



Journal of the Senate

Number 36

Tuesday, June 5, 1979

The Senate was called to order by the President at 11:00 a.m. A quorum present—38:

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

Excused: Senators Frank and Trask; Senator Maxwell after 3:30 p.m.

Prayer by Gene Zimmerman, senior pastor, Trinity United Methodist Church, Tallahassee:

Father, we thank you for the gift of life; the privilege to be a part of what you have created. We thank you for the freedom you have given to us all, so that even you do not overrule what we have chosen to do or be. Teach us to use this freedom wisely and unselfishly so that it may not only bless us but all others like us.

These for whom we pray today have been given an authority that they may act in our behalf. Grant them your blessing, your guidance, your wisdom, and since perfection is not a human quality, your forgiveness when they fail.

If there is any hidden sorrow among us, speak that word of comfort which will help and strengthen us. Amen.

Explanation of Vote

I voted against the House amendments to Senate Bill 669 which comprised the reviser's bill to the workers' compensation act passed earlier in the Session (Ch. 79-40) because of my continued opposition to the arbitrary abolishment of the Industrial Relations Commission and the placement of all workers' compensation appeals in the First District Court of Appeal rather than distributing these appeals among all of the districts.

David H. McClain, 21st District

MESSAGES FROM THE GOVERNOR

The Governor advised that he had transmitted to the office of the Secretary of State CS for SB's 68 and 25, CS for SB 209, SB 687 and CS for SB 489 which he had approved June 1, 1979.

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 722.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment and passed HB 1815, as amended.

Allen Morris, Clerk

SPECIAL ORDER

SB 317—A bill to be entitled An act relating to pari-mutuel wagering; extending the period of time during which the tem-

porary provisions of ss. 550.081, 550.09(1), 550.091, 550.12(2)(c), 550.161(1), 550.261, 550.262(3), 550.37(5), 550.42(1), (2), (4)-(6), 550.49, 550.4901, 550.4902, 550.4903, 550.4904, 550.4905, 550.4906, 550.4907, 550.4908, and 551.071, Florida Statutes, relating to dogracing, horseracing, and jai alai, shall remain in effect; providing a retroactive effective date.

—was read the second time by title.

On motion by Senator Barron, further consideration of SB 317 was deferred.

INTRODUCTION

On motion by Senator Barron, by two-thirds vote the following bill was introduced:

By Senator Lewis—

SB 1319—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(6) Florida Statutes, 1978 Supplement; modifying rates of per diem and subsistence allowance for certain travelers; providing an effective date.

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

On motion by Senator Barron, by two-thirds vote SB 1319 was withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, by unanimous consent SB 1319 was taken up. On motions by Senator Gordon, by two-thirds vote SB 1319 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Fechtel	McKnight	Stuart
Anderson	Grizzle	Neal	Thomas
Barron	Hair	Peterson	Tobiassen
Carlucci	Hill	Scott	Ware
Childers, D.	Holloway	Skinner	Winn
Childers, W. D.	Jenne	Spicola	
Dunn	Johnston	Steinberg	

Nays—6

Chamberlin	McClain	Scarborough	Williamson
Gorman	Poole		

Vote after roll call:

Yea to Nay—Barron

On motion by Senator Myers, the rules were waived and by two-thirds vote HB 1707 was withdrawn from the Committee on Ways and Means.

SPECIAL ORDER, resumed

HB 1707—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.001, Florida Statutes; providing for payment and deposit of taxes levied under chapter 550; providing penalties; creating s. 550.023, Florida Statutes; providing limitation on civil liability; creating s. 550.032, Florida Statutes; providing for proceeds to be paid on charity and scholarship days; amending s. 550.08(2), Florida Statutes; correcting a cross reference; reenacting and amending s. 550.09(1), Florida Statutes, 1977; providing for admission tax; amending s. 550.10, Florida Statutes; providing for occupational license tax; reenacting and amending s. 550.12(2) (b) and (c), Florida Statutes, 1977; providing for a uniform reporting system; amending s. 550.164, Florida Statutes; providing for escheat of aban-

done interest in or contribution to pari-mutuel pools; amending s. 550.26, Florida Statutes, 1978 Supplement; providing tax on breaks for dog tracks; amending s. 550.265(2)(b), Florida Statutes; correcting a cross reference; amending s. 550.33(3), Florida Statutes, 1978 Supplement, providing commissions, taxes and fees with respect to quarter horse racing; reenacting and amending s. 550.37(5), (6), and (7), Florida Statutes, 1977; providing commissions, taxes, and fees with respect to harness racing; deleting the limitation on racing days applied to harness racing with sulky; reenacting, amending, and renumbering s. 550.4906, Florida Statutes, 1977; providing for harness racing purses and for underpayments thereof; reenacting, renumbering, and amending s. 550.262, Florida Statutes, 1977; providing for overnight purses and standardbred breeders' awards with respect to harness racing; providing for certification of certain information; providing for underpayments; amending s. 550.39, Florida Statutes; providing for commissions, taxes, fees and purses with respect to certain summer harness racing; providing for underpayments; reenacting, renumbering, and amending s. 550.4904, Florida Statutes, 1977; correcting a cross reference; amending s. 550.42, Florida Statutes, 1978 Supplement; providing for commissions, taxes, and fees with respect to summer thoroughbred racing; amending s. 550.44, Florida Statutes; providing for summer horseracing purse requirements and for overpayments and underpayments; amending s. 550.45, Florida Statutes; correcting a cross reference; reenacting, renumbering, and amending s. 550.4902, Florida Statutes, 1977; providing for commissions, taxes and fees with respect to winter thoroughbred racing; reenacting, renumbering, and amending s. 550.261, Florida Statutes, 1977; providing for winter horseracing purse requirements and for underpayments; reenacting, renumbering, and amending s. 550.081, Florida Statutes, 1977; providing for allocation of winter thoroughbred periods of operation; creating s. 550.56, Florida Statutes; providing for the tax on breaks and the distribution thereof; creating certain promotion funds and providing for the utilization thereof; renumbering and amending s. 550.38, Florida Statutes, 1978 Supplement; providing for thoroughbred breeders and stallion awards; creating s. 550.60, Florida Statutes; providing for purse and operational allowances; s. 550.61, Florida Statutes; providing for Florida-bred horse owners awards; creating s. 550.70, Florida Statutes; providing for a capital improvement allowance for qualified permittees; providing for penalties; creating s. 551.011, Florida Statutes; providing for payment and deposit of taxes levied under chapter 551; providing penalties; amending s. 551.06, Florida Statutes; providing for an admission tax with respect to jai alai exhibitions; amending s. 22 of chapter 77-167, Laws of Florida; providing that the amendments to chapter 550, Florida Statutes, by said chapter shall not expire; repealing ss. 550.49, 550.4901, 550.4903, 550.4905, 550.4907, and 550.4908, Florida Statutes, relating to legislative intent and purse and track allowances for certain racetracks; re-enacting and amending s. 550.091, Florida Statutes, relating to additional commission to be withheld by dogracing and horseracing permittees; repealing s. 550.035, Florida Statutes, relating to additional performances for the Bicentennial Commission; repealing s. 550.069, Florida Statutes, relating to harness racing daily license fees; repealing s. 550.27, Florida Statutes, relating to employment of residents; repealing s. 550.47(2), Florida Statutes, relating to leasing another permit holder's facilities; repealing s. 550.161, Florida Statutes, relating to certain pari-mutuel pools; re-enacting and amending s. 551.071, Florida Statutes, relating to additional commission withheld by jai alai permittees; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 14, line 4, strike the comma after the word "chapter" and insert: ; after the total pari-mutuel pool averages \$450,000 daily for the preceding race season,

