



Journal of the Senate

Number 31

Wednesday, May 30, 1979

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

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

HB 1540	HB 1602	HB 1722	HB 1518
HB 1656	HB 1157	HB 1521	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hagler—

HB 1540—A bill to be entitled An Act relating to Escambia County; amending section 3(a) of chapter 24500, Laws of Florida, 1947, as amended, empowering the board of county commissioners of the county to veto actions taken by the Santa Rosa Island Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mitchell—

HB 1602—A bill to be entitled An act relating to Jackson County; amending certain sections of chapter 19901, Laws of Florida, 1939, as amended; establishing and defining the geographic area of Jackson County Hospital District; creating Jackson County Hospital Corporation as a public, non-profit corporation to provide for the construction, maintenance, and operation of Jackson Hospital as a public hospital at or near Marianna for the benefit of the citizens and residents of the District and others in need of health care; providing for the powers and duties of the corporation and for the same to be managed by a board of trustees and for their appointment; authorizing the granting of staff privileges to physicians and other medical practitioners at Jackson Hospital; repealing laws or parts of laws in conflict with this act; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Ward and Boles—

HB 1722—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending subsection (1) of section 9 of chapter 78-570, Laws of Florida; providing that the board of commissioners of the fire control district shall have the authority to levy ad valorem taxes against the taxable real estate in the district to provide funds for the purposes of the district in an amount not to exceed two (2) mills; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Williams—

HB 1518—A bill to be entitled An act relating to Clay County; authorizing the Board of County Commissioners of Clay County to grant a nonexclusive franchise for the construction, maintenance, or removal of lines, poles, and facilities within the unincorporated areas of Clay County, along any public property of the county for the transmission, distribution, or sale of electricity; providing for the term of such nonexclusive franchise; providing for the payment of a fee to Clay County for such right and privilege; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dyer and others—

HB 1656—A Bill to be entitled An act relating to the City of Oakland Park, Broward County, Florida; extending and enlarging the corporate limits of the City of Oakland Park by including previously unincorporated lands into said corporate limits; providing for an effective date.

Proof of publication of the required notice was attached.

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

By Representative T. F. Lewis and others—

HB 1157—A bill to be entitled An act relating to Palm Beach Junior College, Palm Beach County, Florida; providing for up to an annual one-half (1/2) mill tax levy in Palm Beach County, Florida; providing for a referendum election; providing that the proceeds of said tax levy shall not reduce state funding for Palm Beach Junior College; providing for an effective date.

Proof of publication of the required notice was attached.

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

By Representative Thompson—

HB 1521—A bill to be entitled An act relating to Franklin County; amending section 1 of chapter 72-546, Laws of Florida, providing for an area closed to shrimping in the Carrabelle River and in Ochlockonee Bay in Franklin County; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Philip D. Lewis, President

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

HB 1233	HB 1246	HB 1095
HB 1399		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Shackelford and Haben—

HB 1233—A bill to be entitled An act relating to Manatee County; creating a special park and recreation district, a political subdivision of the State of Florida, for the unincorporated

area known as Bayshore Gardens Subdivisions, including all additions, as is more particularly set forth below according to the public records of Manatee County, Florida; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the first election of trustees and for election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district special assessment against each improved residential parcel of real property within the district; providing that such district assessment shall be a lien against each parcel of land so assessed and for the method of collecting such assessment; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purposes of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof; providing severability; providing for a referendum.

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

By Representative Allen—

HB 1246—A bill to be entitled An act relating to Monroe County; amending section 3 of chapter 76-439, Laws of Florida, as amended, by excepting employees of elected officials from the provisions of said act; providing that all laws, whether general or special, in conflict herewith are superseded; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hieber and others—

HB 1095—A bill to be entitled An act relating to Pinellas County; creating a countywide emergency medical service authority; providing powers and duties; establishing service areas; providing emergency medical service on a contract management basis with private companies and governmental agencies currently providing services; requiring consent of existing emergency medical service departments before their abolishment; providing for an advisory council; providing for a special election to create the emergency medical service special taxing district by countywide referendum; providing for the levy of ad valorem tax; providing for severability; repealing chapters 74-585 and 75-492, Laws of Florida, relating to the establishment of a task force for and the creation of an emergency medical services authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Crawford and others—

HB 1399—A bill to be entitled An act relating to the City of Winter Haven, Polk County; establishing the Winter Haven Downtown Development Authority; providing for definitions and rules of construction; setting forth a statement of policy and legislative findings; providing for By-Laws and functions of the Board; providing for the levy of ad valorem tax; providing for a referendum; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1446 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Ryals and C. R. Smith—

HB 1446—A bill to be entitled An act relating to the Pasco-Hernando Community College; authorizing and directing the

board of trustees to name the administration building at the Hernando County branch of the community college as the "John R. Culbreath Building"; providing an appropriation; 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 1484 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Thompson—

HB 1484—A bill to be entitled An act relating to saltwater conservation; amending s. 370.16(14) and 370.16(16), Florida Statutes, as amended by Chapter 78-96, Laws of Florida, providing for a special 3-month oyster season in a portion of waters of Franklin County for the 1979 season; providing for prima facie evidence of violation; providing penalties; specifying area where possession of undersized oysters is prohibited; deleting size requirement; specifying when oysters may be measured to determine the percentage of undersized oysters; deleting prohibition of sale of undersized oysters; restricting the size of oysters that may be taken during the special season; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1802 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Thompson—

HB 1802—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; amending sections 4(10) and 5(3) of chapter 75-374, Laws of Florida, to expand the boundaries of the district; limiting the levying of ad valorem taxation to platted lands; providing an effective date.

Proof of publication of the required notice was attached.

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

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 507 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Burnsed and Batchelor—

CS for HB 507—A bill to be entitled An act relating to enforcement of support; amending ss. 88.011, 88.021, 88.031, 88.051, 88.061, 88.081, 88.091, 88.101, 88.111, 88.121, 88.131, 88.141, 88.151, 88.161, 88.171, 88.181, 88.191, 88.211, 88.221, 88.231, 88.241, 88.251, 88.261, 88.271, 88.281, 88.291, 88.311, 88.351, and 88.371, Florida Statutes, creating ss. 88.012, 88.065, 88.105, 88.193, 88.235, 88.255, 88.295, 88.297, and 88.345, Florida Statutes, and repealing ss. 88.071, 88.201, and 88.361, Florida Statutes; providing legislative intent; conforming chapter 88, Florida Statutes, the "Uniform Reciprocal Enforcement of Support Law" (enacted in 1955), to the "Revised Uniform Reciprocal Enforcement of Support Act (1968)" to incorporate federal amendments; providing for division of chapter into parts; providing for severability; 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 337 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Williams—

HB 337—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.0821(1), (2), and (4), Florida Statutes, 1978 Supplement, and adding a new subsection (5) thereto; permitting the use of a recreational net in the salt waters of St. Johns County without a permit; defining the term "recreational net" and prohibiting the use of recreational nets in certain waters in St. Johns County; prohibiting the setting or hauling of recreational nets within 100 feet of certain other nets; prohibiting the use of recreational nets during certain hours; prohibiting users of recreational nets from taking certain amounts of fish; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

- HB 597 HB 1227 HB 590
- HB 599 HB 1035 HB 519
- HB 1054

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Burnsed and others—

HB 1054—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation of the State of Florida, to issue a beverage license to the City of Lakeland, or its assigns, for the operation of a restaurant at the Lakeland Municipal Airport; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Nuckolls and Mann—

HB 590—A bill to be entitled An act relating to the City of Cape Coral, Lee County; amending chapter 78-483, Laws of Florida, prohibiting fishing and collecting of certain marine life in man made canals in the City of Cape Coral at all times; exempting fishing with hook and line from the prohibition; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Nuckolls and Mann—

HB 597—A bill to be entitled An act relating to Lee County; amending chapter 63-1554, Laws of Florida, relating to fishing in Lee County; prohibiting net fishing within a 1 mile radius of Pine Island bridge or within canal opening in said radius in Lee County; providing an exception; redesignating said bridge; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Crady—

HB 1227—A bill to be entitled An act relating to Nassau County; authorizing the acquisition, construction, erection, build-

ing, enlarging, improving, renovating, remodeling, furnishing and equipping of school buildings of the district school board of Nassau County, Florida; authorizing the issuance of certificates of indebtedness, payable from race track funds and jai alai fronton funds accruing annually to Nassau County and allocated to the district school board and other moneys of the district school board derived from sources other than ad valorem taxation, to pay the cost of such projects; providing a referendum; and providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ward and others—

HB 519—A bill to be entitled An act relating to Okaloosa County; amending section 1 of chapter 69-798, Laws of Florida, providing that certain bona fide restaurants in Okaloosa County which have accommodations at all times for 150 persons at tables occupying more than 2,500 square feet of floor space shall be entitled to an alcoholic beverage license regardless of specified general law; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Nuckolls and Mann—

HB 599—A bill to be entitled An act relating to Lee County; amending sections 1, 3, 5, 11, 14 and 17 of chapter 67-1629, Laws of Florida, as amended; providing for aquatic weed control; modifying certain powers of the board of county commissioners; requiring that certain fees be paid to the property appraiser and tax collector in accordance with law; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Allen—

HB 1035—A bill to be entitled An act relating to Monroe County; creating and establishing a local government study commission in Monroe County to study the structures, services, functions and operations of all governmental units and bodies located within said county, including the county government, municipal governments, public bodies corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof; determining the need, if any, for unification of services, separation, addition, removal or other revision of such structures, services, functions and operations; determining whether tax savings can be made and whether efficiency can be gained through such revision of such local governmental structures, services, functions, and operations; requiring said commission to present a recommendation or recommendations for any solution of problems disclosed as a result of such study to the members of the Legislature from Monroe County or to the Monroe County Commission or municipal governing bodies for enactment or implementation of such recommendation or recommendations; providing for the number and appointment of the members of such commission and providing a method of filling vacancies; providing for the organization and term of such commission; prescribing its duties and powers; providing for an appropriation for the payment of the cost of operation of such commission; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Philip D. Lewis, President

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

HB 428	HB 591	HB 694
HB 812	HB 820	HB 910
HB 933	HB 970	HB 1040
HB 1041	HB 1042	HB 1043
HB 1044	HB 1118	HB 1119
HB 1120	HB 1135	HB 1155
HB 1156	HB 1160	HB 1164
HB 1168	HB 1182	HB 1184
HB 1307	HB 1392	HB 1418
HB 1452	HB 1498	HB 1499
HB 1500	HB 1501	HB 1517
HB 1526	HB 1536	HB 1537
HB 1539	HB 1657	HB 1705
HB 1706	CS for HB 595	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hall—

HB 428—A bill to be entitled An act relating to Gulf County; repealing chapter 71-655, Laws of Florida, which provides that the limitation as to number of alcoholic beverage licenses provided by s. 561.20(1), Florida Statutes, shall not prohibit the issuance of such licenses to bona fide restaurants in said county fulfilling certain requirements; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Nuckolls and others—

HB 591—A bill to be entitled An act relating to Charlotte County; amending sections 2, 3, and 6 of chapter 27450, Laws of Florida, 1951, excepting hand cast nets from the prohibition against fishing for commercial purposes in Alligator Creek (Allapatchee River) in Charlotte County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Patchett—

HB 694—A bill to be entitled An act relating to Indian River County; restricting the harvesting of oysters from public or private land within 75 feet of the shoreline of the Indian River or from any canal in Indian River County; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Kirkwood and others—

HB 812—A bill to be entitled An act relating to the City of Orlando; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation of the State of Florida, to issue an alcoholic beverage license to the City of Orlando, or its assigns, to be used in the operation of the Mayor Bob Carr Municipal Auditorium and Expo Centre; providing that such license shall not be subject to any quota or limitation pertaining thereto, but shall be an exception to any such quota or limitation; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Allen—

HB 820—A bill to be entitled An act relating to Monroe County; authorizing the Board of County Commissioners to operate and otherwise regulate the activities of the Monroe

County Jail and the various programs for housing and rehabilitation of county prisoners; creating the Monroe County Division of Corrections; providing for employment of trained personnel; granting the manager of the Monroe County Jail and his designees certain powers relating to prisoners and escapees; providing for the transfer of existing corrections personnel; providing that the County shall assume total responsibility for all prisoners; superseding all laws, whether general or special, to the extent of conflict with this act; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hieber and others—

HB 910—A bill to be entitled An act relating to Pinellas County; providing that there shall be no limitation of special beverage licenses issued to certain hotels, motels, or motor courts; providing for the issuance of such licenses; providing for the operation and transfer of such licenses; repealing chapter 71-862, Laws of Florida, to conform thereto; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hodges—

HB 933—A bill to be entitled An act relating to Citrus County; authorizing the Board of County Commissioners of Citrus County to expend county funds in an amount not to exceed the proceeds of three-eighths of a mill on all property of said county for community project purposes; defining community project purposes; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hodges—

HB 970—A bill to be entitled An act relating to Citrus County; Homosassa Special Water District; amending Section 1 of Chapter 59-1177, Laws of Florida, as amended, by increasing the territorial limits of the district.

Proof of publication of the required notice was attached.

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

By Representative Thomas and others—

HB 1040—A bill to be entitled An act relating to the City of Jacksonville; providing for certain sick leave benefits for the employees of the City of Jacksonville; providing for retroactive compensation pursuant to s. 215.425, Florida Statutes; allowing certain benefits for employees of the former county government of Duval County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative A. E. Johnson and others—

HB 1041—A bill to be entitled An act relating to the City of Jacksonville; authorizing the Council of the City of Jacksonville to conduct a special sunset review of the Jacksonville Area Planning Board and the Downtown Development Authority; providing for matters relative thereto; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Pajcic and others—

HB 1042—A bill to be entitled An act relating to Duval County; amending section 9 of chapter 63-1305, Laws of Florida, as amended, to increase the amount of bonds that may be issued by the Duval county hospital authority from \$20 million to \$40 million and to make other procedural changes therein; amending sections 12 and 13 of chapter 63-1305, Laws of Florida, to remove references to “freeholders” in bond elections; repealing section 15 of chapter 63-1305, Laws of Florida, as amended relating to tax levies for bond debt service; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bankhead and others—

HB 1043—A bill to be entitled An act relating to Duval County; authorizing retirees under pension funds of the Consolidated City of Jacksonville to work as poll workers without losing benefits; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bankhead and others—

HB 1044—A bill to be entitled An act relating to the Jacksonville Port Authority; amending section 15 (a) and (b) of chapter 63-1447, Laws of Florida, as amended, providing an increase in the maximum amount of funds expendable prior to public bidding; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hagler—

HB 1118—A bill to be entitled An act relating to the City of Pensacola, Escambia County, Florida; relating to police jurisdiction on property owned, leased by or otherwise controlled by the City of Pensacola which property is located outside of the City limits of the City of Pensacola but within the corporate limits of Escambia County, granting additional arrest powers to duly constituted law enforcement officers of the City of Pensacola; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hagler—

HB 1119—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 1 of chapter 23474, Laws of Florida, 1945, relating to the City Planning Board of the City of Pensacola, amending the method for selecting the composition of the Board members; clarifying residency requirements for Board members; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hagler—

HB 1120—A bill to be entitled An act relating to Escambia County; amending sections 3(a), 5, and 9(a) of chapter 61-2655, Laws of Florida, as amended by chapter 65-2090, Laws of Florida, and chapter 78-589, Laws of Florida; relating to the pension system of the City of Pensacola, increasing the age that a City employee may become a member of the general pension system from under the age of 65 years to under the age of 70

years; increasing the mandatory retirement age from 65 years to 70 years; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative B. L. Johnson—

HB 1135—A bill to be entitled An act relating to the City of Crestview, Okaloosa County; providing for the annexation of specifically described land to the city; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Healey and others—

HB 1155—A bill to be entitled An act relating to Palm Beach County; amending sections 6 and 7 of chapter 75-473, Laws of Florida, as amended, relating to the countywide Solid Waste Authority; providing definitions; providing purposes and powers; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Healey and others—

HB 1156—A bill to be entitled An act relating to Palm Beach County; providing that the Acme Improvement District created by chapter 28557, Laws of Florida, 1953, shall have the power to implement the User Charge and Industrial Cost Recovery provisions of Public Law 92-500; providing that the district shall have the power and authority to participate in the programs authorized by said Public Law 92-500 as such programs apply to the district; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Watt and others—

HB 1160—A bill to be entitled An act relating to Palm Beach County; amending Section 16, West Palm Beach Police Pension and Relief Fund, subsection (17), Investments, and Section 17, West Palm Beach Firemen Pension Fund, subsection (4)(b), Investment of Monies, of Chapter 24981, Laws of Florida, 1947, as amended by Chapter 26308, Laws of Florida, 1949, Chapter 27978, Laws of Florida, 1951, said sections being renumbered as sections 16 and 17, Chapter 31368, Laws of Florida, 1955, Chapter 59-1981, Laws of Florida, Chapter 65-2382, Laws of Florida, Chapter 67-2173, Laws of Florida, Chapter 69-1430, Laws of Florida, Chapter 73-656, Laws of Florida, Chapter 76-503, Laws of Florida, Chapter 77-665, Laws of Florida; providing severability; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Liberti and others—

HB 1164—A bill to be entitled An act relating to Palm Beach County; amending Section 1 of Chapter 74-565, Laws of Florida, as amended by Chapters 75-467 and 77-623, Laws of Florida; to adopt the National Electric Code, 1978 Edition, amending Section 10 of Chapter 74-565, Laws of Florida, to provide a staggered term of office and removal of board members for excessive absence from board meetings; adding a new Section 11 to Chapter 74-565, Laws of Florida, to provide a procedure for product approval and for collection and disposition of fees in connection therewith; amending and

renumbering present Section 11 of Chapter 74-565, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Thomas and others—

HB 1168—A bill to be entitled An act relating to the city of Jacksonville; amending section 19.05(16) of chapter 67-1320, Laws of Florida, as amended, to exempt the Coordinator of the Duval County State Legislative Delegation from the civil service provisions of article 19 of chapter 67-1320, Laws of Florida, as amended; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Martinez and others—

HB 1182—A bill to be entitled An act relating to the City of Tampa; providing for eligibility of certain named employees of the city owned Transit System of the City of Tampa, Florida, to receive past service credits in the general employees pension fund created by Chapter 23559 of the Special Acts of 1945, as amended; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Martinez and others—

HB 1184—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending sections 3, 5, and 7 of chapter 23559, Laws of Florida, 1945, as amended, relating to the general employees pension fund providing for retirement benefits after ten years of continuous service with the City; defining the term "salaries" as used in the act; providing for creditable service for approved union leaves of absence; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Davis and others—

HB 1307—A bill to be entitled An act relating to Hillsborough County; providing for the eligibility of Alton Maurice White to receive retirement credit in the City of Tampa, Florida, General Employees Pension Fund created by Chapter 23559 of the Special Acts of 1945, as amended, for his past service with the City; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Watt and others—

HB 1392—A bill to be entitled An act relating to Palm Beach County; amending Section 17, West Palm Beach Firemen Pension Fund, subsection (5), Service Pension, and subsection (6), Non-Duty Disability Pension of Chapter 24981, Laws of Florida, 1947, as amended by Chapter 26308, Laws of Florida, 1949, Chapter 27978, Laws of Florida, 1951, said sections being renumbered as sections 16 and 17, Chapter 31368, Laws of Florida, 1955, Chapter 59-1981, Laws of Florida, Chapter 65-2382, Laws of Florida, Chapter 67-2173, Laws of Florida, Chapter 69-1430, Laws of Florida, Chapter 73-656, Laws of Florida, Chapter 76-503, Laws of Florida, chapter 77-665, Laws of Florida; providing severability; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ward and others—

HB 1418—A bill to be entitled An act relating to Santa Rosa County; repealing chapter 27881, Laws of Florida, 1951, as amended, and chapter 61-2799, Laws of Florida; abolishing the Santa Rosa County Beach Administration and transferring the powers, duties, assets, liabilities, and obligations of said Administration to the Board of County Commissioners of Santa Rosa County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mitchell—

HB 1452—A bill to be entitled An act relating to Jackson County; amending paragraph (c) of the second unnumbered subsection of section 6 of chapter 61-2290, Laws of Florida, providing for the appointment of the board of trustees of the Campbellton-Graceville Hospital Corporation by the county commissioners, rather than the Governor; permitting existing members to fulfill their terms; providing for a referendum.

