. 40.221, 40.235, Florida Statutes; providing for procedures for drawing jury venire; providing for juror accommodations; transferring s. 40.371, Florida Statutes, to s. 40.225, Florida Statutes, and amending said section; providing alternative method of drawing jury venire; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.08, Florida Statutes, relating to exemptions from jury duty; repealing ss. 40.09, 40.10, 40.11, 40.13, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to pro-

cedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire; repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.27, Florida Statutes, prescribing penalty for failure to answer summons; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summons jurors; repealing s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42, 40.43, Florida Statutes, which sections relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

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

CS for SB 47 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—McKnight

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, resumed

On motion by Senator Peterson, the Senate reconsidered the vote by which—

CS for SB's 627, 480, 616, 1068, 1086 and 1060—A bill to be entitled An act relating to education; amending s. 236.081(1)(c), (d), Florida Statutes, 1978 Supplement; providing cost factors for certain educational programs for fiscal years 1979-1980 and 1980-1981; establishing cost factor for severely emotionally disturbed for fiscal years 1979-1980 and 1980-1981; providing for full-time exceptional students participation in basic programs; amending s. 236.013(2)(c), Florida Statutes, defining the term "full-time equivalent student" under certain circumstances; providing additional compensatory education for students failing to meet graduation requirements; amending s. 230.231(1), (3), Florida Statutes, providing requirements for programs to meet individual needs of all students for mastery of basic skills, including adults; amending s. 232.246(3), Florida Statutes, 1978 Supplement; authorizing an additional high school year for remedial studies; creating s. 236.0815, Florida Statutes, providing for inclusion of certain students within the basic programs; providing an effective date.

—as amended passed this day.

On motion by Senator Peterson, the Senate reconsidered the vote by which CS for SB's 627, 480, 616, 1068, 1086 and 1060 was read the third time by title.

On motions by Senator Peterson, the Senate reconsidered the vote by which Amendments 7 and 11 were adopted. By permission the amendments were withdrawn.

Senator Peterson moved the following amendments which were adopted:

Amendment 14—On page 7, between lines 8 and 9 insert: (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:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection ~~(2)~~(2), plus the amount for

the decline in full-time equivalent students as determined in subsection (7), less the required local effort as determined in subsection (4)(5). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for current operation.

The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.

(7) **DECLINE IN FULL-TIME EQUIVALENT STUDENTS.**—The Full-time equivalent student membership in each program multiplied by the cost factor for each program, adjusted for the maximum, shall be compared to this calculation for the prior year. In those districts where there is a decline in weighted full-time equivalent students, the decline is to be multiplied by the base student allocation and then multiplied by a factor of 0.5.

Amendment 15—On page 1, lines 29-31, strike all of line 29 through line 31 and insert: Section 1. Paragraphs (c) and (d) of subsection (1) and paragraph (a) of subsection (6) of section 236.081, Florida Statutes, 1978 Supplement, are amended, and a new subsection (7) is added to said section to read:

Amendment 16—On page 1, in title, line 10, after the word "programs;" insert: creating a new subsection (7), and amending paragraph (6)(a) of s. 236.081, Florida Statutes, 1978 Supplement; providing for additional funding for school districts with declining full-time equivalent students;

On motion by Senator Peterson, by two-thirds vote CS for SB's 627, 480, 616, 1068 and 1060 as further 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	Gordon	MacKay	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Chamberlin	Hair	Myers	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Williamson
Fechtcl	Jenne	Skinner	Winn
Frank	Johnston	Spicola	

Nays—None

Vote after roll call:

Yea—Carlucci

The Senate resumed consideration of—

HB 857—A bill to be entitled An act relating to environmental control; amending ss. 253.126(1) and 403.061(14)(a), Florida Statutes, 1978 Supplement, requiring the Department of Environmental Regulation to establish a program authorizing the Department of Transportation to perform certain activities regulated under chapters 253 and 403, Florida Statutes, under certain conditions; provides the department may accept certification of compliance for programs; removes a limitation on activities which may be so authorized; specifically excludes new construction or expansion of existing roadways from authorization; providing an effective date.

—which was taken up with pending Amendment 4 which was adopted:

Amendment 4—On page 4 between lines 7 and 8, insert: Section 3. Paragraph (p) is added to subsection (2) of section 403.813, Florida Statutes, 1978 Supplement, to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection shall relieve an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(p) The undertaking of temporary measures in response to emergencies due to natural calamitous occurrences such as, but not limited to, hurricanes, tornadoes, fires, floods, or high winds, which involve the loss of human life, limb, or property or which cause undue economic hardship; provided the requirements relating to emergencies contained in the rules of the department are complied with.

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

Amendment 5—On page 1, in title, line 15, after the semicolon insert: adding s. 403.813(2)(p), Florida Statutes, 1978 Supplement; providing permit exemptions for certain emergency circumstances;

Senator Holloway moved the following amendment which was adopted:

Amendment 6—On page 1, line 10, strike "may" and insert: shall

Senator Stuart moved that the Senate reconsider the vote by which Amendment 2 was adopted this day. The motion failed.