Senators Myers, Barron, Lewis, W. D. Childers, Winn, Dunn, Carlucci, Stuart, Poole, D. Childers, Jenne, McClain and Gordon offered the following substitute amendment for Amendment 1 which was moved by Senator Myers:

Amendment 2—On page 4, line 21, strike everything after the enacting clause and insert:

Section 1. Notwithstanding any other law, ss. 550.091, 550.49, 550.4901, 550.4902, 550.4903, 550.4904, 550.4905, 550.4906, 550.4907, 550.4908, and 551.071, Florida Statutes, as they exist on

June 30, 1979, shall not expire on July 1, 1979, but shall remain in effect until July 1, 1980, on which date they shall stand repealed.

Section 2. Notwithstanding any other law, ss. 550.081 and 550.261, Florida Statutes, as they exist on June 30, 1979, shall not expire on July 1, 1979, but shall remain in effect until July 1, 1980, on which date they shall be superseded by ss. 550.081 and 550.261, Florida Statutes, as they existed on May 28, 1975.

Section 3. Notwithstanding any other law, ss. 550.09(1), 550.12(2)(c), 550.161(1), 550.262(3) and 550.37(5), Florida Statutes, as they exist on June 30, 1979, shall not expire on July 1, 1979, but shall remain in effect until July 1, 1980, on which date they shall be superseded by ss. 550.09(1), 550.12(2)(c), 550.161(1), 550.262(3), and 550.37(5), Florida Statutes, as they existed on June 8, 1977.

Section 4. Notwithstanding any other law, subsections (1), (2), (4), (5), and (6) of s. 550.42, Florida Statutes, as they exist on June 30, 1979, shall not expire on July 1, 1979, but shall remain in effect until July 1, 1980, on which date they shall be superseded by subsection (1), (2), (3), (6), (7), and (8) of s. 550.42, Florida Statutes, as they existed on May 28, 1975.

Section 5. This act shall take effect June 30, 1979, and if it becomes a law subsequent to such date, it shall operate retroactively thereto.

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

Amendment 2A—On page 1, line 15, insert new section 1 and 2 to read: Section 1. Subsection (3) of section 550.42, Florida Statutes, 1978 Supplement, is amended to read:

550.42 Summer thoroughbred racing; tax; commission; breaks tax; admissions and occupational license tax.—

(3) Each licensee operating a horse racetrack during the summer thoroughbred racing session shall retain the breaks tax provided for in s. 550.26. The proceeds of the breaks tax retained by the licensee shall be allocated for the payment of breeders' awards as provided in s. 550.38, and for no other purpose. However, any proceeds not paid as provided in this section as breeders' awards for the current racing season shall be paid by the licensee to supplement purses for Florida state-bred funded races or Florida state-bred stakes races. If the proceeds are used to supplement any Florida state-bred funded race, the licensee shall add, from such proceeds, to the purse of the Florida state-bred funded race, an amount equal to 1/3 of the announced gross purse for such race. Any proceeds after the maximum payment provided in s. 550.38 and this section shall be paid to the State Treasurer for deposit in the General Revenue Fund.

Section 2. Subsection (2) of section 550.262, Florida Statutes, is amended to read:

550.262 Horseracing; Florida breeders' awards and overnight purses.—

(2) In addition to amounts otherwise required by law, 1 percent of the total contributions made to the pari-mutuel pool on each horserace shall be paid by the licensee for Florida breeders' awards and overnight purses out of the amounts which may be withheld from pari-mutuel pools under ss. 550.16 and 550.42. However, any proceeds not paid as provided in this section as breeders' awards for the current racing season shall be paid by the licensee to supplement purses for Florida state-bred funded races or Florida state-bred stakes races. If the proceeds are used to supplement any Florida state-bred funded race, the licensee shall add, from such proceeds, to the purse of the Florida state-bred funded race, an amount equal to 1/3 of the announced gross purse for such race.

(Renumber subsequent sections.)

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

Amendment 2B—On page 1 between lines 26 and 27, insert: Section 5. Section 550.2615, Florida Statutes, 1978 Supplement is hereby repealed.

[and renumber subsequent section.]

Amendment 2 was adopted.

Senators Myers, Barron, Lewis, W. D. Childers, Winn, Dunn, Carlucci, Stuart, Poole, D. Childers, Jenne, McClain and Gordon offered the following amendment which was moved by Senator Myers and adopted:

Amendment 3—On pages 1-4 in title, lines 4-31; 1-31; 1-31; 1-17, strike all of said lines and insert: extending the period of time during which the temporary provisions of ss. 550.081, 550.09(1), 550.091, 550.12(2)(c), 550.161(1), 550.261, 550-262(3), 550.37(5), 550.42(1), (2), (4)-(6), 550.49, 550.4901, 550-4902, 550.4903, 550.4904, 550.4905, 550.4906, 550.4907, 550.4908, and 551.171, Florida Statutes, relating to dogracing, horseracing, and jai alai, shall remain in effect; providing a retroactive effective date.