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

By Representative Dyer and others—

HB 1498—A bill to be entitled An act relating to the Cities of Fort Lauderdale and Oakland Park, Broward County; contracting the corporate limits of the City of Fort Lauderdale; extending and enlarging the corporate limits of the City of Oakland Park; apportioning the existing indebtedness with respect to such property; prescribing the liability of the property for municipal taxes; apportioning municipal taxes due on the property; providing for the preservation of contractual rights; providing for zoning in the territory embraced in the extension; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dyer and others—

HB 1499—A bill to be entitled An act relating to the City of Fort Lauderdale, Broward County; extending and enlarging the corporate limits of the City; providing for the assumption of duties, powers, and responsibilities over the annexed territory; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dyer and others—

HB 1500—A bill to be entitled An act relating to the City of Hallandale, Broward County; amending section 5 of chapter 78-516, Laws of Florida, providing clarifying language with respect to the effective date of chapter 78-516, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dyer and others—

HB 1501—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending section 4k. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, changing the date for installation of elected commissioners; amending section 5 of chapter 61-1439, Laws of Florida, as amended by chapter 65-1006, Laws of Florida, providing that the primary election and general election shall be held on the same day as the primary election and general election for Broward County respectively; providing that the election shall be held in accordance with the Florida Election Code as amended by chapter 77-175, Laws of

Florida; reducing the residency requirement of eligible candidates for Board of Commissioners from six months to thirty days; and deleting provisions regarding freeholder elections; amending section 4h. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, increasing the allowable compensation and reimbursement of expenses for commissioners; amending section 4i. of chapter 61-1439, Laws of Florida, as amended by chapter 70-479, Laws of Florida, providing for the discretionary withholding of compensation for absences rather than mandatory withholding; amending section 9 of chapter 61-1439, Laws of Florida, removing the limitation on the salary of the secretary of the district; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Burnsed and others—

HB 1517—A bill to be entitled An act relating to the Polk County Industrial Development Authority; amending Section 2 of chapter 69-1510, Laws of Florida, to provide for removal of members; adding Section 9A to chapter 69-1510, Laws of Florida, to provide for the alteration or change, of the structure, organization, programs, activities, or existence of the Authority; amending Section 11 of chapter 69-1510, Laws of Florida, to authorize the Authority to utilize the privileges, benefits and powers of an industrial development authority created pursuant to Part III of chapter 159, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Crady—

HB 1526—A bill to be entitled An act relating to Nassau County; amending Section 1 of Chapter 26046, Laws of Florida, 1949, as amended, to rename Humphreys Memorial Hospital as the Nassau General Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hagler—

HB 1536—A bill to be entitled An act relating to Escambia County; authorizing the use of credit, credit cards and professional collection services for the payment and collection of county fees and service charges; authorizing a service charge; authorizing a delinquent payment charge; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hagler—

HB 1537—A bill to be entitled An act relating to Escambia County; providing that certain conditions constitute nuisances; providing a procedure for the abatement of nuisances upon real property in the county; authorizing the removal of such nuisances upon failure of the owner, agent, custodian, or occupant to do so; providing that the costs of such removal shall constitute a lien on the property; providing a procedure for the collection of such liens; providing that violations of this act shall constitute a misdemeanor; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Hagler and Boles—

HB 1539—A bill to be entitled An act relating to Escambia County land use regulations; amending sections 4 and 5 of chapter 65-1513, Laws of Florida, as amended; providing that notice shall be published thirty (30) days prior to holding a public hearing to consider adoption or amendment of regulations relating to the territory covered by the act; providing that written notice shall be given when private property is rezoned; invalidating inconsistent regulations adopted prior to the effective date of this act; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Dyer and others—

HB 1657—A bill to be entitled An act relating to Broward County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing, and equipping of schools and school buildings including warehouse, maintenance, board and administrative facilities of The District School Board of Broward County; authorizing the issuance of certificates of indebtedness payable from race track funds accruing annually to Broward County, and allocated to the School Board to pay the cost of such projects; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hall—

HB 1705—A bill to be entitled An act relating to Gulf County; regulating the taking of bay scallops; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Hall—

HB 1706—A bill to be entitled An act relating to Gulf County; making it lawful to use nets with a stretched mesh of 1½ inches or larger for the taking of shrimp in Gulf County; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Natural Resources and Representatives Nuckolls and Mann—

CS for HB 595—A bill to be entitled An act relating to Lee County; amending sections 3(2) and (3), 5, 9, and 24 of chapter 67-1630, Laws of Florida, and section 13 of chapter 67-1630, Laws of Florida, as amended, relating to the Lee County mosquito control district; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1823 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1823—A bill to be entitled An act relating to continuing professional education; authorizing boards within the Department of Professional Regulation to establish requirements for

mandatory continuing education; providing criteria for approval of courses; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1818 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hall—

HB 1818—A bill to be entitled An act relating to Gulf County; creating, establishing, and organizing a fire control district in said county to be known and designated as the Howard Creek Fire Control District; defining its territorial boundaries; providing for a board of fire commissioners; providing for government, administration, jurisdiction, powers, and privileges of said district; authorizing the Howard Creek Fire District commissioners under certain conditions to purchase, operate and maintain fire control machinery and equipment; providing for the operation and use of said equipment; providing for the cooperation of the district with other fire control units adjacent to said district; providing for the interchange and use of fire control machinery and equipment with other fire control units adjacent to said district; providing for the appointment of a fire chief and assistants; providing for and authorizing upon the approval of a majority of the electors of the district voting in a millage election, the levy of an ad valorem tax upon all real and personal property in said district, not to exceed one half (1/2) mill for the purpose of purchasing, maintaining and operating fire control equipment and machinery; providing that the district shall not purchase such equipment unless funds are on hand to pay for same; providing that the fire chief of said district shall have full power to enforce all fire control laws of the state within the district; providing an effective date.

Proof of publication of the required notice was attached.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1092 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kiser—

HCR 1092—A concurrent resolution to express the interest of the Legislature in monitoring the Florida Public Service Commission and receiving a report on the hearings and related actions of the commission as it carries out the requirements of the National Energy Act of 1978 and the rules and regulations which are promulgated pursuant to said act.

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

The Honorable Philip D. Lewis, President

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

HB 1806 HB 1813

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1806—A bill to be entitled An act relating to nursing home administrators; creating part VI of chapter 468; providing legislative purpose and definitions; creating the Board of Nursing Home Administrators within the Department of Professional Regulation; providing for appointment of members,

and terms of office; providing for headquarters of the board; providing powers and duties of the board and the department; providing for licensure examination and specifying qualifications of applicants; providing for certification of applicants by the board and for licensure of certified applicants by the department; providing for biennial renewal of licenses and authorizing a fee therefor; providing for delinquent and inactive status licenses; providing fees therefor, and authorizing the board to prescribe continuing education requirements under certain circumstances; providing prohibitions and penalties; providing for disciplinary proceedings; authorizing the board to promulgate rules for the issuance of a provisional license; requiring all nursing homes to be operated under the management of a licensed administrator; providing an exception; providing for prosecution of criminal violations; providing for reciprocity; providing for legislative review and repeal of part VI of chapter 468, Florida Statutes, on July 1, 1985, in accordance with the Regulatory Reform Act of 1976, as amended; repealing the existing part VI of chapter 468, Florida Statutes, relating to nursing home administrators; repealing rules of the Florida Administrative Code which are inconsistent with the act; providing an effective date.

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

By the Committee on Regulatory Reform—

HB 1813—A bill to be entitled An act relating to podiatrists; creating chapter 461, Florida Statutes, substantially revising provisions relating to podiatrists; providing intent and definitions; providing exceptions to the chapter; creating a Board of Podiatry and providing for its membership and terms; providing for applications for examination and licensure of podiatrists; providing qualifications for examination; providing for license renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; authorizing the board to adopt rules; specifying certain unlawful acts with respect to podiatrists and the practice of podiatry and providing penalties therefor; providing for the effect of the act upon certain rules relating to podiatrists; providing for repeal and legislative review of the act; repealing the existing chapter 461, Florida Statutes, relating to podiatrists; 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 1803 HB 1807

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1803—A bill to be entitled An act relating to nursing; creating chapter 464, Florida Statutes, substantially revising provisions relating to nursing; providing purpose and definitions; providing for a joint committee of nurses, physicians and lay persons to determine the scope of practice of advanced or specialized nursing practitioners; creating a Board of Nursing and providing for its membership, terms and headquarters; providing for applications for examination and licensure of nurses; providing qualifications for examination; providing for licensure by endorsement; providing for use of titles and abbreviations; providing a penalty; providing for certification of advanced registered nurse practitioners; providing the scope of practice of advanced registered nurses and of certain specialties; providing for license or certificate renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; prohibiting certain sexual misconduct; authorizing the board to adopt rules; providing for the disposition of fees and for expenditures; specifying certain unlawful acts with respect to nursing and providing penalties therefor; providing exceptions to the application of the chapter; providing for approval of nursing education programs; providing for application of the act to current holders of license

or certificate; repealing the existing chapter 464, Florida Statutes, relating to nursing; providing for the effect of the act upon certain rules relating to nursing; providing for repeal and legislative review; providing an effective date.

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

By the Committee on Regulatory Reform—

HB 1807—A bill to be entitled An act relating to veterinarians; creating chapter 474, Florida Statutes, substantially revising provisions relating to veterinarians; providing purpose and definitions; providing exemptions from the chapter; creating a Board of Veterinary Medicine and providing for its membership, terms, and headquarters; providing for rules; providing for licensure by examination and by endorsement; providing qualifications therefor; providing procedures for temporary permits; providing for renewal of license and inactive status; authorizing the board to take specified disciplinary actions and providing grounds therefor; providing for reciprocity with other states; requiring premises permits and display of such permit or license; providing for issuance of occupational licenses; providing procedures for handling abandonment of animals by owners; providing for criminal prosecution; providing for legislative review and repeal of chapter 474, Florida Statutes, on July 1, 1985; repealing the existing chapter 474, Florida Statutes, relating to veterinarians; providing for licenses or permits which are valid and proceedings which are pending on the effective date of the act; repealing all rules in chapter 21X, Florida Administrative Code, relating to veterinary medicine; providing an effective date.

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

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
Fechtcl	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 the Rev. John Ter Louw, Westminster Presbyterian Church, Tallahassee:

O Almighty and Eternal God, whose sovereign rule and majesty is the only fountain for all earthly government and authority, make us deeply sensible of our limitations and of utter dependence upon Thee. When we are overcome with the sense of our omnipotence, humble us with the word, "Where wast thou when I laid the foundation of the earth?" So may we know that we are men and not God.

When we are overwhelmed with the sense of our impotence and insignificance, revive us with the reminder that by Thy providence Thou hast made us to stand in the breach and by Thy Spirit Thou dost equip us for our tasks. So may we be men in whom the Spirit of the Lord is.

In the rush to be done grant us the wit and wisdom to make decisions which will bear the test of time, the courage to stand for principles in those matters where we dare not compromise, the candor to recognize that the judgment of a brother may be better than our own and that his opposition to our pet projects may be the product of character rather than a sign of obstinacy or expediency.

When tempers fray and patience wears thin, help us to laugh at ourselves with the abandon that relieves tension and permits the resumption of productive work. Through it all keep alive

within us love for Thee and love for the people, that our true aim may be the common weal according to the heavenly pattern.

When the work has been completed, the last vote taken, the last bill passed, help us to commit it all to Thee with the prayer that Thou wilt quickly bring to nought that which is foolishness and that Thou wilt cause to prosper that which has merit, to the glory of Thy name and the well-being of the State.

Now grant, O gracious Father, that we may truly pray for one another, not as officers who exercise a sacred public trust, but as men of flesh and blood, made in the image of God, yet intensely personal men with individual wants and needs, fears and doubts, anxieties and worries, problems and sorrows, which often seem unsharable. May we know today that there is One who cares, who sealed that care by the death of His Son upon the tree, who floods us with that same love and care for one another as we cast ourselves upon Him for time and eternity. So may we be renewed in faith and hope and vision, and so may we go about our tasks with joy. Through Jesus Christ our Lord. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for May 30, 1979:

CS for SB 1168	SB 865
HCR 403	HB 1592
CS for SB 69	SB 1103
SB 403	SB 1131
SB 309	SB 1109
CS for SB 383	SB 1198
SB 354	SB 978
SB 550	SB 1046
CS for CS for SB 645	SB 1254
CS for SB 952	SB 1248
CS for HB 60	SB 901
SB 1313	CS for SB's 283 and 471
HB 1668	SB 130
CS for SB 1255	HB 538
HB 1597	CS for SB 758
HB 1570	CS for SB 705
CS for CS for SB 509	CS for SB 1252
SB 856	CS for SB 1282

Respectfully submitted,
Dempsey J. Barron, Chairman

Votes Recorded

Senator Hill was recorded as voting yea on SB 1065 and HCR 1809 which passed the Senate May 29; and Amendments 1 and 9B to HB 892 which were adopted May 8 and 29, respectively.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 292 was withdrawn from the Committees on Judiciary-Civil and Ways and Means, and by unanimous consent the Senate agreed to consider SB 292.

On motions by Senator Johnston, by two-thirds vote HB 1321 was placed on the special order calendar and by unanimous consent the Senate agreed to consider HB 1321.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 1259 and 1144 and HB 1662 were withdrawn from the Committee on Ways and Means.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1580 was withdrawn from the Committee on Governmental Operations.

On motions by Senator MacKay, the rules were waived and by two-thirds vote House Bills 1651, 1203, 282 and CS for HB 420 were withdrawn from the Committee on Education.

On motion by Senator Williamson, the rules were waived and by two-thirds vote SB 1015 was withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote House Bills 684 and 1485 were withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 824 and 382 and CS for HB 67 were withdrawn from the Committee on Ways and Means.

On motion by Senator Scott, by two-thirds vote SB 498 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Ware, by two-thirds vote SB 920 was removed from the calendar and indefinitely postponed.

REQUEST FOR EXTENSION OF TIME

May 30, 1979

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

SB 962 by Senator Ware

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor returned as requested by SCR 1315, SB 9 and on motion by Senator Scott, SB 9 was ordered immediately certified to the House.

The Governor returned as requested by SCR 1314, SB 753 and on motion by Senator Holloway, SB 753 was ordered immediately certified to the House.

Appointments Subject to Confirmation by the Senate

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:

Henry W. McMillan, St. Augustine, Member of the Historic Saint Augustine Preservation Board, for term ending August 12, 1982

—which was referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed SB 545.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 284.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 6 and passed CS for CS for SB 252 as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 3 and passed SB 1287, as amended.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House Amendments 1, 2 and 3, has receded from House Amendments 4 and 5 and passed as amended SB 660.

Allen Morris, Clerk

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.

—as amended passed. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Hair, Myers

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator MacKay and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 1 & 2, strike Section 2. and insert: Section 2. This act shall take effect upon becoming law and shall expire and cease to take effect on July 1, 1981.

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

SB 653 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Grizzle

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator MacKay and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 21, strike entire Section 2. and insert: new Section 2. This act shall take effect upon becoming a law and shall expire and cease to take effect on July 1, 1981.

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

SB 655 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Grizzle

Votes after roll call:

Yea—Chamberlin, Myers

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator MacKay and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 22, strike the entire Section 2 and insert: new Section 2. This act shall take effect upon becoming a law and shall expire and cease to take effect on July 1, 1981.

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

SB 654 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Grizzle

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Jenne—

SB 305—A bill to be entitled An act relating to state attorneys; amending s. 27.181(4), Florida Statutes; providing that the salary of a full-time assistant state attorney be determined by the state attorney; deleting a restriction on the amount of such salary; creating s. 15.092, Florida Statutes; exempting state attorneys from payment of fees for copies of documents or certificates under seal held by the Department of State; renumbering s. 27.25(2), (3), (4), Florida Statutes, and adding a new subsection (2) to said section; authorizing state attorneys to employ an executive director; amending s. 27.34(1), Florida Statutes, 1978 Supplement; authorizing municipal and county governments to contract with the state attorney for prosecution of violations of municipal or county ordinances; amending s. 319.25(5)(d), Florida Statutes; exempting state attorneys from the payment of fees for photographic copies of records and certifications from the Department of Highway Safety and Motor Vehicles; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 28-31; on page 2, lines 1-14 strike all of said lines

Amendment 2—On page 1, lines 2-6 in title, strike all of said lines and insert: An act relating to state attorneys;

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

SB 305 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Myers

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 refused to concur in Senate Amendment 1 to HB 679 and requests the Senate to recede.

Allen Morris, Clerk

By Representative Mitchell and others—

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.

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

Senator Gordon moved that the Senate take up HB 679 and record a negative vote on the passage.

Senator Barron presiding

The Presiding Officer ruled the motion out of order.

The President presiding

On motion by Senator Maxwell, the Senate again refused to recede from Senate Amendment 1 to HB 679 and insisted that the House concur. 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 refused to recede from House Amendment 1 to Senate Amendment 1 to HB 1531 and again requests the Senate to concur.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Crawford—

HB 1531—A bill to be entitled An act relating to public records; adding s. 119.011(3)-(6), Florida Statutes; amending s. 119.07, Florida Statutes, 1978 Supplement, and adding subsections (3) and (4) to said section; defining certain words and phrases; providing that certain criminal intelligence and investigative information are exempt from disclosure provisions of the public record law; providing for deletion of confidential information from public records produced for inspection; providing for judicial inspection and determination; exempting confidential records received from non-Florida criminal justice agencies; providing authority to charge for costs; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 3, line 32 - line 4, strike on page 4 ; provided, however, after December 31, 1980, all written criminal intelligence or criminal investigative information which is not active shall be open to the person to whom the record pertains unless the information is exempted by paragraphs (d), (e), or (f) of this subsection or relates to any other person. and insert: .

On motion by Senator Spicola, the Senate again refused to concur in House Amendment 1 to Senate Amendment 1 to HB 1531 and requested a conference committee. The President appointed Senators Barron, Myers, Spicola, Dunn and Henderson as Conferees on the part of the Senate. The action of the Senate was certified to the House.

On motions by Senator Barron, by two-thirds vote CS for SB 968 was placed at the beginning of the special order calendar, followed by SB 1156, SB 443 with pending amendment and HB 315.

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senators Henderson and others—

SB 258—A bill to be entitled An act relating to regulation of agricultural products dealers; amending s. 604.15(1), (3)-(6), Florida Statutes; providing definitions; creating s. 604.151, Florida Statutes; providing legislative purpose; amending s. 604.17, Florida Statutes; deleting obsolete language; amending s. 604.13(3), (4), Florida Statutes, and adding subsection (5) to said section; prescribing information to be furnished on applications for a license as an agricultural products dealer; amending s. 604.19, Florida Statutes; prescribing the period a license is effective; prescribing the amount of license fees and penalties for delinquent license renewal; amending s. 604.20(1), (3), Florida Statutes, 1978 Supplement; prescribing the condition of agricultural products dealer bonds; requiring a new and separate bond annually for license renewal; providing for review of records of an applicant or licensee; making failure to provide information or make records available grounds for suspension or revocation of license; amending s. 604.21, Florida Statutes, 1978 Supplement; prescribing procedures with respect to complaints filed with the Department of Agriculture and Consumer Services concerning a dealer's failure to make payments; authorizing the department to order payment; providing for distribution of the proceeds of the dealer's bond; providing for suits by complainants to recover proceeds of the bonds; providing for court costs and attorney's fees; amending s. 604.211, Florida Statutes; limiting licensee's right to consign products of the producer; amending s. 604.22, Florida Statutes; requiring licensee to maintain records of transactions and prescribing times for dealer to make account of sale and payment to producer; repealing s. 604.24, Florida Statutes, which section provides for the inspection of spoiled or unmarketable products; reviving and readopting provisions of chapter 604, Florida Statutes, as amended, relating to agricultural products dealers, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing for repeal of ss. 604.15-604.23, 604.25, 604.27-604.30, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Sub Amendment 1—On page 3, line 18, insert: after the comma after the word tobacco "tropical foliage,"

Amendment 2—On page 2, line 22, after the colon ":" insert: Section 1. Section 581.188, Florida Statutes, is created to read: 581.188 Sale of cypress products prohibited without permit.—No person shall sell or offer for sale articles made from unfinished cross-sectional slabs cut from the buttress of trees of the species *taxodium distichum*, commonly known as cypress, without first obtaining a permit from the Department of Agriculture and Consumer Services, pursuant to s. 581.185. This section shall not apply to the owner of the property on which the cypress trees are growing.

(and renumber subsequent sections)

Amendment 3—On page 1, line 3 in title after the semicolon ";" insert: creating s. 581.188, Florida Statutes; prohibiting the sale or offering for sale of certain cypress products without a permit issued by the Department of Agriculture and Consumer Services;

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

The Honorable Philip D. Lewis, President

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

By Senator Barron and others—

SB 1285—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority; amending s. 2(1), chapter 72-605, Laws of Florida; increasing membership of the Authority to include the Presidents of the Student Government Associations of Florida State University and Florida A & M

University, or their respective designates; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 17, after “commissioners; or his designate” insert: *and one other member of the county commission or their designates*

Amendment 2—On page 1, line 16, strike *nine* and insert: *eleven (11)*

Amendment 3—On page 1, line 18, “after Tallahassee”, or his designate insert: *and one member of the city council of Tallahassee, or their designates*

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

SB 1285 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

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 information; 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 taken up having been reconsidered May 29.