Senator Holloway moved that the rules be waived and HB 857 be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—24

Mr. President	Hill	Neal	Thomas
Barron	Holloway	Peterson	Tobiassen
Childers, W. D.	Jenne	Poole	Trask
Fechtcl	Maxwell	Scarborough	Ware
Gorman	McClain	Scott	Williamson
Hair	Myers	Skinner	Winn

Nays—14

Anderson	Gordon	MacKay	Stuart
Chamberlin	Grizzle	McKnight	Vogt
Childers, D.	Henderson	Spicola	
Frank	Johnston	Steinberg	

Consideration of HB 1546 and CS for SB 1265 was deferred.

On motion by Senator Hill—

HB 1311—A bill to be entitled An act relating to the Miami-Dade Community College; recommending to the board of trustees of said community college that a facility or new structure be named after Gwendolyn S. Cherry; providing for erection of appropriate signs and markers; providing an effective date.

—was taken up out of order by unanimous consent and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 1311 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 669 was withdrawn from the Committee on Commerce.

SB 933 was taken up and on motion by Senator Holloway, the rules were waived and by two-thirds vote HB 1543 was withdrawn from the Committee on Ways and Means.

On motion by Senator Holloway—

HB 1543—A bill to be entitled An act relating to transportation; creating s. 334.215, Florida Statutes, providing for the creation of a metropolitan planning organization within each urbanized area in the state where a planning organization is necessary to meet federal requirements for obtaining and expending federal transportation funds; providing for membership and appointment; providing for the designation of certain existing organizations as metropolitan planning organizations; providing for the appointment of technical and citizens advisory committees; providing for the powers and duties of metropolitan planning organizations, advisory committees and the Department of Transportation; providing for cooperative agreements with certain agencies, receipt of federal funding, and charter county option; providing for the invalidity of provisions of the act which are in conflict with federal requirements; requiring the full operation of all metropolitan planning organizations by January 1, 1980; providing an effective date.

—a companion measure, was substituted for SB 933 and read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 1543 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 933 was laid on the table.

By the Committee on Judiciary-Civil and Senator Hair—

CS for SB 968—A bill to be entitled An act relating to elections; amending ss. 97.102(1), 98.251, 99.021(1)(a), 101.64(1), 106.011(4), 106.07(1), (2), 106.142, 106.22(2), Florida Statutes, and ss. 105.031(4), 106.08(2), 106.11(3), Florida Statutes, 1978 Supplement; adding s. 106.07(4)(1), Florida Statutes, and creating s. 106.125, Florida Statutes; authorizing an elector who changes his residence after the close of the registration books to vote on statewide issues; limiting distribution of reprints of the election code; deleting references to statements of contributions and expenditures from the oaths of candidates; exempting certain statements in certain newsletters from the definition of "political advertisement"; providing that costs of printing and distribution of such newsletters are not expenditures; changing due dates of certain campaign finance reports; requiring certain reports to include information on previously unreported contributions and expenditures; providing that a candidate for statewide office need not file copies of his campaign finance reports with his supervisor of elections; allowing certain candidates and committees to retain contributions received within 5 days of certain elections; requiring the Division of Elections of the Department of State to publish manuals or brochures setting forth certain recommendations and informa-

tion; authorizing statewide candidates and political committees supporting or opposing statewide candidates or issues to obtain and use credit cards; providing terms and conditions for use of such cards; providing for report to Secretary of State; providing for reporting of credit card purchases to Division of Elections; providing for payment for goods or services by credit card; providing an effective date.

—was read the first time by title and SB 968 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 968 was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 8, strike all of lines 21 through and including line 31, and on page 9, lines 1-16, strike all of lines 1 through and including line 16 and insert: candidate who is unopposed in seeking nomination and ~~for~~ election to any office;

(b) On ~~Friday Monday~~ of each week preceding the election, for a candidate who is opposed in seeking nomination or election to a statewide office, or for a *political committee political committees* supporting or opposing a *candidate candidates* or *issue issues* to be voted on in a statewide election; or

(c) On the first, ~~and~~ third, and fifth ~~Friday Mondays~~ of each month and the ~~Friday Monday~~ immediately preceding the election, for a candidate who is opposed in seeking nomination or election to less than a statewide office, for a *political committee political committees* supporting or opposing a *candidate candidates* or *issue issues* to be voted on in ~~an~~ election on less than a statewide basis, or for committees of continuous existence.

(2) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. Reports shall be filed not later than 5 p.m. of the day designated; however any report postmarked no later than midnight of the ~~Friday preceding~~ the day designated shall be deemed to have been filed in a timely manner. *Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date.* All such

On motion by Senator Hair, by two-thirds vote CS for SB 968 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 1028—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.066(3), Florida Statutes, providing that in certain counties law enforcement agencies shall submit copies of written reports of accidents to central traffic records sections; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 1028 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Fechtler	McClain	Steinberg
Barron	Frank	McKnight	Thomas
Carlucci	Hill	Myers	Tobiassen
Chamberlin	Holloway	Neal	Trask
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Dunn	MacKay	Spicola	Winn

Nays—None

Votes after roll call:

Yea—Gorman, Peterson

By the Committee on Judiciary-Criminal and Senator Chamberlin—

CS for SB 1013—A bill to be entitled An act relating to aging and adult services; amending s. 410.11, Florida Statutes, as transferred from s. 409.3642, Florida Statutes, by chapter 78-433, Laws of Florida; prohibiting certain acts perpetrated on an individual suffering from the infirmities of aging; providing penalties; providing an effective date.