By permission, the remainder of the amendments recommended by the Committee on Commerce were withdrawn.

On motion by Senator Myers, by two-thirds vote HB 1707 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Johnston, the Senate recessed at 12:17 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m.

A quorum present—38:

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, June 5, 1979:

HB 408	HB 294	HB 880
HB 911	SB 1226	

Respectfully submitted,
Dempsey J. Barron, Chairman

On motions by Senator Gordon, the rules were waived and by two-thirds vote House Bills 408 and 911 were withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means and HB 294 was withdrawn from the Committee on Ways and Means.

SPECIAL ORDER

On motion by Senator Peterson, by two-thirds vote of the Senate the following bill was considered:

HB 408—A bill to be entitled An act relating to Polk County; providing for the relief of Bane Waddell Cheek and his parents, Fred and Nancy Cheek; authorizing and directing the District School Board of Polk County to compensate them

for personal injuries suffered by Bane Waddell Cheek due to the negligence of the school board; providing an effective date.

—without objection, was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Gordon, by two-thirds vote of the Senate the following bill was considered:

HB 911—A bill to be entitled An act relating to Escambia County; amending sections 1 and 2 of chapter 78-504, Laws of Florida, relating to the relief of Herbert C. Destin for injuries received as a county employee; correcting inaccuracies in the basis for the relief sought and reducing the amount thereof; providing an effective date.

—without objection, was read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 911 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Barron, by two-thirds vote of the Senate the following bill was considered:

HB 294—A bill to be entitled An act for the relief of Napoleon Hosea Yant, a minor, by and through his mother and guardian, Barbara Bozeman; providing an appropriation to compensate him for damages sustained as a result of falling into a steam hole on the campus of Florida A & M Demonstration School on April 4, 1975; providing an effective date.

—without objection, was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 294 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Consideration of SB 1226 was deferred.

On motion by Senator Myers, the rules were waived and by two-thirds vote HB 880 was withdrawn from the Committee on Rules and Calendar.

HB 880—A bill to be entitled An act relating to the Legislature; amending s. 11.13(4), Florida Statutes, relating to the monthly payment of members' intradistrict expenses; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 13-20, strike on page 1, all of lines 13 through and including line 20 and insert: monthly to receive \$700.00 for intradistrict expenses. The procedure for disbursement of the monthly intradistrict expense allowed shall be set from time to time by the Joint Legislative Management Committee, but shall not exceed \$700 \$500 per month per member. Said expenses shall be a proper expense of the Legislature and shall be disbursed from the appropriation for legislative expense. The expenses of

On motion by Senator Myers, by two-thirds vote HB 880 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Hair	Myers	Tobiassen
Anderson	Henderson	Peterson	Vogt
Childers, D.	Jenne	Skinner	Winn
Childers, W. D.	Johnston	Spicola	
Dunn	Maxwell	Steinberg	
Gordon	McKnight	Stuart	

Nays—12

Barron	Fechtcl	MacKay	Scarborough
Carlucci	Gorman	McClain	Thomas
Chamberlin	Grizzle	Poole	Williamson

Votes after roll call:

Yea to Nay—W. D. Childers, Hair, Skinner, Spicola

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which—

HB 880—A bill to be entitled An act relating to the Legislature; amending s. 11.13(4), Florida Statutes, relating to the monthly payment of members' intradistrict expenses; providing an effective date.

—as amended passed.

On motion by Senator Myers, the Senate reconsidered the vote by which HB 880 as amended was read the third time by title.

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

Senator Myers moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 2—On page 1, lines 13-18, strike all of lines 13 through 18 and insert: monthly to receive \$700 reimbursement for intradistrict expenses upon his voucher for reimbursement. The rules and procedure for disbursement reimbursement of the monthly intradistrict expense allowed shall be set from time to time by the Joint Legislative Management Committee, but shall not exceed \$500 per month per member. Said expenses reimbursement shall be a proper

On motion by Senator Myers, by two-thirds vote HB 880 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20

Mr. President	Henderson	Maxwell	Skinner
Anderson	Hill	McKnight	Steinberg
Childers, D.	Holloway	Myers	Stuart
Dunn	Jenne	Peterson	Vogt
Gordon	Johnston	Scott	Winn

Nays—17

Barron	Gorman	Poole	Tobiassen
Carlucci	Grizzle	Scarborough	Ware
Chamberlin	Hair	Spicola	Williamson
Childers, W. D.	MacKay	Thomas	
Fechtcl	McClain		

Vote after roll call:

Yea to Nay—Skinner

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

On motion by Senator Maxwell, by two-thirds vote of the Senate the following bill was considered:

The Honorable Philip D. Lewis, President

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

By Senator Maxwell—

SB 983—A bill to be entitled An act relating to bingo; amending s. 849.093, Florida Statutes, 1978 Supplement, which allows the conduct of bingo games by certain organizations under specified conditions, to define "bingo game"; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Amendment 2—On page 2, line 8, strike all following the word "games" and insert: , less actual business expenses for articles designed for and essential to the operation, conduct, and playing of bingo, shall be donated by such organizations to the endeavors mentioned above. In no case shall the net proceeds from the conduct of such games be used for any other purpose whatsoever. The proceeds derived from the conduct of bingo games shall not be considered solicitation of public donations.

On motion by Senator Maxwell, the Senate refused to concur in House Amendment 1 and the House was requested to recede.

On motion by Senator Maxwell, the Senate concurred in House Amendment 2.