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

Amendment 2—On page 8, line 30, and on page 9, line 15, strike “Friday” and insert: *Monday*

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

Amendment 3—On page 13, between lines 29 and 30, insert: Section 14. Subsection (1) of section 98.081, Florida Statutes, 1978 Supplement, is amended to read:

98.081 Removal of names from registration books; procedure.—

(1) During each odd-numbered year the supervisor shall mail to each elector who did not vote in any election in the county during the past 2 4 years, a form to be filled in, signed, and returned by mail within 30 days after the notice is post-marked. The form returned shall advise the supervisor whether the elector’s status has changed from that of the registration record. Names of electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. The list of the electors temporarily withdrawn shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. The supervisor shall then reinstate the name on the registration books without the elector reregistering. Notice of these requirements shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a re-registration but a method to be used for keeping the permanent registration list up to date. However, the name of any elector temporarily withdrawn from the registration books shall be removed from such books if the elector fails to respond to the notice within 3 years from the date the last such notice was mailed to him, and such person shall be required to register to have his name restored to the registration books.

(Renumber subsequent section.)

Senator Frank moved the following amendment which was adopted:

Amendment 4—On page 1, in title, line 10, after the semicolon insert: amending s. 98.081, Florida Statutes, 1978 Supplement; prescribing procedure for removal of names from the registration books;

CS for SB 968 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Myers

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

—was taken up pending roll call.

Senators Steinberg, Neal, Trask, McKnight and MacKay offered the following amendment which was moved by Senator Neal and adopted by two-thirds vote:

Amendment 1—On page 2, line 22, after the period insert: Nothing in this section shall be construed to direct the department to encourage individual sewage systems in areas where regional sewerage disposal facilities exist with sufficient capacity to serve the proposed use.

Senator Trask moved the following amendment:

Amendment 2—On page 1, line 18, insert:

Section 1. Subsection (6) is added to section 403.853, Florida Statutes, to read:

403.853 Drinking water standards.—

(6) Upon request of the owner or operator of a noncommunity water system serving businesses, other than restaurants or other public food service establishments, and using groundwater as a source of supply, the department, or a local county health unit designated by the department, shall perform a sanitary survey of the facility. Upon receipt of satisfactory survey results according to department criteria, the department shall reduce the requirements of said owner or operator from monitoring and reporting on a quarterly basis to performing these functions on an annual basis. Any revised monitoring and reporting schedule approved by the department under this subsection shall apply until such time as a violation of applicable state or federal primary drinking water standards is determined, by the system owner or operator, by the department, or by an agency designated by the department, after a random or routine sanitary survey. Certified operators shall not be required for noncommunity water systems of the type and size covered by this subsection. Any reports required of such system shall be limited to the minimum as required by federal law. When not contrary to the provisions of federal law, the department may, upon request and by rule, waive additional provisions of state drinking water regulations for such systems.

(Renumber subsequent sections.)

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

Amendment 2A—On page 1, line 20 strike: "shall" and insert: may

Amendment 2 as amended was adopted by two-thirds vote.

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

Amendment 3—On page 2, between lines 22 and 23, insert:

Section 3. Subsection (8) of section 381.272, Florida Statutes, is amended to read:

381.272 Individual sewage disposal facilities; installation; condition.—

(8) Notwithstanding any rule or other provisions of this chapter, all undeveloped residential lots platted prior to 1972, unless public sewage disposal facilities are available, may be developed with a minimum distance of 75 feet between any private well and an individual sewage disposal system, or with a public water supply and an individual sewage disposal system, provided that all soil condition, water table elevation, and other nondistance-related requirements of Chapter 10D-6, Florida Administrative Code, are met and that such development is done only after written notification of such intended development to the health department of the county in which such lots are situated. However, in hardship cases the Department of Health and Rehabilitative Services may grant variances of the 75-foot minimum distance requirement contained in this subsection in cases involving minor deviations when it is clearly shown that the public health will not be impaired or that pollution of ground waters will not result.

Renumber subsequent sections.

Senator Trask moved the following amendment which was adopted:

Amendment 4—On page 1, in title, strike all of line 2 and insert: An act relating to environmental control; adding s. 403.853(6), Florida Statutes; providing for modifications of certain drinking water regulations for noncommunity water

systems serving certain businesses using less than a specified amount of groundwater daily;

Senator Henderson moved the following amendment which was adopted:

Amendment 5—On page 1, in title, line 15, insert after the word "systems;": amending s. 381.272(8), Florida Statutes, providing that variances may be granted in cases of hardship for development of certain residential lots;

CS for SB 1168 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gordon	Neal	Steinberg
Anderson	Gorman	Peterson	Stuart
Barron	Henderson	Poole	Thomas
Carlucci	Hill	Scarborough	Tobiassen
Childers, W. D.	Holloway	Scott	Trask
Dunn	MacKay	Skinner	Williamson
Fechtcl	McClain	Spicola	

Nays—8

Chamberlin	Frank	Jenne	McKnight
Childers, D.	Grizzle	Johnston	Winn

Votes after roll call:

Yea—Myers

Yea to Nay—MacKay, Spicola

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

Yeas—23

Mr. President	Gorman	Myers	Tobiassen
Anderson	Grizzle	Neal	Trask
Barron	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Johnston	Spicola	Williamson
Fechtcl	McClain	Thomas	

Nays—12

Carlucci	Gordon	McKnight	Steinberg
Chamberlin	Holloway	Scarborough	Stuart
Frank	Jenne	Scott	Winn

Vote after roll call:

Yea to Nay—Myers

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 taken up with pending Amendment 3.

Senator MacKay moved the following substitute amendment:

Amendment 4—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Subsection (5) is added to section 624.509, Florida Statutes, to read:

624.509 Premium tax; rate and computation.—

(5) From and after the effective date of this act, the premium tax authorized by this section shall not be imposed upon receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the holders of this state. Upon request by the Department of Insurance any insurer availing itself of the provision shall submit to the department evidence which establishes that the tax savings derived have been credited to holders in this state. As used in this subsection, the term "holders" shall be deemed to include employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 2. This act shall take effect July 1, 1980.

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

Amendment 4A—On page 1, line 7, following the word "state" insert: if the annuity or contract held has been issued in connection with the funding of a pension, annuity or profit-sharing plan or individual retirement account or annuity, which is qualified or exempt pursuant to Section 401, 403, 404, 408 or 501 of the United States Internal Revenue Code, as amended, and

Amendment 4 was adopted.

Senator MacKay moved the following amendment which was adopted:

Amendment 5—On page 1, strike lines 1 through 13 and insert: A bill to be entitled An act relating to premium tax; adding subsection (5) to s. 624.509, Florida Statutes, to prohibit imposition of premium tax upon receipts of annuity premiums or considerations paid by holders of annuity policies or contracts in the state; requiring that savings be passed on to holders; providing a requirement for evidence that savings have been passed on; defining the term "holder"; providing an effective date.

On motion by Senator MacKay, by two-thirds vote SB 443 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1814 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1814—A bill to be entitled An act relating to medical practice; creating chapter 458, Florida Statutes; providing intent and definitions; providing applicability of the chapter; providing for medical faculty certificates; providing for a Board of Medical Examiners and providing the membership and terms of the board; authorizing issuance of temporary licenses and providing criteria; providing for licensure by examination

and providing eligibility requirements; authorizing issuance of licenses by endorsement; authorizing issuance of limited licenses and providing requirements; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct in the practice of medicine; requiring medical organizations to provide certain notification of disciplinary actions taken against physicians and providing a penalty for noncompliance; providing that acceptance of a license constitutes agreement to certain activities relating to handwriting samples and confidentiality of medical records; providing for search pursuant to a search warrant under certain circumstances; providing for subpoena of certain records; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of medicine; providing procedures for the renewal of licenses; providing for inactive status; providing for certification of hospital residents and interns; providing duties of hospitals; providing penalties; providing for physicians' assistants and providing procedures for the approval of programs for such assistants; providing penalties; providing procedures relating to patient records and disposition of deceased practitioners' records under specified medical practice chapters; providing, for physicians and osteopathic physicians, procedures and limitations with respect to emergency treatment of minors, consent of unwed pregnant minors to medical care, and termination of pregnancy; providing penalties; providing duties of abortion referral or counseling agencies and providing penalties; providing restrictions with respect to electroconvulsive and psychosurgical procedures; authorizing physicians and osteopathic physicians to prescribe or administer laetrile or DMSO; creating s. 382.195, Florida Statutes, transferring to chapter 382 provisions relating to the reporting of terminations of pregnancies; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 458, Florida Statutes; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing an effective date.

—was read the first time by title and referred to the Committee on 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 1815 and HB 1805 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1815—A bill to be entitled An act relating to osteopathic physicians; creating chapter 459, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Osteopathic Medical Examiners and providing the membership and terms of the board; providing eligibility requirements for examination; authorizing issuance of licenses without examination; providing certain privileges and obligations of osteopathic physicians; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct in the practice of osteopathic medicine; requiring medical organizations to provide certain notification of disciplinary actions taken against osteopathic physicians and providing a penalty for noncompliance; providing that acceptance of a license constitutes agreement to certain activities relating to handwriting samples and confidentiality of medical records; providing for search pursuant to a search warrant under certain circumstances; authorizing the department to subpoena records; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of osteopathic medicine; providing procedures for the renewal of licenses; providing for inactive status; providing for rules; providing for certification of hospital residents and interns in osteopathic medicine; providing duties of osteopathic hospitals; providing penalties; providing for osteopathic physicians' assistants and providing procedures for the approval of programs for such assistants; providing penalties; providing for effect on certain rules; providing for licenses and certificates which are valid; and proceedings which are pending; on the effective date of the act; providing for repeal and legislative review; repealing chapter 459, Florida Statutes; providing an effective date.

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

By the Committee on Regulatory Reform—

HB 1805—A bill to be entitled An act relating to pharmacists; creating chapter 465, Florida Statutes, substantially revising provisions relating to pharmacists; providing intent and definitions; creating a Board of Pharmacy and providing for its membership and terms; providing for applications for examination and licensure of pharmacists; providing qualifications for examinations; providing for the registration of pharmacy interns; providing for license renewal; providing an exemption; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; authorizing the inspection for certain purposes of places where drugs are manufactured, packaged, stored or sold; authorizing the board to adopt rules; providing for the disposition of fees and for expenditures; specifying certain unlawful acts with respect to pharmacies and providing penalties therefor; requiring permits for community pharmacies and institutional pharmacies; providing for rules setting general requirements for pharmacies and providing for fees; authorizing the revocation or suspension of permits for specified reasons; prohibiting the promotion of certain drugs; authorizing the substitution of drugs under certain circumstances; providing for certain notice; specifying certain conditions upon the filling of prescriptions; authorizing pharmacists to delegate certain functions to nonlicensed supportive personnel; prohibiting the issuance of an occupational license under certain circumstances; providing for the effect of the act upon certain rules relating to pharmacists; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing for repeal and legislative review; repealing the existing chapter 465, Florida Statutes, relating to pharmacists; amending s. 893.03, Florida Statutes, revising standards and schedules under which controlled substances are regulated to encompass recent federal amendments; providing effective and expiration dates.

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

SPECIAL ORDER, continued

HCR 403—A concurrent resolution urging the United States Department of Transportation to adopt the symbols adopted by the National Fire Protection Association for display on all railroad cars transporting hazardous materials.

—was read the second time in full. On motion by Senator Don Childers, HCR 403 was adopted and certified to the House. The vote on adoption was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Myers

Consideration of SB 69 was deferred.

SB 403—A bill to be entitled An act relating to insurance; creating the Florida Life and Health Insurance Guaranty Association; providing short title and purpose; providing definitions; requiring certain insurers to participate in the association; providing that certain accounts shall be maintained by the association; providing for a board of directors; providing for election and compensation of board members; providing the duties, responsibilities, powers and functions of the association; providing for assessments and a limitation on same; providing for the submission of a plan of operation to the Department of Insurance; providing for the adoption of rules by the department if a suitable plan of operation is not submitted; prescribing the duties and powers of the Department of Insurance with regard to the association; providing certain procedures for the detection and prevention of insurer

insolvencies; providing for certain records and limited confidentiality thereof; providing that for certain purposes the association shall be deemed a creditor of an impaired or insolvent insurer; providing guidelines for the distribution of ownership rights, assets, and dividends of an insolvent or impaired insurer; providing for examination and regulation of the association by the Department of Insurance; providing for an annual report by the association to the department; providing that with the exception of real property taxes, the association is exempt from state and local taxation and fees; providing immunity for the association, its members and the Department of Insurance in performance of their duties; providing stay of proceedings and reopening of default judgments under prescribed circumstances; prohibiting advertisement of the Insurance Guaranty Association Act in the sale of insurance; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 17, lines 12-13, strike “not be considered public documents.” and insert: be exempt from the provisions of 119.07(1), Florida Statutes.

Amendment 2—On page 3, lines 24-27, strike all existing language beginning with the word “which” on line 24 through the word “jurisdiction” on line 27 and insert: authorized to transact insurance in this state, either at the time the policy was issued or when the insured event occurred, and against which an order of liquidation with a finding of insolvency has been entered by a court of competent jurisdiction, if such order has become final by the exhaustion of appellate review.

Amendment 3—On page 12, line 17, strike “2” and insert: 1

Amendment 4—On page 12, line 26, insert the following new subsection (6):

(6) Notwithstanding any provision to the contrary, no member insurer may be assessed in any 1 calendar year an amount greater than the amount which it paid to this state in the previous year as premium tax and corporate income tax on the business to which this act applies or one-tenth of one percent of written premium on such business in this state, whichever is greater.

(Renumber subsequent subsections accordingly.)

Amendment 5—On page 13, line 21, insert:

Section 9. Credits for assessments paid.—

(1) A member insurer may offset against its premium or income tax liability or liabilities to this state any assessment described in section 8(9) to the extent of 20 per cent of the amount of such assessment for each of the five calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium or corporate income tax liability or liabilities for the year it ceases doing business.

(2) Any sums acquired by refund pursuant to Section 8 (7) from the association which have theretofore been written off by contributing insurers and offset against premium or corporate income taxes as provided in subsection (1) above, and which are not needed for purposes of this act, shall be paid by the Association to the department for deposit with the state treasurer to the credit of the state general revenue fund.

(Renumber subsequent sections.)

Amendment 6—On page 22, line 25, after the period (.) insert:

Section 21. This act shall only apply to those delinquency proceedings occurring on or after the effective date of this act.

(Renumber subsequent section accordingly.)

Senator MacKay moved the following amendments which were adopted:

Amendment 7—On page 2, line 29, strike “contracts supplemental to life and health insurance policies and annuity con-

tracts" and insert: supplemental contracts with or without life contingencies

Amendment 8—On page 5, line 5, after the word "operation." insert: At all times at least one member of the board shall be a domestic insurer as defined in s. 624.06(1), Florida Statutes.

Amendment 9—On page 13, line 20, after the "." insert: However, any amount offset pursuant to section 9 shall not be shown as an asset of the insurer on any of its financial statements.

Amendment 10—On page 3, line 10, after the "." insert: (d) Fraternal benefit societies as defined in s. 632.011, Florida Statutes.

Amendment 11—On page 17, line 12-13, strike "not be considered public documents" and insert: be confidential and exempt from the provisions of 119.07(1), Florida Statutes.

Amendment 12—On page 1, line 13, after the word "same;" insert: providing for credits and conditions thereof,

On motion by Senator MacKay, by two-thirds vote SB 403 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 309—A bill to be entitled An act relating to medical negligence; creating s. 768.135, Florida Statutes; exempting certain licensed health-care providers from civil liability for services provided at free medical clinics; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Frank and adopted:

Amendment 1—On page 1, line 18, after the word "physician," insert: dentist,

On motion by Senator Frank, by two-thirds vote SB 309 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Anderson	Hill	Poole	Thomas
Carlucci	Jenne	Scarborough	Tobiassen
Childers, D.	Johnston	Scott	Trask
Childers, W. D.	MacKay	Skinner	Vogt
Frank	McKnight	Spicola	Ware
Gorman	Neal	Steinberg	Winn
Grizzle	Peterson	Stuart	

Nays—None

Votes after roll call:

Yea—Chamberlin, Holloway, Myers

By the Committee on Judiciary-Criminal and Senators Poole, Johnston and Fechtel—

CS for SB 383—A bill to be entitled An act relating to driving while under the influence of alcoholic beverages, model glue, or any controlled substance; amending s. 316.193(5), Florida Statutes, providing that anyone convicted of violating s. 316.193(1) or (3), Florida Statutes, may be referred for alcoholism evaluation and treatment, and shall assume the cost of such evaluation and treatment; providing an effective date.

—was read the first time by title and SB 383 was laid on the table.

On motion by Senator Poole, by two-thirds vote CS for SB 383 was read the second time by title.

Senator Poole moved the following amendments which were adopted:

Amendment 1—On page 2, line 31, strike "a driver improvement" and insert: an alcohol education

Amendment 2—On page 3, line 1, insert after "and": may

Amendment 3—On page 1 in title, line 7, after the words "Florida Statutes," insert: may be required to attend an alcohol education course,

On motion by Senator Poole, by two-thirds vote CS for SB 383 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Hair, Holloway

SB 354—A bill to be entitled An act relating to insurance; creating s. 627.7378, Florida Statutes; providing that deductibles for comprehensive motor vehicle insurance policies shall not apply to damage to glass; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 15, strike "glass" and insert: windshield

Senator Ware moved the following amendment which was adopted:

Amendment 2—On page 1, insert between lines 16 and 17:

Section 1. Subsection (1) of section 627.727, Florida Statutes, 1978 Supplement, is amended to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(1) No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting there-

from. However, the coverage required under this section shall not be applicable when, or to the extent that, any insured named in the policy shall reject the coverage. When a vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle in a policy wherein the lessee is a named insured or on a certificate of a master policy issued to the lessor, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage in writing, the coverage need not be provided in or supplemental to a renewal policy when the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer. The coverage provided under this section shall be ~~excess over and above~~, but shall not duplicate the benefits available to an insured under, any workmen's compensation law, personal injury protection benefits disability benefits law, or any similar law; under ~~any automobile liability or~~ automobile medical expense coverages; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. *Only the underinsured motorist's automobile liability insurance shall be set-off against underinsured motorist coverage.* Such coverage shall not inure directly or indirectly to the benefit of any workmen's compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workmen's compensation or disability benefits law or any similar law.

Section 2. The 1982 repeal of section 627.727, Florida Statutes, by chapter 76-168, Laws of Florida, as amended, shall not be affected by the amendment of that section by this act.

(Renumber subsequent sections.)

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

Amendment 3—On page 1 in title, line 6, strike "glass" and insert: windshield

On motion by Senator Trask, by two-thirds vote SB 354 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—18

Childers, D.	Hill	Scott	Trask
Childers, W. D.	Johnston	Skinner	Ware
Gorman	McKnight	Steinberg	Williamson
Grizzle	Peterson	Thomas	
Henderson	Scarborough	Tobiassen	

Nays—13

Mr. President	Frank	Neal	Winn
Carlucci	Holloway	Spicola	
Chamberlin	Jenne	Stuart	
Fechtel	MacKay	Vogt	

Vote after roll call:

Yea—Hair

Senator Barron moved that the Senate reconsider the vote by which SB 354 passed.

Consideration of the motion was deferred.

SB 550—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.03(2), (3), Florida Statutes, and adding subsection (4) to said section; providing that such authority consist of eight members; providing that the mayor of the City of Jacksonville appoint seven of the members; providing that the district engineer of the Department of Transportation be an eighth nonvoting, ex officio member; limiting the number of terms of voting members; requiring members to file full and public disclosure of their financial interests; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike lines 24-26 and insert: of seven members. Three members shall be appointed by the Governor and confirmed by the Senate. Three members shall be

Amendment 2—On page 1, strike lines 29-31 and on page 2, strike lines 1-8 and insert: seventh member shall be the district engineer of the Department of Transportation serving the Second Congressional District. Except for the seventh member, members shall be residents and qualified electors of the City of Jacksonville. The ~~five present~~ members of the authority holding office on ~~July 1, 1979~~ ~~September 1, 1971~~ shall continue in office until the expiration of their terms as if this section were not in effect, to insure staggered terms, and their successors shall thereafter be appointed by either the mayor or the Governor, whichever appointed the retiring member. ~~The mayor and the~~

Amendment 3—On page 2, strike lines 13-18 and insert: (3) The terms of appointed members ~~hereafter appointed~~ shall be for 4 years deemed to have commenced on June 1 of the year in which they are appointed. *No appointed member shall serve more than two terms, provided that any appointed member holding office on July 1, 1979, shall be exempt from such two term limitation.* Each member shall hold office until his successor has been appointed and has qualified. A vacancy during a term shall be filled by the respective appointing

Amendment 4—On page 3, strike lines 8-11

Amendment 5—On page 1 in title, strike lines 6-14 and insert: such authority shall consist of seven members; providing for the appointment of members by the Governor and Mayor of the City of Jacksonville; limiting the terms of appointed members; providing an

On motion by Senator Carlucci, by two-thirds vote SB 550 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	McKnight	Thomas
Anderson	Grizzle	Neal	Tobiassen
Carlucci	Hair	Peterson	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtel	MacKay	Steinberg	
Frank	McClain	Stuart	

Nays—None

By the Committee on Ways and Means and Senators MacKay and Skinner—

CS for CS for SB 645—A bill to be entitled An act relating to the J. Hillis Miller Health Center; amending s. 241.471, Florida Statutes; providing for the organization of the J. Hillis Miller Health Center; authorizing the State Board of Education to lease the Shands Teaching Hospital and Clinics to a non-profit corporation organized solely for certain specified purposes; specifying the contents of the lease or agreement between the board and the nonprofit corporation; providing conditions under which the State Board of Education may increase, remodel, or renovate the hospital facilities; transferring funds appropriated and accumulated trust funds from the Shands Teaching Hospital and Clinics to the J. Hillis Miller Health Center; providing an appropriation; repealing ss. 241.096, 241.097, Florida Statutes, relating to the establishment of the Schools of Dentistry and Veterinary Medicine at the University of Florida; repealing chapter 78-314, Laws of Florida, authorizing the establishment of a capital construction trust fund by the Shands Teaching Hospital; providing severability; providing an effective date.