—was read the first time by title and SB 1013 was laid on the table.

On motions by Senator Chamberlin, by two-thirds vote CS for SB 1013 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Senator Scarborough presiding

On motion by Senator Barron, the rules were waived and the Committees on Agriculture and Executive Business were granted permission to meet jointly in Room C at 6:00 p.m. this day for the purpose of considering the Governor's appointments to the Citrus Commission.

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which CS for SB 968 as amended passed this day.

On motion by Senator W. D. Childers further consideration of CS for SB 968 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1632 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Health & Rehabilitative Services—

CS for HB 1632—A bill to be entitled An act relating to mental health; revising the Florida Mental Health Act; amending s. 394.453, Florida Statutes; providing legislative intent with respect to "placement" rather than "hospitalization" and with

respect to the employment of the least restrictive means of intervention; amending various provisions of said act to accomplish such intent; amending s. 394.455(2), Florida Statutes, and adding subsection (22); defining "mental health professional" to include physicians and other specified practitioners; providing duties and responsibilities of mental health practitioners under said act; defining "express and informed consent"; specifying when such consent is required under said act; amending s. 394.457(2), (6), (8), and (9), Florida Statutes, 1978 Supplement, relating to responsibilities of the Department of Health and Rehabilitative Services, hearings, and designation of treatment facilities; amending s. 394.459(1), (2), (3)(a), (4)(b), (5), (8), (9), (10)(a) and (12), Florida Statutes, 1978 Supplement, relating to rights of patients; providing for physical examinations; providing for express and informed consent and providing procedures on refusal or revocation thereof; providing for emergency treatment without consent under certain conditions; providing for appointment of guardian advocate; providing requirements relating to reports of abuse; providing for inclusion of human rights advocacy committees in designation of representatives; providing conditions for selection of the department as representative; providing for consultation with patient; amending s. 394.460, Florida Statutes, relating to rights of mental health professionals; amending s. 394.461(3)(b), Florida Statutes, relating to transfers of patients; amending s. 394.463, Florida Statutes, relating to emergency admissions and court-ordered evaluation; providing criteria; revising requirements with respect to selection of representatives; amending s. 394.465, Florida Statutes, relating to voluntary admissions; revising age requirements and time limitations; providing for a hearing; amending s. 394.467, Florida Statutes, 1978 Supplement, relating to involuntary placement; providing criteria; providing for appointment of a guardian advocate for patients incompetent to give consent; amending s. 394.469, Florida Statutes, relating to discharge of patients; amending s. 394.471, Florida Statutes, relating to validity of prior orders; amending s. 394.473, Florida Statutes, relating to mental health professionals' fees; amending s. 394.475, Florida Statutes, relating to acceptance of Florida residents from out-of-state authorities; amending s. 394.477, Florida Statutes, relating to residence requirements; amending s. 827.09, Florida Statutes, relating to abuse of disabled persons; deleting reference to "developmentally" disabled persons and providing that disabled persons include those suffering from mental illness; revising references to central registry; adding a subsection to section 3 of chapter 76-168, Laws of Florida, as amended, providing for the repeal of part IV of chapter 394, Florida Statutes, relating to community mental health services; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Myers, by two-thirds vote CS for HB 1632 was withdrawn from the Committee on Ways and Means.

On motions by Senator Myers, by unanimous consent CS for HB 1632 was taken up out of order. On motions by Senator Myers, by two-thirds vote CS for HB 1632 was read the second time by title, and by two-thirds vote was read the third time by title.

On motion by Senator Ware, further consideration of CS for HB 1632 was deferred.

HB 1546—A bill to be entitled An act relating to the Beverage Law; creating s. 562.51, Florida Statutes, providing that a person selling or furnishing alcoholic beverages to another person is not thereby liable for injury or damage caused by or resulting from the intoxication of such other person; providing an exception for the sale or furnishing of alcoholic beverages to a minor; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 23, strike the period and insert: provided that any person convicted of a violation of

Section 562.50, Florida Statutes, may become liable for injury or damage caused by or resulting from the intoxication of such drunkard.

Senator Don Childers moved the following substitute amendment for Amendment 1:

Amendment 2—On page 1, between lines 23 and 24, insert: Section 2. Subsection (1) of section 561.15, Florida Statutes, is amended to read:

561.15 Licenses; qualifications required.—

(1) Licenses shall be issued only to persons of good moral character, who are not less than 21 ~~18~~ years of age. Licenses to corporations shall be issued only to corporations whose officers are of good moral character and not less than 21 ~~18~~ years of age. There shall be no exemptions from the license taxes herein provided to any person, association of persons or corporation, any law to the contrary notwithstanding.