SB 983 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator MacKay, by two-thirds vote of the Senate the following bill was considered:

The Honorable Philip D. Lewis, President

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

By Senator MacKay—

SB 1226—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(6)(d), Florida Statutes, 1978 Supplement, adding paragraph (f) to said subsection, and amending subsection (8) of said section; authorizing a retired member to change his first designated joint annuitant after benefits have commenced under certain circumstances; authorizing the designation of more than one joint annuitant by certain members; requiring the Division of Retirement of the Department of Administration to adopt appropriate tables and calculations; authorizing the designation of beneficiaries by a member either sequentially or jointly; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 18, after the colon “:” insert: (*Renumber subsequent sections*)

Section 1. Paragraph (f) is added to subsection (3) of section 121.011, Florida Statutes, to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(f) *The rights under an existing system of any former member of such system who has become a member of the Florida Retirement System, either by affirmative choice during any transfer period or by operation of the compulsory participation provisions of s. 121.051(1), are limited to those rights that existed and were exercised in such system at the time participation in the system ceased. The rights of such member after transfer shall be subject to the provisions of the Florida Retirement System established by this chapter and at retirement the member shall have his benefit calculated in accordance with s. 121.091. The provisions of this subsection are declaratory of the legislative intent upon the original enactment of this chapter and are hereby deemed to have been in effect from such date.*

Section 2. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 121.051, Florida Statutes, 1978 Supplement, are amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) The provisions of this law shall be compulsory as to all officers and employees who are employed on or after December 1, 1970, of an employer other than those referred to in paragraph (2)(b), and each officer or employee, as a condition of employment, shall become a member of the system as of his date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, shall not be permitted to renew his membership in any state retirement system except as provided in s. 121.091(4)(e), for a person who recovers from disability, and s. 121.091(9)(d), for a person who is elected to public office. *Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, shall not participate in any state-supported retirement system.*

(2) OPTIONAL PARTICIPATION.—

(a)1. Any officer or employee who is a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between April 15, 1971, and June 1, 1971, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. Any officer or employee who was a member of an existing system on December 1, 1970, and who did not elect to become a member of this system shall continue to be covered under the existing system subject to the provisions of s. 121.045. A person who has retired under any state retirement system shall not be eligible to transfer to the Florida Retirement System created by this chapter subsequent to such retirement. Any officer or employee who prior to July 1, 1947, filed a written rejection of membership in a state retirement system and who continues employment without participating in the Florida Retirement System may withdraw his rejection in writing and, if other-

wise eligible, participate in the Florida Retirement System and purchase prior service in accordance with this chapter. *Any former member of an existing system who was permitted to transfer to the Florida Retirement System while employed by the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, during this or subsequent transfer periods, contrary to the provisions of this paragraph, is hereby confirmed as a member of the Florida Retirement System, the provisions of this paragraph to the contrary notwithstanding.*

2. Any member transferring from the existing system under chapter 238 shall retain his rights to survivor benefits under said chapter through November 30, 1975, or until fully insured for disability benefits under social security, whichever is the earliest date, and thereafter no such rights shall exist.

3. Any officer or employee who is a member of an existing system on April 15, 1972, and who was eligible to transfer to this system under the provisions of subparagraph 1., but who elected to remain in the existing system, may elect, if eligible under the Social Security Act, 42 U.S.C. s. 418 (d) (6) (F), to become a member of this system at any time between April 15, 1972, and June 30, 1972, inclusive, by notifying his employer in writing of his desire to transfer membership from an existing system to this system. Such transfer shall be subject to the following conditions:

a. All persons electing to transfer to the Florida Retirement System under this subparagraph shall be transferred on July 1, 1972, and shall thereafter be subject to the provisions of the Florida Retirement System retroactively to November 30, 1970, and at retirement have their benefits calculated in accordance with the provisions of s. 121.091.

b. Social security coverage incidental to such elective membership in the Florida Retirement System shall be effective November 30, 1970, and all amounts required from a member for retroactive social security coverage shall, at the time such election is made, be deducted from the individual account of the member, and the difference between the amount remaining in the individual account of such member and the total amount which such member would have contributed had he become a member of the Florida Retirement System on November 30, 1970, shall be paid into the system trust fund and added to his individual account prior to July 1, 1975, or by his date of retirement, if earlier. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

c. There is appropriated out of the system trust fund into the Social Security Contribution Trust Fund the amount required by federal laws and regulations to be contributed with respect to social security coverage for the years after November 30, 1970, of the members of an existing system who transfer to the Florida Retirement System in accordance with this subparagraph and who qualify for retroactive social security coverage. The amount paid from this appropriation with respect to the employees of any employer shall be charged to the employing agency. There shall be credited against this charge the difference between the matching contributions actually made for the affected employees from November 30, 1970, to June 30, 1972, and the amount of matching contributions that would have been required under the Florida Retirement System.

d. The net amounts charged the employing agencies for employees transferring to the Florida Retirement System under this subparagraph shall be paid to the system trust fund prior to July 1, 1975. Interest at the rate of 8 percent per annum, compounded annually until paid, shall be charged on any balance remaining unpaid on said date.

e. The administrator shall request such modification of the state's agreement with the Social Security Administration, or any referendum required under the Social Security Act governing social security coverage, as may be required to implement the provisions of this law. Retroactive social security coverage for service with an employer prior to November 30, 1970, shall not be provided for any member who was not covered under the agreement as of November 30, 1970.

4. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time

between September 1, 1974, and November 30, 1974, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1974. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1975, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system, subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System of Florida under chapter 238 to the Florida Retirement System on January 1, 1975, shall retain his rights to survivor benefits under chapter 238 from January 1, 1975, through December 31, 1979, or until fully insured for disability benefits under the Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

5.a. Any officer or employee who was a member of an existing system on December 1, 1970, and who is still a member of an existing system, except any officer or employee of any nonprofit professional association or corporation, may elect, if eligible, to become a member of this system at any time between September 1, 1978, and November 30, 1978, inclusive, by notifying his employer in writing of his desire to transfer membership from the existing system to this system. This decision to transfer or not to transfer shall become irrevocable on November 30, 1978. All members electing to transfer during the transfer period shall become members of the Florida Retirement System on January 1, 1979, and shall be subject to the provisions of the Florida Retirement System on and after that date. Any officer or employee who was a member of an existing system on December 1, 1970, and who does not elect to become a member of this system shall continue to be covered under the existing system, subject to the provisions of s. 121.045. Any member transferring from the Teachers' Retirement System under Chapter 238 to the Florida Retirement System on January 1, 1979, shall retain his rights to survivor benefits under chapter 238 from January 1, 1979, through December 31, 1983, or until fully insured for disability benefits under the federal Social Security Act, whichever is the earliest date, and thereafter no such rights shall exist.

b. Any deficit, as determined by the state actuary, accruing to the Survivors' Benefit Trust Fund of the Teachers' Retirement System and resulting from the passage of chapter 78-308, Laws of Florida, shall become an obligation of the Florida Retirement Trust Fund.