—was read the first time by title and CS for SB 645 and SB 645 were laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for CS for SB 645 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

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

Nays—None

Votes after roll call:

Yea—Hair, Myers

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

CS for SB 952—A bill to be entitled An act relating to medical assistance for needy persons; adding s. 409.266(5), Florida Statutes, 1978 Supplement; requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate s. 409.266, Florida Statutes, 1978 Supplement, as amended, in the cross-reference thereto; providing an effective date.

—was read the first time by title and SB 952 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 952 was read the second time by title.

Pending further consideration of CS for SB 952, on motions by Senator Gordon, by two-thirds vote CS for HB 506 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means.

On motion by Senator Gordon—

CS for HB 506—A bill to be entitled An act relating to medical assistance for needy persons; adding subsection (5) to s. 409.266, Florida Statutes, 1978 Supplement, requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate the addition of subsection (5) to s. 409.266 in a reference thereto; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 952 and read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, lines 16-30, and on page 2 lines 1-31, and on page 3, lines 1-23, strike all of said lines and insert:

Section 1. Subsection (5) is added to section 409.266, Florida Statutes, 1978 Supplement, to read:

409.266 Medical assistance.—

(5) The following services may also be provided in addition to the federally required Medicaid services, provided that the department promulgates and enforces rules requiring appropriate program monitoring or prior authorization and review of services, coinsurance, bulkpurchasing where fiscally beneficial, written certification from providers that services were rendered, and other procedures necessary to prevent fraud and abuse in the utilization of these services:

(a) Those services of a licensed dentist required for the dispensing of dentures.

(b) Dentures made by or under the direction of a licensed dentist.

(c) The services of a licensed physician specializing in diseases of the eye, or of a licensed optometrist, that are required for the prescribing of eyeglasses.

(d) Eyeglasses and the repair of eyeglasses prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist; provided, however, that only one pair of eyeglasses may be issued to any Medicaid recipient during a 2-year period, unless an exception to this limitation is made by the department on a case-by-case basis, in accordance with the provisions of the rules required under this subsection.

(e) The services of a licensed otolaryngologist, otologist, or audiologist upon referral of a physician, that are required to determine hearing aid candidacy. Provided, however, that if, in the opinion of the department, the services of the aforementioned professionals are unavailable, the department may authorize a physician to determine hearing aid candidacy.

(f) Hearing aids and the dispensing, service, and repair of hearing aids provided by a person licensed to fit and sell hearing aids. Provided, however, that no hearing aid shall be made available to a Medicaid recipient under this section unless the candidacy for a hearing aid has been determined by an otolaryngologist, otologist, audiologist upon the referral of a physician, or physician as provided in this subsection; provided also that dispensing, services, and repair of hearing aids shall be purchased based on bids let by the department at the district, subdistrict, or service network level. However, only one hearing aid may be issued to any Medicaid recipient during a 3-year period, unless an exception to this limitation is made by the department, on a case-by-case basis, in accordance with the provisions of the rules required under this subsection.

(g) The services of a licensed physical therapist or person under the direction of a physical therapist when providing physical therapy prescribed by a licensed physician.

(h) Supplies and equipment required by a physical therapist or person under the direction of a physical therapist when providing physical therapy prescribed by a licensed physician.

The department shall periodically review expenditures for these services, and if expenditure trends indicate a higher rate of utilization than can be funded by the current appropriation for these services, the secretary is authorized, after providing 2 weeks' notice to participating providers and eligible recipients, to either temporarily or permanently terminate reimbursement for these services. All providers and recipients of these services shall be subject to the penalty provisions of s. 409.325 regarding Medicaid fraud. Except as provided in this subsection, the department shall not require copayment or coinsurance or Medicaid services without legislative authorization.

Section 2. For the purpose of incorporating section 409.266, Florida Statutes, 1978 Supplement, as amended by this act, in the cross-reference thereto, subsection (10) of section 409.345, Florida Statutes, 1978 Supplement, is reenacted to read:

409.345 Public assistance payments to constitute debt of recipient.—

(10) PUBLIC ASSISTANCE.—For the purposes of this section, the term "public assistance" shall include all money payments made to or on behalf of a recipient, including, but not limited to, assistance received under ss. 409.235, 409.255, and 409.266 and mandatory and optional supplement payments under the Social Security Act.

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

Amendment 2—On page 1, line 22, after the word "appropriate" insert: program monitoring or

Amendment 3—On page 1, line 23, after the word "purchasing" and before the comma (,) insert: where fiscally beneficial

Amendment 4—On page 2, line 23, after the word "subsection" insert: ; provided also that dispensing, services and repair of hearing aids shall be purchased based on bids let by the department at the district, subdistrict, or service network level

Amendment 5—On page 2, line 29, insert: *(g) The services of a licensed physical therapist or person under the direction of a physical therapist when providing physical therapy prescribed by a licensed physician.*

(h) Supplies and equipment required by a physical therapist or person under the direction of a physical therapist when providing physical therapy prescribed by a licensed physician.

Amendment 6—On page 3, line 7, after the word "fraud." insert: *Except as provided in this subsection, the department shall not require coinsurance or copayment on Medicaid services without legislative authorization.*

Amendment 7—On page 1 in title, strike lines 1-12 and insert: A bill to be entitled An act relating to medical assistance for needy persons; adding s. 409.266(5), Florida Statutes, 1978 Supplement; requiring the Department of Health and Rehabilitative Services to provide certain medical services and supplies to eligible recipients of Medicaid under certain conditions; reenacting s. 409.345(10), Florida Statutes, 1978 Supplement, to incorporate s. 409.266, Florida Statutes, 1978 Supplement, as amended, in the cross-reference thereto; providing an effective date.

On motion by Senator Gordon, by two-thirds vote CS for HB 506 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for SB 952 was laid on the table.

Consideration of CS for HB 60 was deferred.

Senator Trask presiding

On motion by Senator Spicola, by unanimous consent—

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

—was taken up and read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 1313 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

HB 1668—A bill to be entitled An act relating to alcoholic beverages; creating s. 561.66, Florida Statutes, providing legislative intent with respect to the application of beverage law

within Indian reservations or land held in trust for Indians; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1668 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The President presiding

By the Committee on Health and Rehabilitative Services and Senators Gordon and Scarborough—

CS for SB 1255—A bill to be entitled An act relating to public health; providing for the creation of "hospice" programs to be administered by the Department of Health and Rehabilitative Services; describing the nature of services to be offered; amending s. 381.493(2), (3)(d) and (e), Florida Statutes, 1978 Supplement, and adding a paragraph (3)(o) thereto, to include hospice programs within provisions relating to health facilities and health services planning; amending s. 381.494(1)(b), (3)(a) and (5)(c), Florida Statutes, and adding a new subsection thereto, to include hospices within provisions relating to applications for a certificate of need for health-related projects; amending s. 381.495(1), Florida Statutes, to include hospices within provisions relating to the issuance of licenses pursuant to consideration of the certificate of need; providing an effective date.

—was read the first time by title and SB 1255 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 1255 was read the second time by title.

Senator Vogt moved the following amendment which failed:

Amendment 1—On page 17, between lines 6-7 insert the following: Section 19. Part I of Chapter 154, Florida Statutes, relating to county public health units, is repealed October 1, 1980.

(Renumber subsequent sections.)

On motion by Senator Gordon, by two-thirds vote CS for SB 1255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Gorman, Henderson

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

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

—was read the second time by title.

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

Amendment 1—On page 7, line 9, following the word “appropriated” insert: from the general revenue fund.

On motion by Senator Trask, by two-thirds vote HB 1597 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Special Ceremony

Senator Trask escorted artists Lewis Watking and James Davidson, owners of Boxwood Gallery in Hernando County, to the rostrum where they presented to the President framed artwork entitled “Heritage—Old and New” which was commissioned by Mr. and Mrs. William R. De Witt and the Boxwood Gallery on behalf of the people of Hernando County particularly for Governor Bob Graham, Lt. Governor Wayne Mixson and members of the Florida Senate and the Florida House of Representatives.

CS for HB 60—A bill to be entitled An act relating to retirement benefits; providing that public officers and employees may forfeit certain rights and benefits under state and local retirement systems upon conviction of any felony involving a breach of public trust; providing procedures for determination by the court whether a felony is one involving a breach of public trust and whether retribution is necessary; repealing s. 121.091(5)(f) and (h), Florida Statutes, which provide for forfeiture of retirement benefits under the Florida Retirement System under certain circumstances; providing an effective date.

—was read the second time by title.

Senators Carlucci and Dunn offered the following amendments which were moved by Senator Carlucci and adopted:

Amendment 1—On page 1, strike all of lines 26-28 and insert: conviction for any felony committed by a public officer who willfully and with intent to defraud the public or the public agency for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position.

Amendment 2—On page 3, line 31, insert: Section 3. Any person who is convicted of a felony involving a breach of public trust is guilty of a felony of the third degree punishable as provided in ss. 775.082, 775.083, and 775.084.

(Renumber subsequent section.)

Amendment 3—On page 1 in title, line 14, after the semicolon insert: providing a penalty for conviction of a felony involving a breach of public trust;

On motion by Senator Carlucci, by two-thirds vote CS for HB 60 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Neal

HB 1570—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.503, Florida Statutes; providing a simplified procedure for the remedy of unfair labor practices by the commission; creating s. 447.5035, Florida Statutes, providing for enforcement of all commission orders by the circuit courts; amending s. 447.504, Florida Statutes, clarifying procedures for judicial review of commission orders; repealing s. 447.507(7), Florida Statutes, deleting redundant and contradictory references to enforcement of commission orders; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1570 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—McKnight

By the Committee on Commerce and Senators Hair and Dunn—

CS for CS for SB 509—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Law; amending s. 501.203, Florida Statutes; redefining the terms, “consumer transaction” and “enforcing authority”; 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, 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 subsection (6) to said section; creating s. 501.2101, Florida Statutes; providing for attorney’s fees and cost awards and 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; providing an effective date.

—was read the first time by title and SB 509 and CS for SB 509 were laid on the table.

On motions by Senator Hair, by two-thirds vote CS for CS for SB 509 was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 3, line 11, after the word “child,” insert: *by and through its parent or legal guardian,*

Pending further consideration of CS for CS for SB 509 as amended, on motion by Senator Hair, by two-thirds vote CS for HB's 625 and 1352 was withdrawn from the Committees on Economic, Community and Consumers Affairs; and Commerce.

On motion by Senator Hair—

CS for HB's 625 and 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.

—a companion measure, was substituted for CS for CS for SB 509 and read the second time by title.

Senator Williamson moved the following amendment which was adopted:

Amendment 1—On page 4, line 8, after the words “may have occurred.” insert: *The party charged shall not be prevented from offering testimony or other evidence to rebut the complaint at the administrative hearing.*

On motion by Senator Hair, by two-thirds vote CS for HB's 625 and 1352 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for CS for SB 509 was laid on the table.

HB 315—A bill to be entitled An act relating to the state gem; amending s. 15.034, Florida Statutes, to redesignate the state gem; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 8, strike everything after the enacting clause and insert: Section 1. Section 15.040, Florida Statutes, is created to read:

15.040 State stone designated.—Agatized coral, a chalcedony pseudomorph after coral, appearing as limestone geodes lined with botryoidal agate or quartz crystals, and drusy quartz fingers, indigenous to the State of Florida, is hereby designated the Florida state stone.

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

Amendment 2—On page 1 in title, strike all of lines 2 through 4 and insert: An act relating to the state stone; creating s. 15.040, Florida Statutes; designating agatized coral as the state stone; providing an effective date.

On motion by Senator Frank, by two-thirds vote HB 315 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motions by Senator Frank, the rules were waived and by two-thirds vote SB 530 was withdrawn from the committees of reference and indefinitely postponed.

SB 856—A bill to be entitled An act relating to uniform traffic control; adding subsection (4) to s. 316.008, Florida Statutes; providing that violation of any ordinance regulating parking adopted by a local authority shall be a violation of chapter 316, Florida Statutes, and subject to the penalties provided therefor; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsections (3), (4) and (5) are added to s. 316.1945, Florida Statutes, to read:

316.1945 Stopping, standing or parking prohibited in specified places.—

(3) A law enforcement officer, or parking enforcement specialist, who discovers a vehicle parked in violation of this section, a county ordinance, or a state or county regulation shall:

(a) Issue a citation on a form as may be used by a political subdivision or municipality, to the driver; or

(b) If the vehicle is unattended, attach such citation to the vehicle in a conspicuous place.

(4) If the vehicle is unattended, the registered owner of the vehicle is presumed to be the person receiving the citation.

(5) If the vehicle is unattended, the registered owner of the vehicle shall be presumptively responsible and liable under this section, except to the extent of and under the provisions of s. 316.1967.

Section 2. Section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations, enforcement.—

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violations unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle. The owner of the vehicle is not responsible for parking ticket violations if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) Any person issued a county or municipal parking ticket by a parking enforcement specialist or officer shall be deemed

to be charged with a noncriminal violation and shall comply with the directions on the ticket. In the event that payment is not received, or a response to the ticket is not made within the time period specified thereon, the county court, or its traffic violations bureau, shall notify the registered owner of the vehicle which was cited by certified mail. Upon receipt of the notification, the registered owner shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive and any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed \$100 plus court costs.

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

Amendment 2—On page 1 in title, strike lines 3 through 8 and insert: adding subsections (3), (4), and (5) to s. 316.1945, Florida Statutes; providing procedures for the issuance of citations for parking violations; adding subsections (2) and (3) to s. 316.1967, Florida Statutes; providing that persons issued a parking citation shall be charged with a traffic infraction; providing for notification of the owner by the court; providing for waiver of right to civil penalty provisions in certain cases; providing an effective date.

Pending further consideration of SB 856 as amended, on motions by Senator McKnight, by two-thirds vote CS for HB's 212 and 1276 was withdrawn from the Committees on Transportation and Judiciary-Civil.

On motion by Senator McKnight—

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.

—a companion measure, was substituted for SB 856 and read the second time by title.

Senators Holloway and Williamson offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 1—On page 1, lines 27-31, and on page 2, lines 1-4, strike all of said lines.

On motion by Senator McKnight, by two-thirds vote CS for HB's 212 and 1276 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 856 was laid on the table.

SB 865—A bill to be entitled An act relating to housing; providing for the creation, administration, and financing of a state program for the establishment of neighborhood housing services programs; providing definitions; establishing a Neighborhood Housing Services Grant Fund within the State Treasury to be administered by the Department of Community Affairs; providing an appropriation; specifying eligible applicants and

activities; specifying the duties of the department; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 865 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Neal

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 1029 was withdrawn from Ways and Means Subcommittee E; and the Committee on Ways and Means.

On motion by Senator Thomas, the rules were waived and by two-thirds vote SB 710 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

SPECIAL ORDER, continued

HB 1592—A bill to be entitled An act relating to the mortgage brokerage act; amending s. 494.044(1), Florida Statutes, providing for the payment of claims against mortgage brokers or mortgage solicitors; providing notice limitations; amending s. 494.08(3), (4), and (7), Florida Statutes, deleting the requirement that certain costs and expenses be included in the mortgage fee and costs therefor; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 3, line 11, strike everything after the period (.) and insert: Section 494.081, Florida Statutes, is amended to read:

494.081 Fees and charges not deemed interest or finance charge.—

(1) All fees and charges authorized by this act and received by a mortgage broker or mortgage solicitor licensed under this act shall not be deemed as interest or finance charges, but a licensed broker lending its own funds shall be subject to the provisions of chapter 687. A licensed mortgage broker who lends the funds of an affiliate lender shall not be deemed to be in violation of chapter 687, unless the department determines that the purpose of such action is designed to avoid the provisions of chapter 687. The department shall adopt rules for this section.

(2) When a mortgage broker or mortgage solicitor lends his own funds and charges the fees or commissions authorized by this act, those fees or commissions shall not be considered interest for the purposes of chapter 687 if such mortgage broker or mortgage solicitor assigns the loan to another lender within 90 days from the date the loan was made. Upon request, a licensee shall furnish to the department a written statement of ownership to determine compliance with this subsection.

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

Amendment 2—On page 1 in title, line 10, after the semicolon (;) insert:

amending s. 494.081, Florida Statutes; providing that brokerage fees or commissions shall not be considered interest when mortgage brokers or solicitors lend their own funds under certain conditions; requiring licensees to furnish written statements of ownership upon demand of the Department of Banking and Finance;

On motion by Senator Thomas, by two-thirds vote HB 1592 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 1103—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.051, Florida Statutes; providing definitions; providing that blind licensees shall be given first opportunity to participate in the operation of vending stands on state property; providing duties of the Division of Blind Services of the Department of Education relating to establishing vending stands; providing certain notice requirements; providing that income from vending machines accrue to the blind licensee or if none to the division; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 21, strike "Needy" and insert: Eligible

Amendment 2—On page 2, line 5, before the period (.) insert: , but does not include any building or land under the control of the Board of Regents

Senator Grizzle moved the following amendment:

Amendment 3—On page 3 between lines 17 and 18, insert: Section 2. Paragraph (a) of subsection (2) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Public Schools.
2. Division of Vocational Education.
3. Division of Community Colleges.
4. Division of Universities.
5. Division of Blind Services.
6. *Division of Vocational Rehabilitation.*

Section 3. All powers and duties of the Department of Health and Rehabilitative Services under parts II and III of chapter 413, Florida Statutes, are transferred by a type four transfer as defined in s. 20.06(4), Florida Statutes, to the Division of Vocational Rehabilitation of the Department of Education, and the advisory council on spinal cord injuries of the Department of Health and Rehabilitative Services created by s. 413.605, Florida Statutes, is transferred by a type one transfer as defined in s. 20.06(1), Florida Statutes, to said division.

Section 4. Subsection (1) of section 413.20, Florida Statutes, is amended to read:

413.20 Definitions.—In ss. 413.20-413.45:

(1) "~~Division~~" "~~Department~~" means the *Division of Vocational Rehabilitation of the Department of Education Health and Rehabilitative Services*;

Section 5. Section 322 of chapter 77-147, Laws of Florida, is hereby repealed, and section 413.45, Florida Statutes, 1975, is reenacted and amended to read:

413.45 Reports of the Division of Vocational Rehabilitation.—The Division of Vocational Rehabilitation shall prepare at the end of each fiscal year for submission to the Department of ~~Education Health and Rehabilitative Services~~ a report showing the activities of the division, the number of handicapped persons served, the effects of such service, the expenditures made in carrying out the purposes of this law, and the funds necessary for the succeeding year; the division shall also make recommendations to the department relative to rehabilitation services which it believes necessary to improve the economic conditions of Florida's handicapped citizens.

Section 6. Subsection (1) of section 413.47, Florida Statutes, is amended to read:

413.47 Definitions.—As used in ss. 413.46-413.49;

(1) "~~Division~~" "~~Department~~" means the *Division of Vocational Rehabilitation of the Department of Education Health and Rehabilitative Services*.

Section 7. Subsection (2) of section 413.49, Florida Statutes, is amended to read:

413.49 Duties and responsibilities of the ~~division department~~—

(2) The ~~division department~~ shall refer severely disabled persons to ~~appropriate divisions of the department and other appropriate~~ state agencies to assure that rehabilitative services, if desired, are obtained by the severely disabled person.

Section 8. Subsection (1) of section 413.501, Florida Statutes, is amended to read:

413.501 Definitions; ss. 413.50-413.504.—When used in ss. 413.50-413.504, unless the context clearly requires otherwise:

(1) "~~Division~~" "~~Department~~" means the *Division of Vocational Rehabilitation of the Department of Education Health and Rehabilitative Services*.

Section 9. Subsections (1) and (2) of section 413.602, Florida Statutes, are amended to read:

413.602 Definitions.—As used in this act:

(1) "~~Division~~" "~~Department~~" means the *Division of Vocational Rehabilitation of the Department of Education Health and Rehabilitative Services*.