Section 3. Section 562.11, Florida Statutes, 1978 Supplement, is amended to read:

562.11 Selling, giving, or serving alcoholic beverages to persons under 21 ~~minors~~ prohibited.—

(1)(a) It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to persons under 21 ~~18~~ years of age or to permit a person under 21 ~~18~~ years of age to consume said beverages on the licensed premises. Anyone convicted of violation of the provisions hereof shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A licensee who sells, gives, serves, or permits to be served any alcoholic beverage to a person under 21 ~~18~~ years of age or permits a person under 21 ~~18~~ years of age to consume any alcoholic beverage on the licensed premises shall have a complete defense to any civil action therefor, except for any administrative action by the division under the Beverage Law if, at the time the alcoholic beverage was sold, given, served, or permitted to be served, the person ~~minor~~ falsely evidenced that he was of legal age to purchase or consume the alcoholic beverage and the appearance of the person ~~minor~~ was such that an ordinarily prudent person would believe him to be of legal age to purchase or consume the alcoholic beverage, and the licensee carefully checked the person's driver's license or identification card issued to persons who do not have a valid Florida driver's license under the provisions of s. 322.051, with respect to residents of this state, or the person's driver's license or other comparable identification, with respect to persons who are not residents of this state, of the ~~minor~~ and acted in good faith and in reliance upon the representation and appearance of the person ~~minor~~ in the belief that he was of legal age to purchase or consume the alcoholic beverage. Nothing herein shall negate any cause of action which arose prior to June 2, 1978.

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 ~~18~~ years of age. Anyone convicted of violating the provisions hereof shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person under the age of 17 years violating said provisions shall be within the jurisdiction of the judge of the circuit court and shall be dealt with as a juvenile delinquent according to law.

(3) Any person under the age of 21 ~~18~~ years testifying in any criminal prosecution or in any hearing before the Division of [Alcoholic Beverages and Tobacco] involving the violation by any other person of the provisions of this section may, at the discretion of the prosecuting officer, be given full and complete immunity from prosecution for any violation of law revealed in such testimony that may be or may tend to be self-incriminating, and any such person under 21 ~~18~~ years of age so testifying, whether under subpoena or otherwise, shall be compelled to give any such testimony in such prosecution or hearing for which immunity from prosecution therefor is given.

Section 4. Section 562.111, Florida Statutes, is amended to read:

562.111 Possession of alcoholic beverages by persons under 21 ~~minors~~ prohibited.—It is unlawful for any person under the

age of 21 ~~18~~ years to have in his or her possession alcoholic beverages, except persons employed under the provisions of s. 562.13, acting in the scope of their employment, *except that nothing herein contained shall preclude the employment of any person 18 years of age or older in any establishment licensed by the Division of Alcoholic Beverages and Tobacco and/or the Division of Hotels and Restaurants in the sale, preparation, or service of alcoholic beverages in licensed premises.*

Section 5. Subsection (1) of section 743.07, Florida Statutes, is amended to read:

743.07 Rights, privileges, and obligations of persons 18 years of age or older.—

(1) The disability of nonage is hereby removed for all persons in this state who are 18 years of age or older, and they shall enjoy and suffer the rights, privileges, and obligations of all persons 21 years of age or older except as otherwise excluded by the State Constitution immediately preceding the effective date of this section *and except as otherwise provided in the Beverage Law.*

[Renumber subsequent section.]

Point of Order

Senator Anderson raised a point of order that pursuant to Rule 7.1 no proposition on a subject different from that under consideration shall be admitted under color of amendment. He stated the amendment dealing with raising the age limit for sale of alcoholic beverages was not germane to the subject matter of the bill.

The President ruled the point not well taken.

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

Amendment 2A—On page 1, line 5, strike "21" and insert: 19

Amendment 2 failed.

The question recurred on Amendment 1 which was adopted.

Senator Dunn moved the following amendment:

Amendment 3—On page 1, on line 17 after "intoxication" strike all of line 17 and lines 17-25, and insert: (1) It shall be unlawful for any person licensed by the state to sell alcoholic beverages, including their agents and employees, to sell, furnish, or deliver, with or without consideration, an alcoholic beverage to a person who is a minor or who, at the time of such sale, furnishing, or delivery, was intoxicated to the extent that his normal faculties were impaired.

(2) Any person who knowingly violates the provisions of subsection (1) shall be liable for any injury or damage resulting from and proximately caused by the consumption of the alcoholic beverage by the minor or intoxicated person.

(3) As used in this section, "knowingly" means a state of mind where the actor knew or with the exercise of reasonable diligence in light of all the attendant circumstances should have known the facts requiring the actor's knowledge.

Senators MacKay, Peterson, Dunn, Myers, Stuart and Thomas offered the following substitute amendment which was moved by Senator MacKay:

Amendment 4—On page 1, strike lines 16 through 19 and insert: 562.51 Liability for injury or damage resulting from intoxication.—Whoever sells or furnishes alcoholic beverages to a person obviously intoxicated may be held liable in tort for injury or damage caused by or resulting from the intoxication of such person, if it can be shown that the injury or damage was a direct proximate result of the sale or furnishing of such beverage.

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

Amendment 4A—On page 1, line 2, strike "or furnisher"

Amendment 4 failed.

The question recurred on Amendment 3 which failed.