Section 3. Paragraphs (b) and (c) of subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and subsection (8) of section 121.052, Florida Statutes, 1978 Supplement, are amended to read:

121.052 Membership class of certain elected state officers.—

(1)

(b) Participation in the Elected State Officers' Class shall be compulsory for any Governor, Lieutenant Governor, cabinet officer, legislator, Supreme Court Justice, District Court of Appeal Judge, Circuit Judge, State Attorney, Public Defender, or Public Service Commissioner assuming office, either by election or appointment, on or after July 1, 1972, or for any county court judge assuming office, either by election or appointment, on or after October 1, 1974, who is not already a member of any existing system, the Judicial Retirement System, or the regular or special risk classes of the Florida Retirement System when elected or appointed to such office. *Effective July 1, 1979, no public service commissioner shall be eligible for membership in the Elected State Officers' Class and on that date any public service commissioner who is a member of the Elected State Officers' Class shall be removed from that class and shall become a member of the regular class and shall thereafter be subject to the benefits and provisions of the regular class. Any Public Service Commissioner who is removed from the Elected State Officers' Class on July 1, 1979, shall retain any retirement credit earned in the Elected State Officers' Class as of that date.*

(c) On and after July 1, 1972, participation in the Elected State Officers' Class shall be optional within the time provided herein for any Governor, Lieutenant Governor, cabinet officer, legislator, Supreme Court Justice, District Court of Appeal Judge, Circuit Judge, State Attorney, Public Defender, or Public Service Commissioner who is already a member of

any existing system, the Judicial Retirement System, or the regular or special risk classes of the Florida Retirement System when elected or appointed to such office, *except that effective July 1, 1979, no Public Service Commissioner shall be eligible for membership in the Elected State Officers' Class.* Participation in the Elected State Officers' Class shall be optional within the time provided herein for any county court judge who assumed office prior to October 1, 1974. Any such officer may, upon application to the administrator of the Florida Retirement System within 1 year from the date he first becomes eligible to be a member of the Elected State Officers' Class by virtue of the office he holds, transfer to and participate in the Elected State Officers' Class, subject to the following provisions:

1. He shall transfer and carry with him such retirement credit as he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers; and

2. He may purchase additional retirement credit in the Elected State Officers' Class for all creditable service as an officer within the purview of this class, which service he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers, upon the payment into the system trust fund of a sum equal to the difference between 8 percent of the gross salary he received for the period of his tenure in the office, or 8 percent of \$1,000 per month, whichever is greater, for which he seeks additional retirement credit and the actual amount of his retirement contributions for such period, based on such salary, plus interest thereon at the rate of 4 percent per annum compounded annually from the date of such service until July 1, 1975, and 6.5 percent per annum thereafter until date of payment. An amount equal to the member's contributions and interest payments shall be paid to the system trust fund from the General Revenue Fund. A county court judge or any other member of the Elected State Officers' Class may purchase additional retirement credit for service prior to January 1, 1973, as a county judge, judge of a court of record, judge of a criminal or civil court of record, judge of any metropolitan court established pursuant to s. 6, Art. VIII of the State Constitution, judge of a small claims court, or justice of the peace, provided an amount equal to the member's contributions and interest payments shall be paid to the system trust fund by the county or by the individual. Service as a county court judge from January 1, 1973, to October 1, 1974, may be purchased as additional retirement credit in the Elected State Officers' Class by all members of this class having such service, in the same manner as other additional retirement credit is purchased in this class.

(3)

(b) A member of the Elected State Officers' Class shall have the same normal retirement date as defined in s. 121.021-(29) for a regular member of the Florida Retirement System, except that only 8 years of creditable service in this class shall be needed to attain the normal retirement date specified in s. 121.021(29)(a). *Any Public Service Commissioner who is removed from the Elected State Officers' Class on July 1, 1979, after attaining at least 8 years of creditable service in that class shall be considered to have reached normal retirement age upon attaining the age required in s. 121.021(29)(a).*

(4)

(b) From and after October 1, 1978, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet Officer, Supreme Court Justice, District Court of Appeal Judge, Circuit Judge, County Court Judge, State Attorney, Public Service Commissioner, or Public Defender shall contribute an amount equal to 16.78 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage. *Effective July 1, 1979, any member of the Elected State Officers' Class who is a Public Service Commissioner shall be removed from this class and shall become a regular member on that date and shall be subject to the contribution provisions of s. 121.071 which pertain to regular members.*

(8) There is hereby annually appropriated ~~\$55,080~~ from the General Revenue Fund and the system trust fund sufficient amounts to make such payments as are provided by this section.

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

Amendment 2—On page 1, line 3 in title, after the semicolon “;” insert: adding s. 121.011(3)(f), Florida Statutes; providing for the preservation of rights of certain members of the Florida Retirement System who transferred from an existing system; amending s. 121.051(1)(a), (2)(a), Florida Statutes, 1978 Supplement; prohibiting participation of new officers or employees of the University Athletic Association, Inc., in a state-supported retirement system and confirming participation by current employees in the Florida Retirement System; amending s. 121.052(1)(b), (c), (3)(b), (4)(b), (8), Florida Statutes, 1978 Supplement; removing Public Service Commissioners from membership in the Elected State Officers’ Class of the Florida Retirement System; providing an appropriation;

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

Amendment 1—On pages 1 and 2, strike all of section 1 and renumber subsequent sections

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

Amendment 2—On page 1 in title, lines 2-6, strike all of lines 2-6 and insert: amending

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

SB 1226 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has admitted by two-thirds vote of the membership and passed HB 1849 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Melby and Batchelor—

HB 1849—A bill to be entitled An act relating to optometrists; creating chapter 463, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Optometry and providing the membership and terms of the board; providing eligibility requirements for examination; providing requirements with respect to licenses; providing procedures for the renewal of licenses; providing for inactive status and license cancellation; providing disciplinary actions and penalties and specifying grounds therefor; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of optometry; providing for optometric services to public agencies; providing for keeping of prescriptions; providing for making copies available upon request; providing for supportive personnel; providing for prosecution of criminal violations; providing for reciprocity; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 463, Florida Statutes; providing an effective date.