(2) "~~Department~~" "~~Secretary~~" means the *secretary of the Department of Education Health and Rehabilitative Services*.

Section 10. Section 413.603, Florida Statutes, is amended to read:

413.603 Establishment of a plan for a system of treatment for persons with spinal cord injuries.—The ~~division department~~ shall ~~have supervision of the develop~~ a plan for the establishment of a multilevel treatment program for persons with spinal cord injuries and ~~present the plan to the secretary for review by March 1, 1977~~. The plan shall contain at least the following components:

(1) Establishment of an emergency medical evacuation system which shall include the operation and implementation of an emergency transport system in order that persons with spinal cord injuries can be transported to an intensive trauma care center on a timely basis.

(2) Establishment of intensive trauma care centers which will provide as a minimum:

(a) The administration of preventive treatment to persons with spinal cord injuries to prevent paralysis, save lives, and

stabilize the person's medical condition so that he can be transferred as soon as possible to a rehabilitation center for further rehabilitation.

(b) The appropriate number of centers to be developed according to need. Each facility shall consist of a special medical unit with appropriate professional personnel and expertise.

(3) Establishment of rehabilitation centers to provide rehabilitation services for persons transferred from the intensive trauma care center and for other persons with spinal cord injuries requiring rehabilitation services. Such centers shall be located according to need and shall be equipped with the appropriate staff component to meet the specialized rehabilitation needs of persons with spinal cord injuries.

(4) Establishment of an appropriate number of halfway houses for individuals who need attendant care, who are in adjustment periods, who require a structured environment, or who are in retraining or educational programs. All residents shall use the halfway house as a temporary measure and not as a permanent home or domicile.

(5) Residents of any of the above-cited facilities shall pay a monthly fee based on ability to pay.

Section 1. Subsections (1) and (2) of section 413.605, Florida Statutes, are amended to read:

413.605 Advisory council on spinal cord injuries.—

(1) There is created within the ~~division~~ department an advisory council on spinal cord injuries composed of five appropriate professionals, with expertise in areas related to the care and rehabilitation of individuals with spinal cord injuries, and six individuals with spinal cord injuries.

(2) Members of the council shall be appointed by the ~~State Board of Education secretary~~ and shall serve for terms of 4 years; ~~except that five members of the first appointed council shall serve for 2 years.~~

Section 12. In editing manuscript for the next edition of the official Florida Statutes, the Division of Statutory Revision of the Joint Legislative Management Committee shall change "Department of Health and Rehabilitative Services" or "department" to "division" wherever the same appear in parts II and III of chapter 413, Florida Statutes.

Section 13. The five members of the advisory council on spinal cord injuries appointed for 2-year terms by the Secretary of the Department of Health and Rehabilitative Services under the provisions of s. 413.605, Florida Statutes, shall continue in office until the expiration of their terms, at which time members shall be appointed to the council for 4-year terms by the State Board of Education as provided by s. 413.605, Florida Statutes, as amended by this act.

Section 14. Subparagraph e. of subparagraph 2. of paragraph (c) of subsection (3) of section 20.19, Florida Statutes, is hereby repealed.

Re-number subsequent sections.

Senator Johnston raised a point of order that Amendment 3 was not germane to the bill as it would amend Section 20.15, Florida Statutes, and SB 1103 addresses Section 413.051, Florida Statutes.

The President deferred ruling and requested Senator Barron, chairman of the Committee on Rules and Calendar, to research the point and advise the President.

Senator Poole moved the following amendment which failed:

Amendment 4—On page 3, strike all of line 18 and insert: Section 2. Section 239.455, Florida Statutes, is created to read:

239.455 Florida Legislative Scholars Awards Program.—

(1) There is created the Florida Legislative Scholars Awards Program. Each Florida high school student shall be eligible to receive a Florida Legislative Scholars Award who:

(a) Has been recognized by the National Merit Scholarship Program as a national merit scholar, or as a finalist, semi-finalist, commended student, or achievement scholar.

(b) Has resided in this state for at least 24 consecutive months prior to enrolling on a full-time basis in an accredited public university or community college in this state as a first time in college student.

(2) Each student who is eligible for a Florida Legislative Scholars Award and who attends on a full-time basis an accredited public university or community college in this state as a first time in college student shall be granted a waiver of tuition and registration fees by that institution upon a proper showing by the student that he is eligible for such award.

(3)(a) Beginning in the fall of 1979 and thereafter, each merit scholar who enrolls on a full-time basis in an accredited public university in this state as a first time in college student shall, in addition to a tuition waiver, receive funds from the Florida Legislative Scholars Trust Fund sufficient to enable him to pay for his university housing and meals. Any funds remaining after all merit scholars have received funds sufficient to pay for their university housing and meals, may be distributed to the merit scholars for the purchase of required textbooks.

(b) After the distribution of funds to merit scholars pursuant to paragraph (a), any remaining trust funds may be distributed to any finalist who enrolls on a full-time basis in an accredited public university in this state as a first time in college student who is eligible to receive a Florida Legislative Scholars Award in the same manner as the trust funds were distributed to merit scholars.

(4) A recipient of a Florida Legislative Scholars Award shall maintain the equivalent of a 3.2 average on a 4.0 scale, and shall make reasonable progress as determined by the rules of the Florida Student Financial Assistance Commission of the Department of Education to be eligible for continuation of the award. If a recipient's average drops below 3.2 or its equivalent, the benefits of the award shall be discontinued until such time as this average is again reached, with no retroactive payments for ineligible periods. No student may receive a Florida Legislative Scholars Award for more than the equivalent of 8 semesters or 12 quarters. The award may be renewed on an annual basis upon a showing by the recipient that he meets the necessary qualifications.

(5) From the funds generally known as the vending machine or concession trust fund, each university shall retain \$1 per student for the 4 quarter average of the FTE students enrolled during the academic year or \$10,000, whichever is greater. The funds remaining shall be deposited in the Florida Legislative Scholars Trust Fund which is established for the purposes of this act.

(6) The Department of Education shall administer the Florida Legislative Scholars Awards Program and shall distribute funds from the Florida Legislative Scholars Trust Fund pursuant to rules adopted by the State Board of Education.

Section 3. This act shall take effect July 1, 1979, except that this section and section 2 shall take effect upon becoming law.

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

Amendment 5—On page 1 in title, line 13, after the semicolon (;) insert: providing exceptions;

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

AFTERNOON SESSION

The Senate was called to order by Senator Trask at 2:00 p.m. A quorum present—37:

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

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 amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 1449 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gersten—

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

House Amendment 1 to Senate Amendment 1—On pages 1 & 2, strike all of Section 2 and insert the following: Section 2. Subsections (1) and (2) and paragraph (c) of subsection (7) of Section 443.06, Florida Statutes, 1978 Supplement, are amended to read:

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

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

(a) Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause and until such individual has become reemployed and has earned wages equal to or in excess of 17 1/10 times his weekly benefit amount; good cause as used in this subsection shall include only such cause as is attributable to the employer or consists of illness or disability of the individual requiring separation from his employment. An individual shall not be disqualified under this subsection for voluntarily leaving temporary employment to return immediately when called to employment by the permanent employer who temporarily terminated his employment within the previous 6 calendar months.

(b) Disqualification for being discharged for misconduct connected with his work shall continue for the full period of unemployment next ensuing after having been discharged and until such individual has become reemployed and has earned wages not less than 17 1/10 times his weekly benefit amount and for not more than 52 weeks which immediately follow such week, as determined by the 3division in each case according to the circumstances in each case or the seriousness of the misconduct, pursuant to rules of the 3division enacted for determinations of disqualification 1[for] benefits for misconduct.

(2) If the 3division finds that the individual has failed without good cause either to apply for available suitable work with the 3division or to accept suitable work when offered to him by an employment office, the 3division, or an employing unit or to return to his customary self-employment when so directed by the 3division, such disqualification shall continue for the week in which such failure occurred and for not more than 5 weeks immediately following such week, or a reduction by not more than 3 weeks from the duration of benefits, as determined by the 3division in each case. However, disqualification under this subsection shall continue for the full period of unemployment next ensuing after he has failed without good cause either to apply for available suitable work, or to accept suitable work, or to return to his customary self-employment, pursuant to this subsection, and until such individual has become reemployed and has earned wages equal to or in excess of 17 1/10 times his weekly benefit amount. The 3division shall by rule provide criteria for determining the suitability of work, as used in this section; however, the duration of a claimant's unemployment shall be considered in determining the suitability of work, including the suitability of proposed rates of compensation for available work. Further, suitable work shall be a job which pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing after the individual has received 25 weeks of benefits in a single year.

(a) In determining whether or not any work is suitable for an individual, the 3division shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local

work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(7) If the 3division finds that the individual is an alien, unless such alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality Act), provided that any modifications to the provisions of s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Public Law 94-566, which specify other conditions or other effective dates than those stated herein for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section, provided:

(c) If the 3division finds that said individual has refused without good cause an offer of resettlement or relocation, which offer provides for suitable employment for such individual notwithstanding the distance of such relocation, resettlement, or employment from the current location of such individual in this state, such disqualification shall continue for the week in which such failure occurred and for not more than 17 1/10 weeks immediately following such week, or a reduction by not more than 5 weeks from the duration of benefits, as determined by the 3division in each case.

House Amendment 1 to Senate Amendment 2—On page 1, lines 3-6, strike all of said lines and insert: benefit amount; amending s. 443.06(1) and (2) and (7)(c), Florida Statutes, 1978 Supplement; prescribing circumstances under which a person may be disqualified from receiving unemployment compensation benefits; amending s. 443.08(3)(a), (e), Florida Statutes,

On motions by Senator Myers, the Senate concurred in the House Amendments to the Senate amendments and HB 1449 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Holloway

Senator Scarborough presiding

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

MOTIONS RELATING TO COMMITTEE REFERENCES

On motions by Senator Gordon, the rules were waived and by two-thirds vote House Bills 684 and 1485 were withdrawn from the Committee on Ways and Means.

On motions by Senator Myers, the rules were waived and by two-thirds vote SB 657 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator McClain, the rules were waived and by two-thirds vote HB 1063 was withdrawn from the Committee on Commerce.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SCR 472 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Holloway—

SCR 472—A concurrent resolution urging the Secretary of State to design, prepare, and present an award honoring the veterans from the State of Florida who rest in Arlington National Cemetery.

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

Yeas—34

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

Nays—None

The President presiding

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 with amendments—

By Senator Holloway and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 8, strike all existing language and insert:

Section 2. Subsections (1), (2), and (4) and paragraphs (a) and (c) of subsection (7) of section 212.03, Florida Statutes, are amended, and paragraph (e) is added to subsection (7) to read:

(1) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing or letting any living quarters, sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, rooming-house, tourist or trailer camp, or condominium, as hereinbefore defined in this chapter. For the exercise of said privilege a tax is hereby levied as follows: in the amount equal to 4 percent of and on the total rental charged for such living quarters, sleeping or housekeeping accommodations by the person charging or collecting the rental; provided that such tax shall apply to hotels, apartment houses, rooming-

houses, tourist or trailer camps, or condominiums, as hereinbefore defined in this chapter, whether or not there be in connection with any of the same, any dining rooms, cafes or other places where meals or lunches are sold or served to guests.

(2) The tax provided for herein shall be in addition to the total amount of the rental and shall be charged by the lessor or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives said rental or payment. The owner, lessor or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax, the making of returns, the keeping of books, records and accounts and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(4) The tax levied by this section shall not apply to, be imposed upon, or collected from any person who shall have entered into a bona fide written lease for longer than 6 months in duration for continuous residence at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or to any person who shall reside continuously longer than 6 1/2 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, and shall have paid the tax levied by this section for 6 1/2 months of residence in any one hotel, roominghouse, apartment house, tourist or trailer camp, or condominium. Notwithstanding other provisions of this chapter, no tax shall be imposed upon rooms provided guests when there is no consideration involved between guest and the public lodging establishment. Further, any person who, on the effective date of this act, has resided continuously for 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or, if less than 6 months, has paid the tax imposed herein until he shall have resided continuously for 6 months, shall thereafter be exempt, so long as such person shall continuously reside at such location. The Department of Revenue shall have the power to reform the rental contract for the purposes of this chapter if the rental payments are collected in other than equal daily, weekly, or monthly amounts so as to reflect the actual consideration to be paid in the future for the right of occupancy during the first 6 months.

(7)(a) Full-time students enrolled in an institution offering postsecondary education and military personnel currently on active duty to reside in the facilities described in subsection (1) shall be exempt from the tax imposed by this section. The department shall be empowered to determine what shall be deemed acceptable proof of full-time enrollment. The exemption contained in this subsection shall apply irrespective of any other provisions of this section. The tax levied by this section shall not apply to or be imposed upon or collected on the basis of rentals to any person who resides in any building or group of buildings intended primarily for lease or rent to persons as their permanent or principal place of residence.

(c) The rental of facilities, including trailer lots, which are intended primarily for rental as a principal or permanent place of residence is exempt from the tax imposed by this chapter. The rental of facilities that primarily serve transient guests is not exempt by this subsection. In the application of this law, or in making any determination against the exemption, the department shall consider and be guided by, among other things:

1. Whether or not a facility caters primarily to the travel- ing public;
2. Whether less than half of the total rental units available or occupied by its tenants who have a continuous residence in excess of 3 months; and
3. The nature of the advertising of the facility involved.

(e) The rental of living accommodations in migrant labor camps is not taxable under this section. Migrant labor camps are defined as one or more buildings or structures, tents,

trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for seasonal, temporary, or migrant workers.

Section 3. Paragraph (a) of subsection (3) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(a) It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, tourist or trailer camp, or condominium for a term of 6 months or less is exercising a privilege which is subject to taxation under this section, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212.

Section 4. Paragraph (b) of subsection (2) of section 212.04, Florida Statutes, 1978 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement, etc.— It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who sells or receives anything of value, by way of admissions. For the exercise of said privilege a tax is levied as follows:

(2)

(b)1. No tax shall be levied on admissions to athletic or other events held by elementary schools, junior high schools, middle schools, high schools, community colleges, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized.

2. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations or community or recreational facilities. To receive this exemption, the sponsoring organization or facility must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

(3) No tax shall be levied on admissions to the National Football League Championship game.

Section 5. Section 212.15, Florida Statutes, 1978 Supplement, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes ~~embezzlement~~; due and delinquent dates; judicial review.—

(1) The taxes imposed by this chapter shall become state funds ~~at the moment of collection and collection, and s. 812.10, relating to embezzlement by state, county or municipal officers shall apply to every person who collects any taxes imposed by this chapter.~~

(2) The taxes imposed by this chapter shall for each month be due to the department on the first day of the succeeding month and delinquent on the 21st day of such month. All returns postmarked after the 20th day of such month are delinquent.

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected pursuant to this chapter is guilty of theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than \$100, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction within a 36-month period, the offender shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction within a 3-year period, the offender shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is \$100 or more, the offense is a felony of the third degree, punishable as provided in s. 775.082 or 775.083.

(c) If the total amount of stolen revenue is \$20,000 or more, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Prosecution of a misdemeanor under this section shall commence no later than 2 years from the date of the offense. Prosecution of a felony under this section shall commence no later than 5 years from the date of the offense.

(4)(3) All taxes collected under this chapter shall be remitted to the department. In addition to criminal sanctions, the department is empowered, and it shall be its duty, when any tax becomes delinquent or is otherwise in jeopardy under this chapter, to issue a warrant for the full amount of the tax due or estimated to be due, with the interest, penalties and cost of collection, directed to all and singular the sheriffs of the state, and mail the warrant to the Clerk of the Circuit Court of the county where any property of the taxpayer is located. Upon receipt of the warrant, the Clerk of the Circuit Court shall record it, and thereupon the amount of the warrant shall become a lien on any real or personal property of the taxpayer in the same manner as a recorded judgment. The department may issue a tax execution to enforce the collection of taxes imposed by this chapter and deliver it to any sheriff. The sheriff shall thereupon proceed in the same manner as prescribed by law for executions and shall be entitled to the same fees for his services in executing the warrant to be collected. The department may also have a writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels, or effects of the delinquent dealer in the hands, possession, or control of the third person in the manner provided by law for the payment of the tax due. Upon payment of the execution, warrant, judgment or garnishment, the department shall satisfy the lien of record within 30 days.

(5)(4) In any action involving the legality of any tax assessed under this chapter, the court shall inquire into and determine the legality and validity of the same and shall render decrees setting aside such tax assessment or any part of the same which is contrary to law, provided that the complainant shall in every case, except where the taxes assessed, including interest and penalties, have been paid to the department prior to the institution of suit, tender into court and file with the complaint the full amount of the assessment complained of, including any interest and penalties included in such assessment, or file with the complaint a cash bond or a surety bond endorsed by a surety company authorized to do business in this state or by such sureties as may be approved by the court, conditioned to satisfy any judgment or decree in full, including the taxes complained of, costs, interest, and penalties.

Section 6. Subsection (2) of section 319.31, Florida Statutes, is amended to read:

319.31 Requisites of certificates; forms.—A certificate of title shall be printed upon a special watermarked paper to be selected by the Department of Highway Safety and Motor Vehicles. The department may by regulation require additional information and may alter, change or modify the following forms shown in this section. It may prescribe such additional forms as may be needed in the administration of this law.

(2) An "Assignment of Certificate of Title" shall appear on the face of or on the reverse side of each certificate of title.

ASSIGNMENT OF CERTIFICATE OF TITLE

State of Florida

County of _____

The undersigned, being the owner of the motor vehicle described in the within Certificate of Title, hereby sells and assigns all right, title and interest in and to said Certificate of Title and the motor vehicle described therein to

_____(Name of Assignee)_____
_____(Address of Assignee in Full)_____

_____(Assignor's
Selling Price)_____

The undersigned states and warrants that there are no mortgages, liens or encumbrances on said motor vehicle except as noted on the face of this Certificate of Title.

Date _____
_____(Signature of Assignor)_____
_____(Address in Full)_____

Subscribed and sworn to before me at _____ in the State of _____ this _____ day of _____, 19____.
_____(Notary Public)_____

A "reassignment by _____ dealer" shall likewise appear on the reverse side of each Certificate of Title.

REASSIGNMENT BY _____ DEALER
To be filled in by _____ Dealer only _____

State of Florida
County of _____

The undersigned, being a _____ Dealer, License No. _____ who purchased the motor vehicle described in the within Certificate of Title, hereby sells and assigns all his right, title and interest in and to said Certificate of Title and the motor vehicle described therein to

_____(Name of Assignee)_____
_____(Address of Assignee)_____

The undersigned states and warrants that there are no mortgages, liens or encumbrances on said motor vehicle except as noted on the face of this Certificate of Title.

Date _____
_____(DEALER)_____

SUBSCRIBED and sworn to before me at _____ in the State of _____ this _____ day of _____, 19____.
_____(Notary Public)_____

Section 7. Subsection (3) of section 371.76, Florida Statutes, is amended to read:

371.76 Certificate of title required.—

(3) The department shall make regulations necessary and convenient to carry out the provisions of this part. The department shall provide a labeled place on the title where the seller's price can be indicated when a boat is sold. However, the department shall not be expected to provide a labeled place for the seller's price until such time as new boat title forms are ordered.

Section 8. It is the intent of the Legislature that, except as provided in s. 371.76(3), Florida Statutes, all certificates of title issued after the effective date of this act shall contain a labeled place for the seller's price to be indicated, and no notary public shall notarize a title transfer until the seller properly indicates the sales price, if a labeled place is provided on the title. It is the further intent of the Legislature that no title shall be accepted for transfer by any county tax collector or other agent of the state unless the sales price is entered in the appropriately labeled place on the title by the seller, if a labeled place is provided on the title.

Section 9. It is the further intent of the Legislature that the Department of Revenue conduct an audit of private vehicle and boat sales transactions, and report to the Legislature on the progress and findings of such audit by January 1, 1980.

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

Amendment 2—On page 1, line 9 in title, after the semicolon (;) insert: 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. 212.04 (2)(b), Florida Statutes, 1978 Supplement, exempting admissions to the National Football League Championship game from sales tax; amending s. 212.15, Florida Statutes, 1978 Supplement; prescribing the time at which such taxes become state funds and at which they become delinquent; providing penalties for failure to remit such taxes; limiting prosecutions for such an offense; 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;

Senator Myers moved that the Senate concur in the House Amendments.

Senator Hill moved as a substitute motion that the Senate refuse to concur in the House Amendments and request the House to recede. The substitute motion was adopted and 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 amended Senate Amendments 9 & 10, concurred in same as amended and passed HB 892 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Dunbar and Sheldon—

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.

House Amendment 1 to Senate Amendment 9—On page 1, lines 5-11, strike all of said lines and insert: and of no force and effect.