Senator Don Childers moved the following amendment:

Amendment 5—On page 1, line 21, strike "18" and insert: 21

The Presiding Officer ruled Amendment 5 out of order as a previous amendment proposing to accomplish this same purpose had been defeated and in accordance with precedents and Mason's Legislative Manual when a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.

Senator Henderson moved the following amendment which was adopted:

Amendment 6—On page 1 in title, strike after "providing" on line 8, the remainder of line 8 and all of line 9 and insert: exceptions;

On motion by Senator Barron, by two-thirds vote HB 1546 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Anderson	Gordon	Jenne	Spicola
Barron	Gorman	McClain	Thomas
Carlucci	Grizzle	Neal	Tobiassen
Childers, W. D.	Henderson	Poole	Williamson
Fechtel	Hill	Scarborough	Winn
Frank	Holloway	Scott	

Nays—9

Childers, D.	MacKay	Steinberg	Trask
Dunn	McKnight	Stuart	
Johnston	Peterson		

Vote after roll call:

Nay—Chamberlin

SB 1065—A bill to be entitled An act relating to the Sunland Training Center in Gainesville; creating the Raymond C. Philips Research and Education Unit at such center; prescribing functions of such unit; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 1—On page 2, lines 4-8, strike all of lines 4 through 8, inclusive and insert: a new Section 2 and renumber subsequent Sections

Section 2. The Department of Health and Rehabilitative Services shall have the authority to contract for the supervision and management of the Raymond C. Philips Research and Education Unit and such contract shall include specific program objectives. The department shall conduct an ongoing evaluation and prepare an annual report to be submitted to the Governor and Legislature not later than April 1, each year, reflecting the extent of implementation of program objectives and functions of the unit as provided in this act.

Amendment 2—On page 1, lines 5-6, strike the words "providing an appropriation;" and insert: authorizing the Department of Health and Rehabilitative Services to contract for the supervision and management of such unit; requiring evaluation and reports;

On motion by Senator Henderson, by two-thirds vote SB 1065 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Chamberlin	Dunn	Gordon
Barron	Childers, D.	Fechtel	Grizzle
Carlucci	Childers, W. D.	Frank	Hair

Henderson	McClain	Poole	Thomas
Holloway	McKnight	Scarborough	Tobiassen
Jenne	Myers	Spicola	Trask
Johnston	Neal	Steinberg	Williamson
MacKay	Peterson	Stuart	Winn

Nays—None

SB 1265 was taken up and on motions by Senator Frank, by two-thirds vote CS for HB 1327 was withdrawn from the Committees on Education, Health and Rehabilitative Services and Ways and Means.

On motion by Senator Frank—

CS for HB 1327—A bill to be entitled An act relating to education; adding a new paragraph (n) to s. 230.23(4), Florida Statutes, 1978 Supplement, assigning responsibility to the district school board for the provision of an appropriate program of instruction and special education services to students under the residential care of the Department of Health and Rehabilitative Services; providing for cooperative planning between the Department of Health and Rehabilitative Services and school boards for facilities and furnishings to house education programs; providing for the use of existing Department of Health and Rehabilitative Services education facilities; providing for capital outlay requests for additional facilities; providing for written agreement between district school boards and Department of Health and Rehabilitative Services; amending s. 236.013(2)(c), Florida Statutes, permitting membership in programs scheduled for more than 180 days to include programs for students in Department of Health and Rehabilitative Services residential care facilities; amending s. 236.602(1), Florida Statutes, to exclude full-time equivalent students in residential care facilities from certain computations; amending s. 402.22, Florida Statutes, broadening legislative intent for provision of educational services to students under the residential care of the Department of Health and Rehabilitative Services; requiring the provision of an appropriate program of instruction and special education services to students age 5 through 18 to be the responsibility of the district school board of the county in which the residential care facility is located; providing an exception; deleting the requirement for an annual education plan to be developed by the Department of Health and Rehabilitative Services and the Department of Education; providing for earning of full-time equivalent student membership under the Florida Education Finance Program; providing for the assignment of students to basic or other special programs as appropriate; requiring a certain number of contact hours of instructional and special education services with certain clients in residential care facilities; providing for State Board of Education and Department of Health and Rehabilitative Services rules to assist in the orderly transfer of responsibility for education; providing for a hold harmless regarding the number of educational hours provided to students in Youth Services residential programs; requiring that 900 hours of instruction be provided mental health and retardation students; providing an effective date.

—a companion measure, was substituted for SB 1265. On motion by Senator Frank, by two-thirds vote CS for HB 1327 was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 12, lines 14-17, strike all of said lines and insert: *facility is located. The school board of Okeechobee County shall generate by FTE the funding necessary for the students committed to the Florida School for Boys at Okeechobee to be assigned to and to participate in the educational programs provided by the Indian River Community College and by intergovernmental agreement, such funds shall be transferred to the Indian River Community College.*

Senator Thomas moved the following amendment which was adopted:

Amendment 2—On page 9, line 19, strike "be given consideration for employment" and insert: *shall be employed*

On motion by Senator Frank, by two-thirds vote CS for HB 1327 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—26

Anderson	Fechtcl	MacKay	Stuart
Barron	Frank	McClain	Thomas
Carlucci	Grizzle	McKnight	Tobiassen
Chamberlin	Hair	Peterson	Trask
Childers, D.	Hill	Scarborough	Winn
Childers, W. D.	Jenne	Scott	
Dunn	Johnston	Steinberg	

Nays—None

SB 1265 was laid on the table.