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

On motion by Senator Dunn, by two-thirds vote HB 1849 was withdrawn from the Committee on Governmental Operations.

HB 1849 was taken up without objection. On motions by Senator Dunn, by two-thirds vote HB 1849 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Barron, the Senate recessed at 3:06 p.m. to reconvene at 5:00 p.m.

The Senate was called to order by the President at 5:00 p.m. A quorum present.

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 2 and 3 and requests the Senate to recede; further amended and passed as further amended—

By the Committee on Regulated Industries & Licensing and Representative Ryals—

HB 1707—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.001, Florida Statutes; providing for payment and deposit of taxes levied under chapter 550; providing penalties; creating s. 550.023, Florida Statutes; providing limitation on civil liability; creating s. 550.032, Florida Statutes; providing for proceeds to be paid on charity and scholarship days; amending s. 550.08(2), Florida Statutes; correcting a cross reference; reenacting and amending s. 550.09(1), Florida Statutes, 1977; providing for admission tax; amending s. 550.10, Florida Statutes; providing for occupational license tax; reenacting and amending s. 550.12(2)(b) and (c), Florida Statutes, 1977; providing for a uniform reporting system; amending s. 550.164, Florida Statutes; providing for escheat of abandoned interest in or contribution to pari-mutuel pools; amending s. 550.26, Florida Statutes, 1978 Supplement; providing tax on breaks for dog tracks; amending s. 550.265(2)(b), Florida Statutes; correcting a cross reference; amending s. 550.33(3), Florida Statutes, 1978 Supplement, providing commissions, taxes and fees with respect to quarter horse racing; reenacting and amending s. 550.37(5), (6), and (7), Florida Statutes, 1977; providing commissions, taxes, and fees with respect to harness racing; deleting the limitation on racing days applied to harness racing with sulky; reenacting, amending, and renumbering s. 550.4906, Florida Statutes, 1977; providing for harness racing purses and for underpayments thereof; reenacting, renumbering, and amending s. 550.262, Florida Statutes, 1977; providing for overnight purses and standardbred breeders’ awards with respect to harness racing; providing for certification of certain information; providing for underpayments; amending s. 550.39, Florida Statutes; providing for commissions, taxes, fees and purses with respect to certain summer harness racing; providing for underpayments; reenacting, renumbering, and amending s. 550.4904, Florida Statutes, 1977; correcting a cross reference; amending s. 550.42, Florida Statutes, 1978 Supplement; providing for commissions, taxes, and fees with respect to summer thoroughbred racing; amending s. 550.44, Florida Statutes; providing for summer horse-racing purse requirements and for overpayments and underpayments; amending s. 550.45, Florida Statutes; correcting a cross reference; reenacting, renumbering, and amending s. 550.4902, Florida Statutes, 1977; providing for commissions, taxes and fees with respect to winter thoroughbred racing; reenacting, renumbering, and amending s. 550.261, Florida Statutes, 1977; providing for winter horseracing purse requirements and for underpayments; reenacting, renumbering, and amending s. 550.081, Florida Statutes, 1977; providing for allocation of winter thoroughbred periods of operation; creating s. 550.56, Florida Statutes; providing for the tax on breaks and the

distribution thereof; creating certain promotion funds and providing for the utilization thereof; renumbering and amending s. 550.38, Florida Statutes, 1978 Supplement; providing for thoroughbred breeders and stallion awards; creating s. 550.60, Florida Statutes; providing for purse and operational allowances; creating s. 550.61, Florida Statutes; providing for Florida-bred horse owners awards; creating s. 550.70, Florida Statutes; providing for a capital improvement allowance for qualified permittees; providing for penalties; creating s. 551.011, Florida Statutes; providing for payment and deposit of taxes levied under chapter 551; providing penalties; amending s. 551.06, Florida Statutes; providing for an admission tax with respect to jai alai exhibitions; amending s. 22 of chapter 77-167, Laws of Florida; providing that the amendments to chapter 550, Florida Statutes, by said chapter shall not expire; repealing ss. 550.49, 550.4901, 550.4903, 550.4905, 550.4907, and 550.4908, Florida Statutes, relating to legislative intent and purse and track allowances for certain racetracks; re-enacting and amending s. 550.091, Florida Statutes, relating to additional commission to be withheld by dogracing and horseracing permittees; repealing s. 550.035, Florida Statutes, relating to additional performances for the Bicentennial Commission; repealing s. 550.069, Florida Statutes, relating to harness racing daily license fees; repealing s. 550.27, Florida Statutes, relating to employment of residents; repealing s. 550.47(2), Florida Statutes, relating to leasing another permit holder's facilities; repealing s. 550.161, Florida Statutes, relating to certain pari-mutuel pools; re-enacting and amending s. 551.071, Florida Statutes, relating to additional commission withheld by jai alai permittees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—Beginning on page 6, line 27, strike all of Section 5 and renumber subsequent sections.

House Amendment 2—On page 8, lines 17-29, strike all of lines 17 through 29 and insert: \$25. (b) Professional persons such as owners, trainers, veterinarians, doctors, nurses, officials and supervisors of all departments, \$10.

(c) Jockeys, apprentice jockeys, jockey agents, harness drivers and jai alai players, \$5.

(d) Permitholder employees, concession employees, grooms, exercise boys, hot-walkers, miscellaneous stable help, platers and all others not specifically provided, \$4.

(2) It is unlawful for any person to take part in or officiate in any way or to serve in any capacity at any racetrack without first having secured said license and paid said occupational license fee ~~to~~.