House Amendment 1 to Senate Amendment 10—On page 1, line 3 in the title, after the semicolon ";" insert: providing for the applicability of the act;

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

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

Yeas—28

Table with 4 columns: Mr. President, Gorman, Maxwell, Skinner; Anderson, Grizzle, McClain, Spicola; Barron, Henderson, McKnight, Steinberg; Carlucci, Hill, Neal, Tobiasen; Childers, D., Holloway, Peterson, Trask; Childers, W. D., Johnston, Poole, Ware; Frank, MacKay, Scarborough, Winn

Nays—8

Table with 4 columns: Chamberlin, Jenne, Stuart, Vogt; Fechtel, Scott, Thomas, Williamson

Senators Dunn and Myers abstained from voting.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1141 and requests the Senate to recede.

Allen Morris, Clerk

By Representatives Richmond and C. R. Smith—

HB 1141—A bill to be entitled An act relating to Pasco County; amending section 1 of chapter 61-2644, Laws of Florida, authorizing the Board of County Commissioners of Pasco County and any other county board authorized or required to hold public hearings or special meetings to hold board meetings at various location in the county; providing an effective date.

On motions by Senator Trask, the Senate receded from Amendments 1 and 2.

On motion by Senator Trask, the Senate reconsidered the vote by which HB 1141 passed May 9.

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

Amendment 3—On page 1, line 15, after the words "Section 1." insert: Upon the giving of due public notice,

HB 1141 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SPECIAL ORDER, resumed

By the Committee on Judiciary-Civil and Senator Dunn—

CS for SB 69—A bill to be entitled An act relating to enforcement of support; amending ss. 88.011, 88.021, 88.031, 88.051, 88.061, 88.081, 88.091, 88.101, 88.111, 88.121, 88.131, 88.141, 88.151, 88.161, 88.171, 88.181, 88.191, 88.211, 88.221, 88.231, 88.241, 88.251, 88.261, 88.271, 88.281, 88.291, 88.311, 88.351, and 88.371, Florida Statutes, creating ss. 88.012, 88.065, 88.105, 88.193, 88.235, 88.255, 88.295, 88.297, and 88.345, Florida Statutes, and repealing ss. 88.071, 88.201, and 88.361, Florida Statutes; providing legislative intent; conforming chapter 88, Florida Statutes, the "Uniform Reciprocal Enforcement of Support Law" (enacted in 1955), to the "Revised Uniform Reciprocal Enforcement of Support Act (1968)" to incorporate federal amendments; providing for division of chapter into parts; providing for severability; providing an effective date.

—was read the first time by title and SB 69 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 69 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 19, line 19, insert after "respondent": concerning a substantial change in the circumstances of the parties relating to the obligations of support or

Amendment 2—On page 23, on line 19 strike "has 20 days" and insert: shall have 30 days

Amendment 3—On page 23, line 26, strike the period and insert: and matters concerning a substantial change in the circumstances of the parties relating to the obligation of support.

Pending further consideration of CS for SB 69 as amended, on motion by Senator Dunn, by two-thirds vote CS for HB 507 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Dunn—

CS for HB 507—A bill to be entitled An act relating to enforcement of support; amending ss. 88.011, 88.021, 88.031, 88.051, 88.061, 88.081, 88.091, 88.101, 88.111, 88.121, 88.131, 88.141, 88.151, 88.161, 88.171, 88.181, 88.191, 88.211, 88.221, 88.231, 88.241, 88.251, 88.261, 88.271, 88.281, 88.291, 88.311, 88.351, and 88.371, Florida Statutes, creating ss. 88.012, 88.065, 88.105, 88.193, 88.235, 88.255, 88.295, 88.297, and 88.345, Florida Statutes, and repealing ss. 88.071, 88.201, and 88.361, Florida Statutes; providing legislative intent; conforming chapter 88, Florida Statutes, the "Uniform Reciprocal Enforcement of Support Law" (enacted in 1955), to the "Revised Uniform Reciprocal Enforcement of Support Act (1968)" to incorporate federal amendments; providing for division of chapter into parts; providing for severability; providing an effective date.

—a companion measure, was substituted for CS for SB 69 and by two-thirds vote read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for HB 507 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Fecht

CS for SB 69 was laid on the table.

SB 1109—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15(1)(b), Florida Statutes, 1978 Supplement, and adding subsections (3) and (4) to said section; authorizing inspectors or road-guard inspection special officers of the department to execute search warrants; requiring law enforcement officers to cooperate with certain employees of the department; authorizing law enforcement officers to stop and detain certain vehicles and to require their return to road-guard inspection station; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of line 1 through and including line 11 and insert: (3) Every law enforcement officer is authorized to assist employees of the department listed in subsection (1) in the enforcement of subsection (2). Such officer is authorized to stop and detain any vehicle and its driver that have failed to comply with subsection (2) until an employee of the department arrives to conduct the inspection required by law. Such law enforcement officer or road guard inspection special officer may require the driver to return with his vehicle to the road guard inspection station where the driver failed to stop the vehicle for inspection.

Amendment 2—On page 1, in title, strike all of line 9 through and including line 11 and insert: authorizing law enforcement officers to assist certain employees of the department; authorizing law enforcement officers and road guard inspection special officers to stop

On motion by Senator Skinner, by two-thirds vote SB 1109 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	Myers	Stuart
Anderson	Henderson	Neal	Thomas
Barron	Hill	Peterson	Tobiassen
Carlucci	Holloway	Poole	Trask
Childers, D.	Jenne	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Ware
Dunn	MacKay	Skinner	
Fechtel	McClain	Spicola	
Frank	McKnight	Steinberg	

Nays—None

SB 1198—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.084(2) and (3), Florida Statutes, and adding a new subsection (3) thereto; requiring the Department of Highway Safety and Motor Vehicles to issue a new permanent "DV" numerical license plate; providing for reissuance at 8-year intervals; providing for validation stickers; providing for annual revalidation; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike all of line 1 through and including line 5 and insert: *There shall be a service charge in accordance with the provisions of s. 320.04 for each application or revalidation sticker and an additional sum of 50 cents on each license plate and revalidation sticker as provided in s. 320.06(6).*

Senator Fechtel moved the following amendments which were adopted:

Amendment 2—On page 3, strike all of line 23 through and including line 24 and insert: Section 2. A new subsection (7) is added to section 320.0842, Florida Statutes, to read:

320.0842 Free motor vehicle license plates to veterans confined to wheelchairs.—

(7) The provisions of subsections (2), (3), and (4) of section 320.084 shall apply to this section in their entirety.

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

Amendment 3—On page 1 in title, strike all of line 11 and insert: adding a new subsection (7) to s. 320.0842, Florida Statutes, providing that the provisions of subsections (2), (3), and (4) of s. 320.084, Florida Statutes, shall apply to veterans confined to wheelchairs; providing an effective date.

Pending further consideration of SB 1198 as amended, on motion by Senator Fechtel—

HB 1556—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.084(2) and (3), Florida Statutes, and adding a new subsection (3) thereto; requiring the Department of Highway Safety and Motor Vehicles to issue a new permanent "DV" numerical license plate; providing for reissuance at 8-year intervals; providing for validation stickers; providing for annual revalidation; providing penalties; providing an effective date.

—a companion measure was substituted therefor and was read the second time by title.

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

Amendment 1—On page 3, strike all of line 22 through and including line 23 and insert: Section 2. A new subsection (7) is added to section 320.0842, Florida Statutes, to read:

320.0842 Free motor vehicle license plates to veterans confined to wheelchairs.—

(7) The provisions of subsections (2), (3), and (4) of section 320.084 shall apply to this section in their entirety.

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

Senator Fechtel moved the following amendment which was adopted:

Amendment 2—On page 3, strike all of lines 22 and 23 and insert: Section 2. Subsection (26) of s. 334.03, Florida Statutes, is amended to read:

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

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

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

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

Amendment 3—On page 1, in title, strike all of line 11 and insert: adding a new subsection (7) to s. 320.0842, Florida Statutes, providing that the provisions of subsections (2), (3), and (4) of s. 320.084, Florida Statutes, shall apply to veterans confined to wheelchairs; providing an effective date.

Senators Holloway and Fechtel offered the following amendment which was moved by Senator Fechtel and adopted:

Amendment 4—On page 1, strike all of line 11 and insert: amending s. 334.03(26), Florida Statutes, defining the resurfacing, widening and reconstruction of roads as construction; providing an effective date.

On motion by Senator Fechtel, by two-thirds vote HB 1556 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SB 1198 was laid on the table.

The Senate resumed consideration of—

SB 1103—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.051, Florida Statutes; providing definitions; providing that blind licensees shall be given first opportunity to participate in the operation of vending stands on state property; providing duties of the Division of Blind Services of the Department of Education relating to establishing vending stands; providing certain notice requirements; providing that income from vending machines accrue to the blind licensee or if none to the division; providing an effective date.

Senator Barron advised the President on the point of order raised by Senator Johnston on Amendment 6 by Senator Grizzle, that SB 1103 dealt with permitting blind licensees to participate in the operation of vending stands on state property and the amendment by Senator Grizzle to create a Division of Vocational Rehabilitation in the Department of Education was not germane to the bill under consideration; the bill dealt with Chapter 413, F.S., and the amendment proposed to amend Chapter 20.

The President ruled the point of order well taken and the amendment out of order.

On motion by Senator Scott, by two-thirds vote SB 1103 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	Johnston	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Chamberlin	Henderson	Neal	Thomas
Childers, D.	Hill	Scarborough	Trask
Childers, W. D.	Holloway	Scott	Vogt
Fechtel	Jenne	Skinner	Winn

Nays—None

SB 978—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 second time by title.

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

Amendment 1—On page 2, line 5, strike “NOW THEREFORE,” and insert: and

WHEREAS, Karl Dittmer, more than any other individual, influenced the formation and establishment of Florida State University's Department of Chemistry, and

WHEREAS, in the crucial years from 1949 to 1958, he served as Professor of Chemistry and chairman of the Department of Chemistry, selecting and assembling outstanding faculty and providing leadership for the setting of standards for faculty evaluation, promotion and tenure, which in no small measure contributed to the stability of the Department and the national distinction it enjoys today, and

WHEREAS, during the period he served as chairman of the Department of Chemistry, he made the unit a model for the other departments of Florida State University in the standards he brought to undergraduate teaching, and

WHEREAS, Karl Dittmer's leadership as department chairman and later as Vice President for Academic Affairs provided the academic direction in establishing the national recognition of Florida State University, and

WHEREAS, Florida State University and higher education in the State of Florida have greatly benefited from the leadership and administrative contributions of Karl Dittmer, NOW, THEREFORE,

Amendment 2—On page 2, line 9, after “Section 1.,” insert:

(a) and on page 2, line 16, strike: “Section 2.” and insert

(b) and insert on page 2 after line 19, a new Section 2. to read:

Section 2. The Board of Regents of the Division of Universities of the Department of Education is authorized and directed to name the chemistry graduate research building at Florida State University the “Karl Dittmer Laboratory of Chemistry.”

Amendment 3—On page 1, in title, line 6, after “markers;” insert: 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”;

Senator Thomas moved the following amendment which was adopted:

Amendment 4—On page 1, in title, line 2, strike the words “the University of Florida” and insert: state universities

On motion by Senator Skinner, further consideration of SB 978 was deferred.

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 accepted the Conference Committee Report as an entirety and passed HB 1046 as amended by the Conference Committee Report.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1046—A bill to be entitled An act relating to financial matters pertaining to political subdivisions; adding subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for review of municipal retirement systems by the Auditor General; providing an effective date.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON HB 1046

The Honorable Philip D. Lewis
President of the Senate

The Honorable J. Hyatt Brown
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two Houses on House Bill 1046, same being:

A bill to be entitled An act relating to financial matters pertaining to political subdivisions; adding subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for review of municipal retirement systems by the Auditor General; providing an effective date.

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

1. That the Senate recede from their amendments #1 and #2.
2. That the House recede from their amendments #1 and #2.

3. That the Senate and House of Representatives adopt the Conference Committee amendments #1 and #2 attached hereto; and by reference made a part of this report.

4. That the Senate and House of Representatives pass House Bill 1046 as amended by said Conference Committee amendments.

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

1. Establishes an information and reporting system to monitor and assist local governments in the areas of bonding, finance, and auditing.
2. Provides a procedure to assist local governments and insure essential services are provided without interruption in the event a local government is in a condition of financial emergency.
3. Establishes an enforcement mechanism to insure that special districts provide required reports to state and local governments.
4. Provides minimum standards for the operation and funding of public employee retirement systems and plans.
5. Provides that each public retirement system or plan shall prepare actuarial reports that include amortization schedules and statements of actuarial impact.
6. Provides that all local retirement systems or plans maintain certain information on all members.
7. Provides that prospective members of all public retirement systems are limited to benefits which do not exceed 100% of the member's average final compensation together with his Social Security benefit derived from governmental employment.
8. Provides that the Division of Retirement monitor local retirement systems or plans according to the criteria in the bill and that the Auditor General apply the same standards in monitoring the Division of Retirement.

Pat Frank, Chairman
 Harry A. Johnston, II
 George Stuart, Jr.
 Pat Thomas
 John T. Ware

Sidney Martin, Chairman
 Tom Gustafson
 Thomas Hazouri
 Barry Kutun
 Jim Watt

Managers on the part of the Senate

Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 2, line 11, strike everything after the enacting clause and insert: Section 1. This act may be known and cited as the "Local Government Financial Emergency and Accountability Act."

Section 2. Paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended, and paragraph (d) is added to said subsection, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a) 1. The Auditor General shall ~~have the power and duty~~ annually to make postaudits and performance audits of the accounts and records of all state agencies, as defined in this section, and to make postaudits of the accounts and records of all district school boards, and district boards of trustees of community colleges, and county agencies as defined in this section.

2. The Auditor General may at any time, and shall have the power to make postaudits and performance audits of the accounts and records of all governmental entities created pursuant to law other authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts. The postaudits and performance audits referred to in this subparagraph above shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. All agencies, other than state agencies as defined in this section, district school boards, and district boards of trustees of community colleges shall have the power to have a performance audit or postaudit of their accounts

and records by an independent certified public accountant retained by them and paid from their public funds. The authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts other than district school boards, district boards of trustees of community colleges, and those county agencies as defined in this section shall have the power and duty to

3. Each local governmental entity created pursuant to law for which entity a postaudit was not performed pursuant to subparagraph 1. or subparagraph 2., except municipalities with annual budgets of less than \$100,000, shall require that an annual postaudit of its ~~their~~ accounts and records be completed ~~shall~~, within 6 months after the end of its ~~their~~ respective fiscal year, be completed by an independent certified public accountant retained by it ~~them~~ and paid from its ~~their~~ public funds, except when prior notification by the Auditor General or the Legislative Auditing Committee indicates that the Auditor General shall conduct the audit.

4. Any postaudit required to be performed under subparagraph 3. shall be submitted to the Auditor General no later than 7 months after the end of the fiscal year of the governmental entity. If the Auditor General does not receive the postaudit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audits the Legislative Auditing Committee may:

a. In the case of a city or county, notify the Department of Revenue and the Department of Banking and Finance that the local unit of government has failed to comply. Upon notification the department shall withhold any funds payable to such governmental entity until the required postaudit is received by the Auditor General.

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon notification, the department shall proceed pursuant to ss. 165.214 and 165.215.

5. The Auditor General, in consultation with the Board of Accountancy, shall review all audits completed for local units of government by an independent certified public accountant.

(d) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by ss. 11.45(3), 23.0115, 165.091, part VII of chapter 112, and part III of chapter 218, and section 10 of this act. The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such audits is to determine the efficiency and effectiveness of the reporting system in monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

Section 3. Section 165.091, Florida Statutes, is amended to read:

165.091 Department of Community Affairs; general powers and duties.—

(1) The department shall:

(a) Conduct studies of county, municipal, and special district formation and boundary reorganization problems throughout the state.

(b) Conduct studies relating to the need for, and the feasibility of, formation and service delivery adjustments that will strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner.

(c) Conduct studies relating to the fiscal conditions of units of local government. Prior to consideration of any special law to incorporate, merge, or dissolve a municipality, determine that the conditions herein or otherwise prescribed by law have been met. No such special law shall be enacted unless a statement by the department is attached to the original copy of the bill stating whether all of the conditions herein or otherwise prescribed have been met.

(d) Submit each year a written report to the governor and legislature summarizing the studies conducted, their findings and recommendations, and any findings in respect to federal state county municipal special district relationships or problems and providing any additional information required under this chapter or pertinent thereto.

(2) Factors to be studied may include demographic and land area characteristics; per capita assessed valuation; per capita tax burden in relation to per capita personal income; need for organized municipal services; topographic features; cost and adequacy of governmental services and controls; future needs for such services and controls; and the probable effect of alternative courses of action on the tax incidence, service quality, local governmental structure, growth, environmental development, and other aspects of the community.

(2)(3) On or before July 1 March 1 of each year, the department, based on information provided by the Comptroller and the Departments of Administration and Revenue, and specifically noting any additional information developed through other means, shall develop and publish a general census of local government and report with respect to each county, municipality, and special district in the state. Information in the general census of local government shall be developed from any information maintained by any state agency and shall be consistent with standards developed by the United States Bureau of the Census and with s. 23.0115. Information in the census shall be summarized and organized to facilitate easy comparisons of major financial, economic, and demographic information for similar units of local government.

(a) Total population, as indicated by the last preceding federal census or other official state population estimate authorized by state law.

(b) Total equalized assessed valuation of taxable property, as indicated by the most recent official state sources of such data.

(c) Total revenues received by each unit of local government during its most recent fiscal year for which data are available, from:

1. State aid, which for this purpose shall comprise any moneys authorized or appropriated by the legislature and allocated for support of any unit of local government, excluding any moneys paid to any such unit in fulfillment of a specific contractual obligation between it and the state.

2. All local general revenue sources of each such unit, which for this purpose shall comprise all receipts, exclusive of amounts from borrowing, state aid, federal government grants-in-aid, federal revenue sharing or block grants, and any charges and earnings derived from and used in the operation of water supply, electric power, gas supply, transit system, or other proprietary activities.

3. All federal general aid and federal or state grants-in-aid or block grants received.

(d) Such other census items as may be necessary.

Section 4. Subsections (9), (10), (11), (12) and (13) are added to section 218.31, Florida Statutes, to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(9) "Verified report" means a report that has received such test or tests by the department so as to accurately and reliably present the data which has been submitted by units of local government for inclusion in said report.

(10) "Short-term debt" means any debt with a maturity of less than 1 year from the date of issuance.

(11) "Revenue bonds" means any obligations issued by a unit to pay the cost of a project or improvements thereof or combination of one or more projects or improvements thereof, and payable from the earnings of such project and any other special funds authorized to be pledged as additional security therefor.

(12) "Limited revenue bonds" means any obligations issued by a unit to pay the cost of a project or improvement thereof or combination of one or more projects or improvements

thereof, and payable from funds, exclusive of ad valorem taxes, special assessments or earnings from such projects or improvements.

(13) "Industrial development bond" means any obligation the interest on which is exempt from income taxes under the provisions of Section 103(b) of the United States Internal Revenue Code and the payment of the principal or interest on which under the terms of such obligation or any underlying arrangement is, in whole or in major part:

(a) Secured by any interest in property used or to be used in a trade or business or in payments in respect of such property.

(b) To be derived from payments in respect of property, or borrowed money, used or to be used in a trade or business.

Section 5. Subsections (1) and (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Financial reporting; units of local government.—

(1)(a) Each unit of local government, within 90 days after the close of its fiscal year, shall complete its financial statements for the previous fiscal year, prepared in compliance with generally accepted government accounting principles.

(b) Each ~~Every~~ unit of local government shall submit a copy of a financial report covering its ~~their~~ operations during the preceding fiscal year within 180 ~~90~~ days after the close of the fiscal year. The financial report ~~reports~~ shall be consistent with the standards established by the United States Bureau of the Census and shall contain such information and be in such form as may be required by the department to adequately assess the financial conditions of the unit of local government. The information in the financial report submitted to the department shall, except for municipalities with annual budgets of less than \$100,000, be completed by a certified public accountant retained by the unit of local government and paid from its public funds. The certified public accountant shall certify that the report has been completed in accordance with instructions provided by the department and is produced from the audited financial statements required by s. 11.15(3).

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of such failure to report. Following receipt of notification of failure to report, the Legislative Auditing Committee may:

1. In the case of a city or county, notify the Department of Revenue and the Department of Banking and Finance that the local unit of government has failed to comply. Upon notification the department shall withhold any funds payable to such governmental entity until the required report is received by the department.

2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required financial report. Upon notification, the department shall proceed pursuant to ss. 165.214 and 165.215.

(2) The department shall annually file a verified report, by May 1 March 1, with the Governor and Legislature showing, in detail, the numbers and types of units of local government, the revenues, both locally derived ~~revenues~~ and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but not be limited to, analyses of:

(a) Retirement information on all local retirement systems as provided by the Division of Retirement of the Department of Administration.

(b) Bonded indebtedness of all units of local government including general obligation, revenue, industrial development, limited revenue, special assessment and short term debt, as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

Section 6. Section 218.37, Florida Statutes, is created to read:

218.37 Duties of Division of Bond Finance.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(a) Provide information, upon request of a unit of local government, on the preliminary planning of a new bond issue.