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

CS for SB 1146—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(3)(a) and (c), Florida Statutes, 1978 Supplement, creating a deputy assistant secretary for medicaid; removing responsibility for the medicaid program from the social and economic services program office; providing that the deputy assistant secretary for medicaid shall be responsible for all medicaid planning and development functions; providing for a medicaid advisory council; providing an effective date.

—was read the first time by title and SB 1146 was laid on the table.

On motions by Senator Johnston, by two-thirds vote CS for SB 1146 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—30

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 422 was withdrawn from the Committee on Ways and Means.

SPECIAL ORDER, continued

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

CS for SB 1177—A bill to be entitled An act relating to stone crab traps; amending s. 370.13(2)(a) and (f), (3), Florida Statutes, and adding paragraph (k) to subsection (2); prohibiting the transportation of, or fishing with, any such trap which does not have a biodegradable section; prohibiting the molestation of certain traps, lines, or buoys; providing penalties; providing an effective date.

—was read the first time by title and SB 1177 was laid on the table.

On motions by Senator Anderson, by two-thirds vote CS for SB 1177 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—27

Anderson	Frank	Johnston	Stuart
Barron	Gorman	McClain	Thomas
Carlucci	Grizzle	McKnight	Tobiassen
Chamberlin	Hair	Myers	Trask
Childers, D.	Henderson	Peterson	Williamson
Childers, W. D.	Hill	Spicola	Winn
Dunn	Jenne	Steinberg	

Nays—None

Vote after roll call:

Yea—Fechtcl

Consideration of SB 443 was deferred.

By the Committee on Ways and Means and Senators Peterson, Maxwell and MacKay—

CS for SB 236—A bill to be entitled An act relating to education; creating a new subsection (3), renumbering present subsections (3)-(6) and amending present paragraph (6)(a) of s. 236.081, Florida Statutes, 1978 Supplement; providing for additional funding for school districts with declining full-time equivalent students; providing an effective date.

—was read the first time by title and SB 236 was laid on the table.

On motion by Senator Trask, by two-thirds vote CS for SB 236 was read the second time by title.

Senator Peterson offered the following amendment which was moved by Senator Trask and adopted:

Amendment 1—On page 1, line 13, strike everything after the enacting clause and insert:

Section 1. Section 236.081, Florida Statutes, is amended by adding a new subsection (7) 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:

(7) *DECLINE IN FULL-TIME EQUIVALENT STUDENTS.*—The full-time equivalent student membership in each program multiplied by the cost factor for each program, adjusted for the maximum, shall be compared to this calculation for the prior year. In those districts where there is a decline in weighted full-time equivalent students, the decline is to be multiplied by the base student allocation and then multiplied by a factor of 0.5.

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

Senator Frank moved the following amendment which was adopted:

Amendment 2—On page 3, line 4, strike "Section 2. This act shall take effect July 1, 1979." and insert:

Section 2. Paragraph (m) of subsection (1) of section 235.435, Florida Statutes, 1978 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant construction and debt service.—The annual allocation from the Public Education Capital and Debt Service Trust Fund to each board, including the Board of Regents, for comprehensive construction and debt service shall be determined as follows:

(1) Pursuant to rules of the state board, the commissioner shall determine annually the projected educational plant and annual debt service needs for each board. In determining the needs of the state system of public education, the office shall recommend, and the commissioner shall use, equitably uniform standards for all types of like space, regardless of the level of education. These standards shall also establish a uniform utilization rate of 85 percent of all postsecondary classrooms, based on 45 hours per week Monday through Friday. The commissioner shall include at least the following elements:

(m) Relocatables provided under s. 235.211 shall be included in the school district inventory of educational facilities for boards, including the Board of Regents, but shall only be rated

at one-half of actual student capacity for purposes of the inventory and future needs determination as provided under this section and s. 235.15. Relocatables acquired or constructed and in use prior to 1975 shall be rated at zero student capacity. Application of this subsection in the determination of available student capacity shall occur at the next regularly scheduled educational plant survey as required under s. 235.15, but no later than October 1, 1984.

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

Senator Trask moved the following amendment which was adopted:

Amendment 3—On page 1, between lines 14 and 15, insert: Section 2. The presiding officer of any district school board may order the removal, from a public meeting held by the school board, of any person interfering with the expeditious or orderly process of such meeting, provided such officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the officer shall remove any person ordered removed pursuant to this section.

(Renumber subsequent sections.)