House Amendment 3—Beginning on page 10, line 19, strike all of section 8 and insert a new Section 8 to read: Section 8. Section 550.165, Florida Statutes, is created to read:

550.165 Escheat of abandoned interest in or contribution to pari-mutuel pools.—All money or other property represented by any unclaimed, uncashed or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any horse race track permittee authorized to conduct pari-mutuel pools in this state for a period of 6 months following the termination of a permittee's authorized racing season, when the rightful owner or owners thereof have made no claim or demand for such money or other property, is hereby declared to have become the property of the horse race track permittee who holds such funds. Section 550.164, Florida Statutes, shall apply to all unclaimed, uncashed or abandoned pari-mutuel tickets which are in the possession of any horse race track permittee as of May 13, 1979 and thereafter the provisions of this section shall apply. The provisions of s. 550.164, F.S., shall apply only to dog tracks and jai-alai frontons.

House Amendment 4—Beginning on page 45, line 12, strike all of Section 29 and renumber subsequent sections

House Amendment 5—Beginning on page 48, line 23, strike all of Section 36 and insert: Section 36. Chapter 551.071, Florida Statutes, as created by Chapter 77-166, Laws of Florida, is re-enacted and amended to read:

551.071 Additional commission required to be withheld by jai alai permittees.—In addition to the 17% commission autho-

ized to be withheld, every permittee conducting a jai-alai contest shall withhold an additional 6/10 of 1% from the total contributions to the pari-mutuel pool on each and every contest conducted by each and every permitholder in this state. The additional 6/10 of 1% shall be paid as set forth in s. 551.011, Florida Statutes.

House Amendment 6—Beginning on page 47, line 24, strike all of Section 35 and insert: Section 35. Chapter 550.091, Florida Statutes, as created by Chapter 77-166, Laws of Florida, is re-enacted and amended to read:

550.091 Additional commission required to be withheld by dog and horse racing permittees.—In addition to the 17% commission authorized to be withheld, every permittee conducting a dog race or horse race meet shall withhold an additional 6/10 of 1% from the total contributions to the pari-mutuel pool on each and every race conducted by each and every permitholder in this state. The additional 6/10 of 1% shall be paid as set forth in s. 550.001, Florida Statutes.

House Amendment 7—On page 49, lines 27, 28, 29, strike all of lines 27, 28 and 29 and insert: of s. 26 shall apply as enacted. This act shall take effect 5 minutes before midnight on June 30, 1979.

House Amendment 8—On page 1, line 18 in the title, strike all of line 18 and insert: reporting system; creating s. 550.165, Florida

House Amendment 9—On page 3, lines 21, 22, 23 in the title, strike all of lines 21, 22 and 23 and insert: penalties; amending s. 22

House Amendment 10—On page 33, line 7, strike all of line 7 and insert: shall be paid to the thoroughbred licensees in proportion to the number of racing days allocated to them.

(4) Any proceeds not paid as provided in subsection (3) as breeders' awards for the current racing season shall be paid by the licensee to supplement purses for Florida state-bred funded races or Florida state-bred stakes races. If the proceeds are used to supplement any Florida state-bred funded race, the licensee shall add, from such proceeds, to the purse of the Florida state-bred funded race, an amount equal to 1/3 of the announced gross purse for such race.

(Renumber subsequent subsections.)

House Amendment 11—On page 4, line 19, after the colon ":" insert:

Section 1. Section 550.24, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 550.24, F.S., for present text.)

550.24 Conspiring to influence or prearrange result of a race; using narcotics, stimulants, depressants, chemicals or drugs on a horse or dog prior to entry into a race; penalty.—Any person or persons who shall administer, conspire to administer, or who knowingly permits any other person to administer, internally to any horse or dog which is to participate in a race any narcotic, stimulant, depressant, or drug which alters the normal functions or interferes with known testing procedures or affects the result of a race, by any method whatsoever, which shall cause such substances, to be found as a constituent in specimens of the horse's or dog's urine or blood taken in a pre-race or post-race test shall immediately be reported to the stewards who shall hold a hearing within 48-hours of receipt of the report of the state veterinarian. The stewards shall be empowered to exercise their authority under the Administrative Procedure Act and report their finding to the Director of the Division of Pari-mutuel Wagering. The director shall be empowered to enter an order immediately suspending the privilege to hold a pari-mutuel license in Florida, subject to a hearing within reasonable time, not to exceed 7 calendar days. All purses or prizes awarded in a race to anyone found guilty of this act shall be impounded until the outcome of the hearing held by the Division of Pari-mutuel Wagering. If any person or persons are found to be guilty of this act the Director of the Division of Pari-mutuel Wagering shall suspend any license or licenses for not less than 1 year.

Section 2. Any person or persons found guilty of violating this act and prosecuted under the criminal statutes of this state for a first offense shall be guilty of a misdemeanor of the first degree and punishment shall be as provided by law. Any subsequent convictions of this statute shall be deemed to be a felony and punishable as provided by law.

Section 3. Any medications administered to a horse or dog by a licensed veterinarian prior to entry into a race shall deem such veterinarian to be the absolute insurer of the horse or dog pursuant to this act. Any horse or dog trainer and owner shall be absolved from any liability under this act if it is found that he relinquished control of his horse or dog to a licensed veterinarian for purposes of medication and/or treatment. All licensed veterinarians shall be subject to all provisions of this act.

(Renumber subsequent sections.)

House Amendment 12—On page 1, line 2 in the title, after the semicolon “;” insert: amending s. 550.24, Florida Statutes, providing a penalty for the use of certain types of drugs on a horse or dog for the purpose of affecting the result of a race; providing an exemption for the Director of the Division of Pari-mutuel Wagering from certain provisions of chapter 120; providing restrictions relating to sentencing;

House Amendment 13—On page 14, lines 4, 19 and 26 through 30. On Line 4, strike the comma after the word “chapter”, and insert “; after the total pari-mutuel pool averages \$450,000 daily for the preceding race season.”

On line 19, after (g), strike the word “The” and insert “After the total pari-mutuel pool averages \$450,000 daily for the preceding race season, the”

Strike all of lines 26 through 30.

House Amendment 14—On page 23, line 2 After the word “meet”, strike the period and insert: “, except quarter horse races where this subsection shall only take effect after the pari-mutuel handle reaches \$450,000 daily average for the preceding race season.”

House Amendment 15—On page 22, line 19, After the word “Race”, strike the period and insert: “, except quarter horse races where this subsection shall only take effect after the pari-mutuel handle reaches \$450,000 daily average for the preceding race season.”