(b) Collect, maintain, and make available information on outstanding bonds of local units of government.

(c) Serve as a clearinghouse for information on all local bond issues.

(d) Undertake or commission studies on methods to reduce the costs of state and local bond issues.

(e) Recommend changes in law and in local practices to improve the sale and servicing of local bonds.

(f) Issue a regular newsletter to issuers, underwriters, investors, and the public, describing proposed new bond issues, new bond sales, refundings, and other pertinent information relating to local and state bonds. The division may charge fees for subscriptions to the newsletter.

(g) Issue an annual report to the Legislature describing the operations of the division relating to this section and s. 218.38.

(h) Provide the Department of Banking and Finance with current available information on all outstanding bond issues and new bond issues of units of local government.

(2) The Division of Bond Finance of the Department of General Services may adopt rules to implement the provisions of this section and s. 218.38.

(3) The governing board of the Division of Bond Finance shall appoint an advisory council to consult and assist the division with the implementation of this section. The council shall consist of the following:

(a) Two representatives of the municipal investment banking industry.

(b) Two representatives of local units of government.

(c) Two representatives from the general public.

(4) A member of the council is not entitled to a salary for duties performed as a member of the council, except that the members, other than public officers, shall receive the per diem authorized for legislators, and each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

Section 7. Section 218.38, Florida Statutes, is created to read:

218.38 Notice of bond issues required; verification.—

(1) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds, including special assessment bonds, shall furnish the Division of Bond Finance of the Department of General Services a complete description of all outstanding bonds, and shall also provide the division with any notice of sale or official statement for the purpose of offering bonds, prior to sale, for inclusion into the bond newsletter. Failure to submit prior notice of a proposed new bond issue shall not affect the validity of the bond issue.

(2) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds, including special assessment bonds, shall, on dates established by the Division of Bond Finance of the Department of General Services, verify the information held by the division relating to the bonded obligations of the unit of local government.

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide a complete description of all outstanding bonds pursuant to subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions, the Legislative Auditing Committee may:

(a) In the case of a city or county, notify the Department of Revenue and the Department of Banking and Finance that the local unit of government has failed to comply. Upon notification the department shall withhold any funds payable to such governmental entity until the required information is received by the division.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to

comply. Upon notification, the department shall proceed pursuant to ss. 165.214 and 165.215.

Section 8. Part V of chapter 218, Florida Statutes, consisting of sections 218.50, 218.501, 218.502, 218.503, and 218.504, is created to read:

PART V

LOCAL GOVERNMENT FINANCIAL EMERGENCIES ACT

218.50 Short title.—This part shall be known as the Local Government Financial Emergencies Act.

218.501 Purpose.—The purpose of this act is:

(1) To preserve and protect the fiscal solvency of units of local government.

(2) To assist local governmental units in providing their essential services without interruption, and in meeting their financial obligations.

(3) To assist units of local government through the improvement of local financial management procedures.

218.502 Definitions.—As used in this part, except where the context clearly indicates a different meaning, "unit of local government" means a county, municipality, or special district.

218.503 Determination of financial emergency.—

(1) A unit of local government shall be in a state of financial emergency when any of the following conditions occur:

(a) Failure within the same fiscal year in which due to pay short-term loans from banks, or failure to make bond debt service payments when due.

(b) Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or

2. Employer and employee contributions for:

a. Federal Social Security; or

b. Any pension, retirement, or benefit plan of an employee.

(c) Failure for one pay period to pay, due to lack of funds:

1. Wages and salaries owed to employees; or

2. Retirement benefits owed to former employees.

(d) Budget deficits for 2 successive years.

(e) Noncompliance of the local government retirement system with actuarial conditions provided by law.

(2) A unit of local government shall notify the Governor and the Legislative Auditing Committee when one or more of the above conditions have occurred, or will occur if action is not taken to assist the unit of local government.

(3) Upon determination that one or more of the conditions in subsection (1) exist, the Governor shall have authority to implement measures as set forth in this part to resolve the financial emergency. Such measures may include, but shall not be limited to:

(a) Requiring approval of the local unit's budget by the Governor.

(b) Authorizing a state loan to the unit of local government and providing for repayment of same.

(c) Prohibiting a unit of local government from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the unit of local government, in which inspections and reviews the appropriate local officials shall cooperate.

(e) Establishing a financial emergencies board to oversee the activities of the local government. The Board, if established, shall be appointed by the Governor. The Governor shall

select a chairman and such other officers as are necessary. The board shall adopt such rules as are necessary for conducting board business. The board shall have:

1. Authority to make such reviews of records, reports, and assets of the local government as needed.

2. Authority to consult with the officials of the unit of local government and appropriate state officials regarding any necessary steps to bring the books of account, accounting systems, financial procedures, and reports of the local government into compliance with state requirements.

3. Authority to review the operations, management, efficiency, productivity, and financing of functions and operations of the unit of local government.

The recommendations and reports made by the board shall be submitted to the Governor for appropriate action.

(f) Requiring and approving a plan, to be prepared by the appropriate state agency in conjunction with the unit of local government, prescribing actions that will cause the local unit to no longer be subject to this section. Such plan shall include, but not be limited to:

1. Providing for payment in full of all payments due or to come due on debt obligations, pension payments, all payments and charges imposed or mandated by federal or state law, and for all judgments and past due accounts, as priority items of expenditures.

2. A basis of priority budgeting or zero based budgeting, resulting in the elimination of the lowest priority items which are not affordable.

3. A prohibition on a level of operations which can be sustained only with nonrecurring revenues.

(g) During the financial emergency period, the local governmental unit may not seek application of laws under the bankruptcy provisions of the United State Constitution except upon the prior approval of the Governor.

218.504 Cessation of state action.—The Governor shall have the authority to terminate all state actions pursuant to this part. Cessation of state action shall not occur until the Governor has determined that the unit of local government:

(1) Has established and is operating an effective financial accounting and reporting system.

(2) Has corrected or eliminated the fiscal emergency conditions outlined in s. 218.503.

(3) No new fiscal emergency conditions exist.

Section 9. Authorization for study of fiscal indicators.—The Florida Advisory Council on Intergovernmental Relations is hereby authorized and directed to study specific indicators which may predict potential financial emergencies. Indicators to be studied may include, but shall not be limited to:

- (1) Per capita debt.
- (2) Ratio of debt to per capita income.
- (3) Property tax collection rate.
- (4) Ratio of debt to property valuation.
- (5) Ratio of debt to revenues/expenditures.
- (6) Ratio of debt service to revenue.
- (7) Trend analysis of:
 - (a) Population and income.
 - (b) Property valuations.
- (8) Ratio of pension costs to total personnel costs.
- (9) Material deviations from established accounting and auditing standards.

(10) Likelihood that the financial problems of a governmental body will adversely affect other local governments or the state.

The council shall file a report of its findings and recommendations with the Governor and Legislature by March 1, 1980.

Section 10. Part II of chapter 165, Florida Statutes, consisting of sections 165.201, 165.202, 165.203, 165.210, 165.211, 165.213, 165.214, and 165.215, Florida Statutes, is created to read:

PART II

SPECIAL DISTRICTS

165.201 Short title.—This part shall be known and may be cited as the "Special Districts Disclosure Act of 1979."

165.202 Legislative findings and intent.—

(1) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this public trust is best secured by certain minimum standards of accountability designed to inform the public and appropriate general purpose local governments of such special districts' status and activities. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this act may result in action against officers of such district board.

(2) Realizing that special districts are created to serve special purposes, it is the legislative intent of this act that special districts cooperate and coordinate their activities with the units of general purpose local government in which they are located. The reporting requirements set forth in this act shall be the minimum level of cooperation necessary to provide services to the citizens of Florida in an efficient and equitable fashion. It is not the intent of this act to confer budgetary powers upon boards of county commissioners for those independent special districts which file budgets with the clerk of the board of county commissioners, unless otherwise provided by law.

165.203 Definitions.—As used in this part, except where the context clearly indicates a different meaning, the terms "special district" and "independent special district" shall be the same as those provided in s. 218.31. The term "department" shall mean the Department of Community Affairs. "Local governing authority" means the governing body of a unit of local general purpose government. However, as used in this part, if the special district is a political subdivision of a municipality, then "local governing authority" shall mean the municipality.

165.210 Designation of registered office and agent.—

(1) Prior to October 1, 1979, or no later than 1 year subsequent to its creation, each special district in the state shall designate a registered office and a registered agent and file same with the local governing authority or authorities and with the Department of Community Affairs. The registered agent shall be an agent of the district upon whom any process, notice, or demand required or permitted by law to be served upon the district may be served. A registered agent shall be an individual resident of this state whose business address is identical with the registered office of the district. The registered office may be, but need not be, the same as the place of business of the special district.

(2) The district may change its registered office or change its registered agent, or both, upon filing such information with the local governing authority or authorities and with the Department of Community Affairs.

165.211 Meetings; notice; required reports.—

(1) The governing body of each special district shall file annually a schedule of its regular meetings with the local governing authority or authorities. Said schedule shall include the date, time, and location of each scheduled meeting. The governing body of each independent special district shall advertise the day, time, place, and purpose of its special meetings, at least 7 days prior to such meetings, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists; in which case, a meeting to deal with the emergency can be held as necessary, with reasonable notice, so long as it is subsequently ratified by the board. The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. It is further the legislative intent that the newspaper selected shall be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.

(3) Meetings of the governing body of the special district shall be held in a public building where available within the district, in a county courthouse of a county in which the district is located, or in a building in the county accessible to the public.

(4) Prior to October 1, 1979, or no later than 1 year subsequent to its creation, each special district shall file a copy of the document authorizing its creation, by whatever method the creation occurred, a list of any improvements necessary to accomplish district purposes, a proposed schedule of completion of any improvements, and, if applicable, a plan of termination with the local governing authority or authorities and with the Department of Community Affairs. Any amendments, modifications or updates required shall be filed within 30 days of their adoption by the district board in the same manner as the originals.

(5) Each special district shall file with the local governing authority or authorities a copy of the local government financial reports required by ss. 218.32 and 218.34 and a complete description of all outstanding bonds as provided in s. 218.38(1).

(6) Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of said audit shall be filed with the local governing authority or authorities.

(7) All reports or information required to be filed with a local governing authority under ss. 165.210, 165.211, 218.32, 218.34, and 11.45 shall, when the local governing authority is a county, be filed with the clerk of the board of county commissioners; when the district is a multicounty district, be filed with the clerk of the county commission in each county; and when the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

165.212 Effect of failure to file certain reports.—

(1) If a special district fails to file the reports required under ss. 11.45, 165.210, 165.211, 218.32, or 218.34 and a description of all outstanding bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to read the reports shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports, except that no extension shall exceed 30 days.

(2) If at any time the board of county commissioners or the local governing authority or authorities shall determine that there has been an unjustified failure to file the reports described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. 165.214.

(3) If a special district fails to file the reports required under ss. 218.32, 218.34, 11.45 or 218.38 with the appropriate state agency, the agency may request the department to initiate proceedings against the special district in the manner provided in s. 165.214.

165.214 Failure of district to disclose financial reports.—

(1) The department shall investigate all petitions and determine whether or not the district board has made a good faith effort to file the required reports. If the department determines that a good faith effort has been made, it shall grant a reasonable extension of time for filing the required reports with the appropriate bodies and notify the special district of the granting of the extension.

(2) If the department shall determine that a good faith effort has not been made to file the report or that a reasonable time has passed and the reports have not been forthcoming, it may file a petition for hearing pursuant to s. 120.57 on the question of the inactivity of the district. The proceedings and hearings required by this part shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of Administration and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located pursuant to all the applicable provisions of chapter 120.

(3) Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 suc-

cessive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place and nature of the hearing and that all interested parties may appear and be heard.

(4) Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

165.215 Action of the department.—

(1) After receipt of the report from the hearing examiner if the department determines that there is an inactive district under the criteria established in ss. 165.052 and 165.061(4)(b) and (c), it shall file such determination with the Secretary of State pursuant to s. 165.052.

(2) If the department determines that the failure to file the reports is a result of the volitional refusal of the members of the governing body of the district, it shall seek an injunction or writ of mandamus to compel production of the reports in the circuit court.

Section 11. Subsection (3) is added to section 75.05, Florida Statutes, to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Department of Banking and Finance of the Office of the Comptroller.

Section 12. Every special district governed by the provisions of this act shall comply with the provisions of s. 274.05, Florida Statutes.

Section 13. Section 112.61, Florida Statutes, 1978 Supplement, is amended to read:

112.61 Legislative intent.—It is the intent of the Legislature in implementing the provisions of s. 14 of Art. X of the State Constitution, relating to governmental retirement systems, that such retirement systems or plans be managed, administered, operated, and funded in such a manner as to maximize the protection of public employee retirement benefits. This act hereby establishes minimum standards for the operation and funding of public employee retirement systems and plans.

Section 14. Section 112.625, Florida Statutes, is created to read:

112.625 Definitions.—As used in this act:

(1) "Retirement system or plan" means any employee pension benefit plan supported in whole or part by public funds, provided such plan is not:

(a) An employee benefit plan described in Section 4(a) of the Employee Retirement Income Security Act of 1974, which is not exempt under Section 4(b)(1) of such act;

(b) A plan which is unfunded and is maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees;

(c) A coverage agreement entered into pursuant to Section 218 of the Social Security Act;

(d) An individual retirement account or an individual retirement annuity within the meaning of Section 408, or a retirement bond within the meaning of Section 409, of the Internal Revenue Code of 1954;

(e) A plan described in Section 401(d) of the Internal Revenue Code of 1954; or

(f) An individual account consisting of an annuity contract described in Section 408(b) of the Internal Revenue Code of 1954.

(2) "Plan administrator" means the person so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated. If no plan administrator has been designated, the plan sponsor shall be considered the plan administrator.

(3) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(4) "Benefit increase" means a change or amendment in the plan design or benefit structure which results in increased benefits for plan members or beneficiaries.

(5) "Governmental entity" means the State, for the Florida Retirement System, and the municipality or special district which is the employer of the member of a local retirement system or plan.

(6) "Pension or retirement benefit" means any benefit, including a disability benefit, paid to a member or beneficiary of a retirement system or plan as defined in subsection (1).

(7) "Statement value" means the amortized value of bonds and the market value of stocks as of a particular reporting date.

(8) "Named fiduciary" means the person or persons so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated.

Section 15. Section 112.63, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.63, F.S., 1978 Supp., for present text.)

112.63 Actuarial reports.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial reports prepared and certified by an enrolled actuary. The actuarial report shall consist of, but shall not be limited to, the following:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the system, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the system, and the extent of unfunded accrued liabilities, if any.

(b) A plan to amortize any unfunded liability pursuant to s. 112.64 and a description of actions taken to reduce the unfunded liability.

(c) A description and explanation of actuarial assumptions.

(d) A schedule illustrating the amortization of unfunded liabilities, if any.

(e) A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports.

(f) A statement by the enrolled actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this act.

(2) The frequency of actuarial reports shall be at least every 3 years commencing from the last actuarial report of the plan or system, or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to the effective date of this act. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of Administration through the Division of Retirement shall furnish a copy of each actuarial report to the Division of Retirement within 60 days of receipt from the actuary.

(3) No unit of local government shall agree to a proposed change in retirement benefits unless the administrator of the system, prior to adoption of the change by the governing body, and prior to the last public hearing thereon, has issued a statement of the actuarial impact of the proposed change upon the local retirement system, consistent with the actuarial review, and has furnished a copy of such statement to the division. Such statement shall also indicate whether the proposed changes are in compliance with s. 14, Art. X of the State Constitution and with s. 112.64.

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the division shall review and comment on the actuarial valuations and statements. If the division finds that the actuarial valuation is not complete, accurate or based on reasonable assumptions, or if the division does not receive the actuarial report or statement of actuarial impact, the division shall notify the local government and request appropriate adjustment. If after a reasonable period of time, a satisfactory adjustment is not made, the affected local government or the division may petition for a hearing under the provisions of s. 120.57. If the hearing officer recommends in favor of the division, the division shall perform an actuarial review or prepare the statement of actuarial impact. The cost to the division of performing such actuarial review or preparing such statement shall be charged to the governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the division within 60 days after receipt by the governmental entity of the request for payment, the division shall certify to the Comptroller the amount due, and the Comptroller shall pay such amount to the division from any funds payable to the governmental entity of which the employees are covered by the retirement system or plan. If the hearing officer recommends in favor of the local retirement system and the division performs an actuarial review, the cost to the division of performing the actuarial review shall be paid by the division.

(5) Payments made to the fund as required by this chapter shall be based on the normal and past service costs contained in the state-accepted version of the most recent actuarial valuation.

(6) Beginning July 1, 1980, each retirement system or plan of a unit of local government shall maintain, in accurate and accessible form, the following information:

(a) For each active and inactive member of the system, a number of other means of identification, date of birth, sex, date of employment, period of credited service, split, if required, between prior service and current service, and occupational classification.

(b) For each active member, current pay rate, cumulative contributions together with accumulated interest, if credited, age at entry into system, and current rate of contribution.

(c) For each inactive member, average final compensation, or equivalent, and age at which deferred benefit is to begin.

(d) For each retired member and other beneficiary, a number or other means of identification, date of birth, sex, beginning date of benefit, type of retirement type and amount of monthly benefit, and type of survivor benefit.

Section 16. Section 112.64, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.64, F.S., 1978 Supp., for present text.)

112.64 Administration of funds.—

(1) Employee contributions shall be deposited in the retirement system or plan on at least a monthly basis. Employer contributions shall be deposited on at least a quarterly basis; provided that any revenues received from any source by an employer which are specifically collected for the purpose of allocation for deposit into a retirement system or plan shall be so deposited within 30 days of receipt by the employer. All employers and employees participating in the Florida Retirement System and other existing retirement systems which are administered by the Division of Retirement shall continue to make contributions on at least a monthly basis.

(2) From and after October 1, 1980, for those plans in existence on October 1, 1980, the total contributions to the retirement system or plan shall be sufficient to meet the normal cost of the retirement system or plan and to amortize the unfunded liability, if any, within 40 years; however, nothing contained in this subsection shall permit any retirement system or plan to amortize its unfunded liabilities over a period longer than that which remains under its current amortization schedule.

(3) For a retirement system or plan which comes into existence after October 1, 1980, the unfunded liability, if any, shall be amortized within 40 years of the first plan year.

(4) The net increase, if any, in unfunded liability under the plan arising from significant plan amendments adopted shall be amortized within 30 plan years.

(5) If the amortization schedule for unfunded liability is to be based on a contribution derived in whole or in part from a percentage of the payroll of the system or plan membership, the assumption as to payroll growth shall not exceed the average payroll growth for the 3 years prior to the development of the amortization schedule; unless, however, a transfer, merger, or consolidation of government functions or services occurs, in which case, the assumptions for payroll growth may be adjusted and may be based on the membership of the retirement plan or system subsequent to such transfer, merger, or consolidation.

(6) Nothing contained in this section shall result in the allocation of chapter 175 or chapter 185 premium tax funds to any other retirement system or plan or for any other use than the exclusive purpose of providing retirement benefits for firefighters or police officers.

Section 17. Section 112.65, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.65, F.S., 1978 Supp., for present text.)

112.65 Limitation of benefits.—

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, shall be limited in the following manner:

(a) If such member does not receive social security benefits, his pension benefit shall not exceed 100 percent of his average final compensation.

(b) If such member receives social security benefits, the sum of the member's pension benefit and the primary social security benefit the member receives shall not exceed 100 percent of the member's average final compensation.

(c) Nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(d) As used in this section, the term "social security benefits" shall not apply to social security benefits earned exclusively through nongovernmental employment or by a surviving beneficiary.

(e) As used in this section, the term "average final compensation" means the average of the member's earnings, excluding payments for accumulated leave, compensatory time, and overtime, over a period of time which the governmental entity has established by statute, charter, or ordinance.

(2) No member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan; provided that this restriction does not apply to social security coverage or benefits.

Section 18. Sections 112.656 and 112.658, Florida Statutes, are created to read:

112.656 Fiduciary duties; certain officials included as fiduciaries.—

(1) A fiduciary shall discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

(2) Each retirement system or plan shall have one or more named fiduciaries with authority to control and manage the administration and operation of the retirement system or plan. However, the plan administrator, and any officer, trustee, and custodian, and any counsel, accountant, and actuary of the retirement system or plan shall be included as fiduciaries of such system or plan.

(3) A retirement system or plan may purchase insurance for its named fiduciary to cover liability or losses incurred by reason of act or omission of the fiduciary.

112.658 Auditor General to determine compliance of the Florida Retirement System.—

(1) The Auditor General shall determine through the examination of actuarial reviews, financial statements, and the practices and procedures of the Division of Retirement, the compliance of the Florida Retirement System with the provisions of this act.

(2) The Auditor General is hereby authorized to employ, as necessary, an independent consulting actuary to assist in the determination of compliance.

(3) The Auditor General shall employ the same actuarial standards to monitor the Division of Retirement as the Division of Retirement uses to monitor local governments.