Senator Peterson moved the following amendment which was adopted:

Amendment 4—On page 1, in title, lines 3-10, strike all of lines 3 through 10 and insert: 236.081, Florida Statutes, by creating a new subsection (7); providing additional funding to districts experiencing declined enrollments;

Senator Frank moved the following amendment which was adopted:

Amendment 5—On page 1, in title, line 8, after equivalent students; insert: amending s. 235.435(1)(m), Florida Statutes, 1978 Supplement, to provide for capacity ratings of school district temporary portable and relocatable facilities; providing definitions of such facilities;

Senator Trask moved the following amendment which was adopted:

Amendment 6—On page 1, in title, line 3, after the semicolon insert: authorizing the presiding officer of a district school board to order removal of persons interfering with the expeditious or orderly process of any public meeting held by the school board; providing for removal of such persons;

On motion by Senator Trask, by two-thirds vote CS for SB 236 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of HB 1603 was deferred.

SB 1304—A bill to be entitled An act relating to motor vehicle safety inspection; amending s. 20.24(2), Florida Statutes; establishing the Division of Motor Vehicle Safety Inspection in the Department of Highway Safety and Motor Vehicles and the bureaus within said division; amending s. 325.11, Florida Statutes; providing definitions; amending s. 325.12, Florida Statutes, 1978 Supplement; providing for designation by the division of the placement of inspection certificates; amending s. 325.13, Florida Statutes; providing for the expiration of inspection certificates pursuant to a schedule promulgated by

the division; amending s. 325.14, Florida Statutes, 1978 Supplement; deleting provisions relating to motor vehicle dealers; amending s. 325.19, Florida Statutes, 1978 Supplement; deleting provisions relating to engine emissions and exhaust system inspection; providing for adjustment of headlights in inspection stations in certain circumstances; creating s. 325.195, Florida Statutes; providing for inspection of metal license plates; amending s. 325.20, Florida Statutes; providing for privately operated inspection stations; amending s. 325.21, Florida Statutes; providing for division designation of self-inspectors; amending s. 325.22, Florida Statutes; providing for supervision of inspection stations by the division; amending s. 325.23, Florida Statutes; authorizing the division to establish certain procedures and rules and regulations; amending s. 325.24, Florida Statutes, 1978 Supplement; providing for the charging of fees by the division; amending s. 325.25, Florida Statutes; providing for submission of a budget by the division; amending s. 325.26, Florida Statutes; authorizing the division to adopt certain rules; amending s. 325.27, Florida Statutes; providing for the operation of inspection stations by counties; amending s. 325.272, Florida Statutes, 1978 Supplement; requiring division approval of inspection station schedules of operation; requiring evening and weekend hours of operation; repealing s. 325.141, Florida Statutes, as created by chapter 78-412, Laws of Florida, which requires registration prior to inspection; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Holloway:

Amendment 1—On page 7, lines 19-23, strike all of line 19 through and including line 23 and insert: (3) Nothing in this chapter shall be construed to require a valid current inspection certificate for any motor vehicle owned by a motor vehicle dealer licensed under s. 320.27 and displaying a dealer tag thereon as authorized by s. 320.13(1)(a) when such vehicle is being used for demonstration purposes.

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

Amendment 1A—On page 1, line 6, strike the period at the end of the sentence and add: , or when such vehicle is being driven from its point of purchase to the business location of the dealer, or between the business location of the dealer and a repair facility, or between the business location of the dealer and an inspection station.

Amendment 1 as amended was adopted.

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

Amendment 2— On page 10, lines 6-7, strike lines 6 and 7 and insert: validation sticker shall be inspected for legibility. Failure of a license plate or sticker to meet any

Amendment 3—On page 13, lines 2 and 5, strike: "department" and insert: *division*

Amendment 4—On page 17, lines 26 and 31, strike "department" and insert: *division* ~~department~~

Amendment 5—On page 18, line 6, after the "period" insert: *Any county licensed to operate inspection stations on the effective date of this act shall continue to have exclusive rights of operation within its boundaries unless such license is revoked for cause.*

Senator Steinberg moved the following amendment which failed:

Amendment 6—On page 9, strike all of lines 16 through 21 and insert: (5) The number of miles indicated on the odometer at the time of the inspection and the certificate number from the previous inspection, if any, shall be recorded at the time of inspection on forms so provided for this purpose by the director and included in the records maintained as provided in s. 325.24.

The Committee on Transportation offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 7—On page 1, strike all of line 17 through and including line 18 and insert: providing exemption for motor vehicles owned by licensed dealers under certain conditions; amending s. 325.19, Florida Statutes;

On motion by Senator Holloway, by two-thirds vote SB 1304 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Senator W. D. Childers announced that the meeting of the Committee on Commerce scheduled for today had been cancelled.