House Amendment 16—On page 33, lines 25 and 26, On line 25, strike the words “shall be 50 percent of” and on line 26, strike the words “the breaks and”

House Amendment 17—On page 38, line 10, strike After the word “season.” insert “The foregoing purse and operational allowances schedule shall only apply to a quarter horse race meet after the daily pari-mutuel handle averages \$450,000 for the preceding race season. Quarter horse permittee shall pay \$1,000 tax daily until such time as the average daily pari-mutuel handle exceeds \$450,000 for the preceding race season.”

House Amendment 18—On page 39, line 29, After the word “550.61.” insert “The foregoing purse and operational allowances schedule shall only apply to a quarter horse race meet after the daily pari-mutuel handle averages \$450,000 for the preceding race season.”

House Amendment 19—On page 41, line 22, strike all of Section 27 and insert a new Section 27 to read: Section 27. Section 550.70, Florida Statutes, is created to read:

550.70 Capital improvement allowance.—

(1) Any permittee conducting a thoroughbred horse race meet, harness horse race meet or quarter horse race meet pursuant to the provisions of chapter 550, shall be permitted to deduct from the percentage taxes levied therein an amount equivalent to 4/10 of 1 percent of the pari-mutuel pool for the purposes of a capital improvement allowance, provided the permittee is so authorized by action of the Secretary of the Department of Business Regulation as provided for in this section.

(2) “Capital improvement: means:

(a) The amount paid out for new buildings or for permanent improvements or betterments made to improve the facilities owned and utilized by the permittee for the conduct of its race meeting; or

(b) The amount expended in restoring property or in improving the facility or any part thereof which is owned and utilized by the permittee which results in the addition or replacement of a fixed asset. In general, the amounts referred to in paragraphs (a) and (b) include amounts paid or incurred which add to the value, improve or substantially prolong the useful life of the race track facilities owned and utilized by the permittee for the conduct of its race meeting. Amounts paid or incurred for incidental repairs and maintenance of property or interest expense in repairs and maintenance of property or interest expense in connection with the capital improvement are not capital improvements within the meaning of this section.

(3) In order to qualify for the capital improvement allowance authorized in subsection (1), the permittee shall file an application with the Secretary of the Department of Business Regulation setting forth the type of capital improvement projected by the permittee, which application shall include all costs of the projected capital improvement, and such other relevant information fully describing the proposed Capital Improvements. After a review of the projected capital improvement application, and a determination that the projected capital improvement application satisfies the criteria set forth in subsection (2) the Secretary of the Department of Business Regulation shall approve the application. Supplemental costs and changes in the projected capital improvement shall be processed in the same manner. The permittee shall, after approval of the application, be permitted to withhold the percentage set forth in subsection (1) up to the amount approved in the application and shall deposit such percentage in a banking account apart from the permittee's normal operating accounts. Checks drawn on the banking account shall be for purposes set forth in the approved application and no other purpose.

(4) At the conclusion of the capital improvement and after the same has been paid for by the permittee, the permittee shall submit a certified audit to the Secretary of the Department of Business Regulation which shall detail all expenditures as approved by the application together with photostatic copies of the banking account and shall furnish such other information as may reasonably be prescribed by the commission.

(5) All capital improvements authorized and approved pursuant to this section shall, unless otherwise approved by the Secretary of the Department of Business Regulation, be commenced within 1 year after the approval of the application. The commission is hereby authorized to review requests for extension in such cases and may approve an additional time up to 1 year for construction to begin if the merits of the request so warrant. If the extension is not granted the permittee shall within 10 days return to the Division of Pari-Mutuel Wagering all sums which had been withheld from pari-mutuel pools under the provisions of this section and shall pay the Division of Pari-Mutuel Wagering an additional sum equivalent to interest at the rate of 10 percent annually for such time as the permittee has had use of the state's funds. Further deduction of the allowance provided in subsection (1) by permittee shall be prohibited, however, such action by the Secretary of the Department of Business Regulation shall be without prejudice on future requests of the permittee.

(6) The Secretary of the Department of Business Regulation shall adopt rules to administer this section. The permittee shall maintain full and complete records of all transactions relating to the capital improvement fund and as a condition of the application shall agree to full and complete audit of such accounts by the Secretary of the Department of Business Regulation at any reasonable time. Upon evidence of misuse by any permittee of these funds, the Secretary of the Department of Business Regulation is empowered to rescind the approval and demand full and complete restitution of all funds retained by the permittee, and the secretary may impose penalties as provided in s. 550.07.

(7) Any horse race track permittee who operates at the race track facilities owned by another horse race track permittee shall not be entitled to the allowances provided for in this section except upon a finding by the Florida Pari-Mutuel Commission that the approval of such allowance would be in

the best interests of the State and the track and would tend to increase pari-mutuel handle and increase State revenue.

(8) This section shall take effect July 1, 1980, provided, however, that the Florida Pari-Mutuel Commission is authorized to accept and approve applications pursuant to this section prior to July 1, 1980, in accordance with the provisions herein, but no permittee shall withhold any of the allowances provided in this section until July 1, 1980.

On motions by Senator Barron, the Senate refused to recede from the Senate amendments and the House was again requested to concur; and 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.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 268 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 269 was withdrawn from the Committees on Judiciary-Civil and Ways and Means.

The Honorable Philip D. Lewis, President

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

By Senator Spicola and others—

SB 1317—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amend-

ing s. 893.02(2), Florida Statutes, redefining the term "cannabis"; amending the introductory paragraph of subsection (1) of s. 893.03, Florida Statutes, 1978 Supplement, providing that certain substances used pursuant to the Controlled Substances Therapeutic Research Act which are within Schedule I of the Florida Comprehensive Drug Abuse Prevention and Control Act shall be deemed to meet acceptable safety standards under medical supervision; amending s. 893.13(1)(f), Florida Statutes, to include all plants of the genus cannabis; increasing the amount possessed or delivered in an offense; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, strike ~~first~~ and insert: first

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

ENROLLING REPORT

SB 355 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 5, 1979.

Joe Brown, Secretary

The Journal of June 4 was corrected and approved.

On motion by Senator Barron, the Senate adjourned at 6:05 p.m. to convene at 8:00 a.m., June 6, 1979.