Section 19. Section 112.665, Florida Statutes, is created to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state, based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Issue an annual report to the Legislature and to the Governor detailing its activities, findings, and recommendations concerning all governmental retirement systems, which report shall be made public and may include legislation proposed to carry out such recommendations; and

(e) Adopt reasonable rules to administer the provisions of this part.

(2) The division may subpoena actuarial witnesses, review books and records, hold hearings, and take testimony. A witness shall have the right to be accompanied by counsel.

Section 20. Section 112.66, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.66, F.S., 1978 Supp., for present text.)

112.66 General provisions.—The following general provisions relating to the operation and administration of any retirement system or plan covered by this part shall be applicable:

(1) The provisions of each retirement system or plan shall be contained in a written plan description which shall include a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the plan. Such plan description shall be furnished to a member of the system or plan upon initial employment or participation in such plan and, thereafter, on an annual basis.

(2) Each retirement system or plan shall provide for a plan administrator.

(3) Any provision in a legal agreement, contract, or instrument which purports to relieve a fiduciary of a retirement system or plan from responsibility or liability is void as being against public policy.

(4) A civil action may be brought by a member or beneficiary of a retirement system or plan to recover benefits due to him under the terms of his retirement system or plan, to enforce his rights, or to clarify his rights to future benefits under the terms of the retirement system or plan.

(5) The governmental entity responsible for the administration and operation of a retirement system or plan may sue or be sued as an entity.

(6) There shall be timely adequate written notice given to any member or beneficiary whose claim for benefits under the terms of his retirement system or plan has been denied, setting forth the specific reasons for such denial. Unless otherwise provided by law, the terms of the retirement system or plan shall provide for a full and fair review in those cases where a member or beneficiary has had his claim to benefits denied.

(7) The assets and liabilities of a retirement system or plan shall remain under the ultimate control of the governmental unit responsible for the retirement system or plan, unless an irrevocable trust has been or is established for the purpose of managing and controlling the retirement system or plan, in which case the board of trustees shall have ultimate control over the assets and liabilities of the retirement system or plan. Nothing herein shall absolve the governmental unit from being ultimately responsible for the payment of its contribution to a retirement system or plan nor remove from the governmental unit the ultimate authority to adjust benefits consistent with the Florida Statutes and the retirement system or plan, provided that nothing contained herein shall be construed to permit the creation of such irrevocable trust except by special act of the Legislature.

(8) The instrument or instruments, ordinance or statute under which a retirement system or plan operates shall provide that all assets of such retirement system or plan shall be held in trust by the board of trustees or, when an irrevocable trust does not exist, by the governmental entity.

(9) No plan shall discriminate in its benefit formula based on color, national origin, sex or marital status. Nothing herein shall preclude a plan from actuarially adjusting benefits or offering options based on sex, age, early retirement, or disability.

Section 21. Subsection (1) of section 121.135, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 121.135(1), F.S., for present text.)

121.135 Reports and surveys relative to local and state retirement systems.—

(1) Commencing in the year 1980, and every third year thereafter, the Division of Retirement of the Department of Administration shall make a report to the Legislature regarding the actuarial conditions of locally administered retirement plans or systems operated by the political subdivisions of the state and the compliance of such retirement plans or systems with the provisions of this act.

Section 22. All provisions of general or special law which are in conflict with the provisions of this act are hereby superseded by the provisions of this act to the extent of such conflict.

Section 23. This act shall take effect October 1, 1979.

Conference Committee Amendment 2—On page 1 in title, lines 1-31 and on page 2, lines 1-7, strike all of said lines and insert: A bill to be entitled An act relating to state and local government; creating the Local Government Financial Emergency and Accountability Act; amending s. 11.45(3)(a), Florida Statutes, and adding a paragraph (d) thereto, relating to the duty of the Auditor General to audit the accounts of all governmental entities; amending s. 165.091, Florida Statutes, relating to studies of the fiscal conditions of local government by the Department of Community Affairs; adding subsections to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, relating to local financial management and reporting; creating ss. 218.37 and 218.38, Florida Statutes, relating to duties of the Division of Bond Finance with respect to general obligation and revenue bonds of local governments; providing for the appointment of advisory committees; requiring certain notice of bond issues and verification of information with respect thereto; creating ss. 218.50 through 218.504, Florida Statutes, the Local Government Financial Emergencies Act; providing procedure whereby the state may assist local governments in the event of local financial emergencies; providing for a study by the Florida Advisory Council on Intergovernmental Relations; creating ss. 165.201 through 165.215, Florida Statutes, the Special Districts Disclosure Act of 1979; providing that special districts shall register and report financial and other activities, both locally and to the Department of Community Affairs; adding a subsection to s. 75.05, Florida Statutes, relating to the service of complaints with respect to special district bond validation proceedings; requiring special districts

to comply with s. 274.05, Florida Statutes, relating to surplus property; amending s. 112.61, Florida Statutes, 1978 Supplement, creating s. 112.625, Florida Statutes, and amending ss. 112.63, 112.64, 112.65, and 112.66, Florida Statutes, 1978 Supplement, relating to the actuarial soundness of retirement systems; revising provisions relating to publicly funded retirement systems, actuarial reports with respect thereto, the administration of funds therein, limitation of the benefits thereof, and the general operation and administration thereof; creating ss. 112.656, 112.658 and 112.665, Florida Statutes, relating to the duties of fiduciaries with respect to such retirement systems, the duties of the Auditor General with respect to the Division of Retirement, and the duties of the Division of Retirement; amending s. 121.135(1), Florida Statutes, relating to reports and surveys relative to local and state retirement systems; providing an effective date.

On motion by Senator Johnston the Conference Committee Report was adopted, and HB 1046 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

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

Nays—1

Maxwell

Votes after roll call:

Yea—Williamson

Yea to Nay—Skinner

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1835 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher—

HCR 1835—A concurrent resolution requesting the Governor to return Senate Bill No. 468 to the Legislature for the purpose of further consideration.

—was read the first time in full. On motions by Senator Ware, by two-thirds vote HCR 1835 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Dunn, the rules were waived and by two-thirds vote SCR 689 was withdrawn from the Com-

mittee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

On motions by Senator Dunn—

SCR 689—A concurrent resolution recognizing the outstanding achievements of the Florida Army National Guard and the Florida Air National Guard Fighter Interceptor Group.

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

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 1046—A bill to be entitled An act relating to county court judges; adding subsection (3) to s. 34.021, Florida Statutes, 1978 Supplement, permitting certain persons who were county court judges prior to July 1, 1978, and who are not members of The Florida Bar to seek election and to serve as a county court judge under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 1046 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Frank Henderson

Vote after roll call:

Yea—McClain

SB 1254 was taken up and on motion by Senator Vogt, by two-thirds vote HB 1730 was withdrawn from the Committee on Ways and Means.

On motion by Senator Vogt—

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.

—a companion measure, was substituted for SB 1254 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1730 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 1254 was laid on the table.

Consideration of SB 978 was resumed and on motion by Senator Thomas, the rules were waived and by two-thirds vote HB 1718 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Thomas—

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.

—a companion measure, was substituted for SB 978 and read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 2, line 9, after "Section 1.," insert: (a) and on page 2, line 16, strike: "Section 2." and insert (b) and insert on page 2 after line 19, a new Section 2. to read: Section 2. The Board of Regents of the Division of Universities of the Department of Education is authorized and directed to name the chemistry graduate research building at Florida State University the "Karl Dittmer Laboratory of Chemistry."

Amendment 2—On page 2, line 5, strike "NOW THEREFORE," and insert: and WHEREAS, Karl Dittmer, more than any other individual, influenced the formation and establishment of Florida State University's Department of Chemistry, and

WHEREAS, in the crucial years from 1949 to 1958, he served as Professor of Chemistry and chairman of the Department of Chemistry, selecting and assembling outstanding faculty and providing leadership for the setting of standards for faculty evaluation, promotion and tenure, which in no small measure contributed to the stability of the Department and the national distinction it enjoys today, and

WHEREAS, during the period he served as chairman of the Department of Chemistry, he made the unit a model for the other departments of Florida State University in the standards he brought to undergraduate teaching, and

WHEREAS, Karl Dittmer's leadership as department chairman and later as Vice President for Academic Affairs provided the academic direction in establishing the national recognition of Florida State University, and

WHEREAS, Florida State University and higher education in the State of Florida have greatly benefited from the leadership and administrative contributions of Karl Dittmer, NOW, THEREFORE,

Amendment 3—On page 1, line 6 in title, after "markers;" insert: 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";

Amendment 4—On page 1 in title, line 2, strike the words "the University of Florida" and insert: state universities

On motion by Senator Thomas, by two-thirds vote HB 1718 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Holloway

SB 978 was laid on the table.

SB 1248—A bill to be entitled An act relating to corrections; amending s. 944.24(2), Florida Statutes; providing that a child born in a correctional institution and his welfare shall be within the jurisdiction of the circuit court; providing that the Department of Corrections shall provide facilities for such mothers and children; deleting the time limit on retaining such a child in the facility; providing that this act shall be administered within existing resources; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendments which were moved by Senator Stuart and adopted:

Amendment 1—On page 1, line 23, after the words “circuit court” insert: if the mother chooses to keep the infant

Amendment 2—On page 1, line 25, strike “an adjudicatory” and insert: a temporary custody

Pending further consideration of SB 1248 as amended, on motion by Senator Stuart, the rules were waived and by two-thirds vote HB 1679 was withdrawn from the Committee on Ways and Means.

On motion by Senator Stuart—

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

—a companion measure, was substituted for SB 1248 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1679 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1248 was laid on the table.

The motion by Senator Barron that the Senate reconsider the vote by which SB 354 passed was taken up.

Senator Trask moved as a substitute motion that the rules be waived and SB 354 be certified to the House. The motion was adopted.

Senator Scarborough presiding

SB 901—A bill to be entitled An act relating to insurance; amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile joint underwriting plan and to disapprove the plan or a part thereof at any time; providing that the procedure for disapproval is subject to chapter 120, Florida Statutes; providing an exception; requiring the joint underwriting association to operate subject to the supervision and approval of a board of governors and chairman thereof; providing for the annual appointment of a nine member board of governors; providing for the appointment and removal of the majority of the board members and the chairman by the Insurance Commissioner; authorizing participating insurers to appoint the remainder of the board; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, lines 1 and 2, strike “1. Five members, including the chairman, of the board shall be appointed by the Insurance Commissioner.” and insert: 1. Four members of the board shall be appointed by the Insurance Commissioner.

Amendment 2—On page 3, line 8, strike “Four” and insert: Five

Amendment 3—On page 2, line 30, strike “designated” and insert: who shall be elected

Amendment 4—On page 3, line 10, strike “and the chairman”

Senator MacKay moved the following amendments which were adopted:

Amendment 5—On page 3, line 9, strike the period and insert: (,) two of whom shall be from the insurance agents' associations.

Amendment 6—On page 2, lines 10-12, strike “except that any hearing held shall be conducted by the Insurance Commissioner or a hearing officer appointed by him.”

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

Amendment 7—On page 3, line 2, strike “three” and insert: two

Amendment 8—On page 1 in title, line 12, after “and:” insert: election of a

Amendment 9—On page 1 in title, strike all of lines 15 through 17 and insert: appointment of the board members; authorizing participating

On motion by Senator MacKay, by two-thirds vote SB 901 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	Grizzle	McClain	Thomas
Barron	Hair	McKnight	Tobiassen
Carlucci	Henderson	Myers	Trask
Childers, D.	Hill	Neal	Vogt
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtcl	Johnston	Scott	
Frank	MacKay	Spicola	
Gorman	Maxwell	Steinberg	

Nays—None

Consideration of CS for SB's 283 and 471 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Trask, by two-thirds vote HB 1745 was withdrawn from the Committee on Agriculture.

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 Fechtel—

SB 130—A bill to be entitled An act relating to insurance; amending s. 627.702, Florida Statutes; providing that the valued policy law shall apply to mobile homes and factory-built housing against total loss by fire or lightning; providing that the exclusion for personal property under the valued policy law shall not apply to mobile homes or factory-built housing; providing circumstances under which mobile homes may be insured on an actual cash value basis; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 27-31 and on page 2, lines 1-4, strike *Provided, however, coverage may be written for mobile homes as defined in s. 320.01(2) on an actual cash value basis, when a complete disclosure of relative cost between the actual cash value policy and the stated value policy is made to the insured on a form and format approved by the Department of Insurance. Such forms must disclose and describe the differences between the two types of policies and must be signed by the insured and copies maintained in the insurer's file and a copy made available to the insured.*

The Committee on Commerce offered the following amendment to House Amendment 1 which was moved by Senator Fechtel and adopted:

Amendment 1—On page 1, line g, following "insured." add: and insert: on page 2 of SB 130 between lines 17 and 18:

(5) *With regard to mobile homes included in subsection (1) of this section, any total loss shall be adjusted on the basis of the amount of money for which such property was insured as specified in the policy, whether on an actual cash value basis, replacement cost basis or stated amount, and for which a premium has been charged and paid only if the insured has elected to purchase such coverage at the inception of the policy.*

Provided, however, when coverage is written for mobile homes on any basis other than stated value, a complete disclosure of relative cost between that policy and the stated value policy is made to the insured on a form and format approved by the Department of Insurance. Such forms shall disclose and describe the differences between the types of policies and shall be signed by the insured and copies maintained in the insurer's file and a copy made available to the insured. Each insurer's licensed to write insurance covering mobile homes shall make such stated value coverage available at the option of the insured.

On motion by Senator Fechtel, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 130 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Henderson	Maxwell	Scarborough	Tobiassen
Hill	McClain	Scott	Trask
Holloway	McKnight	Skinner	Vogt
Jenne	Myers	Spicola	Williamson
Johnston	Neal	Steinberg	Winn
MacKay	Peterson	Thomas	

Nays—None

SPECIAL ORDER, continued

HB 538—A bill to be entitled An act relating to compulsory school attendance; amending the introductory paragraph of s. 232.09, Florida Statutes, and subsection (2) thereof, prohibiting criminal prosecution with respect to nonattendance of children under certain circumstances; deleting an exception to parental responsibility for a child's nonattendance at school; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendment which failed:

Amendment 1—On page 1, lines 30-31, and on page 2, line 1, strike all of said lines and insert: connivance; or that he or she has made a bona fide and diligent effort to control and keep the child in school and that he or she is unable to do so; in which case ceases the

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

Yeas—24

Anderson	Gorman	McClain	Spicola
Carlucci	Hill	Myers	Thomas
Chamberlin	Holloway	Peterson	Tobiassen
Childers, W. D.	Jenne	Scarborough	Trask
Dunn	Johnston	Scott	Vogt
Fechtel	MacKay	Skinner	Winn

Nays—7

Frank	Grizzle	McKnight	Williamson
Gordon	Maxwell	Steinberg	

Votes after roll call:

Yea to Nay—Myers
Nay to Yea—Steinberg

By the Committee on Commerce and Senators McClain, MacKay and Peterson—

CS for SB 758—A bill to be entitled An act relating to the insurance risk apportionment plan; amending the introductory paragraph of s. 627.351(4), Florida Statutes, 1978 Supplement, and adding a new paragraph (d) thereto, providing for the promulgation of rules with respect to the recovery and repayment of deferred assessments; providing that the Department of Insurance shall approve a plan of operation, with respect to the insurance risk apportionment plan, which provides for deferred assessments to certain companies; providing criteria for deferment of assessments; providing for conditional repeal; providing an effective date.

—was read the first time by title and SB 758 was laid on the table.

On motions by Senator McClain, by two-thirds vote CS for SB 758 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—26

Barron	Gorman	McClain	Tobiassen
Chamberlin	Grizzle	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Williamson
Fechtel	Jenne	Skinner	Winn
Frank	Johnston	Spicola	
Gordon	Maxwell	Thomas	

Nays—None

Votes after roll call:

Yea—McKnight, Steinberg

Consideration of CS for SB 705, CS for SB 1252, and CS for SB 1282 was deferred.

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

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1321 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Myers

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 1828 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Flinn and others—

HCR 1828—A concurrent resolution commending Commissioner of Agriculture Doyle Conner and the Florida agricultural interests for their part in hosting a trade mission from the Peoples Republic of China on a tour of the State of Florida May 31 through June 5.

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

On motion by Senator Trask, by two-thirds vote HCR 1828 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Trask, HCR 1828 was taken up out of order by unanimous consent and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—27

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

Nays—None

SB 1131—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02(1), Florida Statutes; providing for an increase in the excise tax on deeds and other instruments relating to realty; amending s. 201.15, Florida Statutes; providing for distribution of taxes collected pursuant to chapter 201, Florida Statutes, to the General Revenue Fund of the state and to the Land Acquisition Trust Fund; repealing s. 201.021, Florida Statutes, which imposes a surtax on documents relating to realty; 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 Dunn and adopted:

Amendment 1—On page 2, between lines 20 and 21, insert: Section 4. Section 201.24, Florida Statutes, is created to read:

201.24 Notes, mortgages, and bonds of political subdivisions exempt.—There shall be exempt from all taxes imposed by this chapter any note made by, mortgage made by, or bond issued by a political subdivision in the state.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, lines 12-13, strike “providing an effective date” and insert: creating s. 201.24, Florida Statutes; exempting political subdivisions in the state from the tax on notes, mortgages, and bonds under certain circumstances; providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 1131 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator Scott, 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 reconsidered passage, amended and passed as further amended—

By Senator Scott—

SB 9—A bill to be entitled An act relating to beach erosion; amending s. 161.141, Florida Statutes; amending s. 161.161, Florida Statutes, 1978 Supplement; amending ss. 161.181, 161.191, 161.211, Florida Statutes; providing for publicly financed beach erosion control projects; providing exceptions for private inlet maintenance and improvement work from establishing erosion control lines; conforming the roles of the Department of Natural Resources and the Board of Trustees of the Internal Improvement Trust Fund to the requirements of chapter 75-22, Laws of Florida; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, line 31, and page 6, lines 1 through 5, strike all of said lines and insert: line.

Amendment 2—On page 1, lines 7-13 in title, strike all of said lines and insert: control projects;

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

SB 9 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Holloway—

SB 753—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.302(1), Florida Statutes; providing that vehicles transporting hazardous material shall be marked in accordance with federal regulations; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 16 & 18, strike U.S.C. and insert: C.F.R.

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

SB 753 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Tobiassen—

SB 648—A bill to be entitled An act relating to pawnbrokers; creating s. 715.041, Florida Statutes; requiring pawnbrokers to maintain a record of the identification of any person from whom they receive property, and, upon request, to provide this information to any law enforcement agency or officer thereof; providing for the recovery by the lawful owner of stolen property possessed by a pawnbroker; providing for restitution to the pawnbroker under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 22, strike "a social security card or a driver's license" and insert: a driver's license or other comparable identification

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

SB 648 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Barron	Gorman	Myers	Steinberg
Carlucci	Grizzle	Peterson	Thomas
Childers, D.	Henderson	Poole	Tobiassen
Childers, W. D.	Hill	Scarborough	Trask
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	McClain	Spicola	

Nays—None

Vote after roll call:

Yea—McKnight

The bill was ordered engrossed and then enrolled.

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

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.

—as amended passed.

On motion by Senator Peterson, the Senate reconsidered the vote by which CS for SB 236 was read the third time by title.

On motions by Senator Peterson, the Senate reconsidered the votes by which Amendments 1, 3, 4, 5 and 6 were adopted. By permission Amendments 1, 3, 4, 5 and 6 were withdrawn.

Senator Peterson moved the following amendments which were adopted:

Amendment 7—On pages 1 and 2, strike all of Section 1 and insert:

Section 1. Paragraph (a) of subsection (6) of section 236.081, Florida Statutes, 1978 Supplement, is amended, and subsection (7) is added to said section to read:

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

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

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2) ~~(3)~~, 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.*

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 section.)

Amendment 8—On page 1, lines 3-8, strike all of lines 3 through 8 and insert: 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; 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; 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; providing an effective

On motion by Senator Peterson, 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—30

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

Nays—None

On motion by Senator Carlucci, the Senate reconsidered the vote by which HB 60 as amended passed.

Further consideration of HB 60 was deferred.

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 268 was withdrawn from the Committee on Ways and Means.

On motion by Senator Winn, the rules were waived and by two-thirds vote HB 1059 was withdrawn from the Committee on Education.

By permission the following report was received:

The Committee on Governmental Operations recommends the following pass:

HB 1803 with 3 amendments	HB 1807 with 2 amendments
HB 1805 with 7 amendments	HB 1813 with 3 amendments
HB 1806 with 2 amendments	HB 1815 with 10 amendments

The bills were placed on the calendar.

ENROLLING REPORTS

SCR 1314 and SCR 1315 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 30, 1979.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Don Childers—SB 1246; Senator Steinberg—CS for SB 509; Senator Fechtel—SCR 689

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29 was corrected and approved.

On motion by Senator Barron, the Senate adjourned at 4:09 p.m. to convene at 8:30 a.m., Thursday, May 31, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.