The Senate resumed consideration of—

CS for HB 1632—A bill to be entitled An act relating to mental health; revising the Florida Mental Health Act; amending s. 394.453, Florida Statutes; providing legislative intent with respect to “placement” rather than “hospitalization” and with respect to the employment of the least restrictive means of intervention; amending various provisions of said act to accomplish such intent; amending s. 394.455(2), Florida Statutes, and adding subsection (22); defining “mental health professional” to include physicians and other specified practitioners; providing duties and responsibilities of mental health practitioners under said act; defining “express and informed consent”; specifying when such consent is required under said act; amending s. 394.457(2), (6), (8), and (9), Florida Statutes, 1978 Supplement, relating to responsibilities of the Department of Health and Rehabilitative Services, hearings, and designation of treatment facilities; amending s. 394.459(1), (2), (3)(a), (4)(b), (5), (8), (9), (10)(a) and (12), Florida Statutes, 1978 Supplement, relating to rights of patients; providing for physical examinations; providing for express and informed consent and providing procedures on refusal or revocation thereof; providing for emergency treatment without consent under certain conditions; providing for appointment of guardian advocate; providing requirements relating to reports of abuse; providing for inclusion of human rights advocacy committees in designation of representatives; providing conditions for selection of the department as representative; providing for consultation with patient; amending s. 394.460, Florida Statutes, relating to rights of mental health professionals; amending s. 394.461(3)(b), Florida Statutes, relating to transfers of patients; amending s. 394.463, Florida Statutes, relating to emergency admissions and court-ordered evaluation; providing criteria; revising requirements with respect to selection of representatives; amending s. 394.465, Florida Statutes, relating to voluntary admissions; revising age requirements and time limitations; providing for a hearing; amending s. 394.467, Florida Statutes, 1978 Supplement, relating to involuntary placement; providing criteria; providing for appointment of a guardian advocate for patients incompetent to give consent; amending s. 394.469, Florida Statutes, relating to discharge of patients; amending s. 394.471, Florida Statutes, relating to validity of prior orders; amending s. 394.473, Florida Statutes, relating to mental health professionals’ fees; amending s. 394.475, Florida Statutes, relating to acceptance of Florida residents from out-of-state authorities; amending s. 394.477, Florida Statutes, relating to residence requirements; amending s. 827.09, Florida Statutes, relating to abuse of disabled persons; deleting reference to “developmentally” disabled persons and providing that disabled persons include those suffering from mental illness; revising references to central registry;

adding a subsection to section 3 of chapter 76-168, Laws of Florida, as amended, providing for the repeal of part IV of chapter 394, Florida Statutes, relating to community mental health services; providing an effective date.

—which was taken up pending roll call.

Senators Grizzle, Chamberlin and Fechtel offered the following amendment which was moved by Senator Myers and adopted by two-thirds vote:

Amendment 1—On page 43, line 19-22, strike all of said lines

Senators Grizzle, Chamberlin and Fechtel offered the following amendment which was moved by Senator Myers and adopted:

Amendment 2—On page 3, lines 7-12, strike all of said lines and insert: references to central registry; providing an effective date

CS for HB 1632 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

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	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtcl	Johnston	Scott	
Frank	MacKay	Spicola	

Nays—None

SB 1189 was laid on the table.

The President presiding

SB 443—A bill to be entitled An act relating to insurance; adding s. 624.509(5), Florida Statutes; prohibiting the imposition of a premium tax upon receipts of annuity premiums or considerations paid by holders of annuity policies or contracts in the state, issued in connection with the funding of a pension, annuity or profit-sharing plan or individual retirement account or annuity, qualified or exempt pursuant to Section 401, 403, 404, 408 or 501 of the United States Internal Revenue Code, as amended; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 27, insert after the period (.): Provided, however, that this exception shall apply only to receipts of authorized insurers certified by the Department of Revenue as having paid all taxes and fees past and currently due and owing to the State of Florida or any agency thereof.

Amendment 2—On page 2, line 1, strike “Section 2” and insert: Section 2. This act shall become effective July 1, 1980.

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

Amendment 3—On page 1, line 27, after the word “amended” insert: *if the tax savings so derived are credited to holders in this state. Upon request by the Department of Insurance, an insurer shall submit to the Department evidence which establishes that the tax savings derived have been credited to holders in this state*

On motions by Senator Barron, the rules were waived and by two-thirds vote HB 315 and SB 894 were withdrawn from the Committee on Rules and Calendar.

Senator Dunn moved that the rules be waived and the Committee on Governmental Operations be granted permission to

meet May 30 from 7:00 a.m. until 8:45 a.m. to consider House Bills 1803, 1805, 1806, 1807, 1813, 1814 and 1815; and if any of the enumerated bills were not in possession of the committee, that they be taken up in concept with final action to be taken at a later meeting.

Senator Scarborough moved as a substitute motion that the rules be waived and the Committee on Governmental Operations be granted permission to meet May 30 from 12:00 noon until 2:00 p.m. to consider the bills enumerated by Senator Dunn. The substitute motion was adopted.

ENROLLING REPORTS

SB 71	SB 313	SB 1014	SB 537
SB 96	SB 414	CS for	SB 538
SB 152	SB 473	SB 1132	SB 886
SB 355	SB 314	CS for	SB 895
SB 585	SB 369	SB 1245	SB 967
CS for	SB 438	SB 474	SB 1034
SB 81	SB 439	SB 506	SB 1119
SB 92	SB 451	SB 514	
SB 125	SB 729	SB 536	

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 1979.

Joe Brown, Secretary

CO-INTRODUCER

Senator Trask—SB 1145

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 28 was corrected and approved.

The Journal of May 23 was further corrected and approved as follows:

Page 525, column 1, from bottom, between lines 23 and 24 insert: Senator Don Childers moved the following amendment which failed:

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:15 p.m. to convene at 8:30 a.m., Wednesday, May 30, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.