



# Journal of the Senate

Special Session

Wednesday, June 6, 1979

At a Special Session of the Florida Legislature convened under Section 3(c), Article III, of the Constitution of the State, as revised in 1968, and Section 11.011, Florida Statutes, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

In pursuance of the Proclamation of Senator Philip D. Lewis, President of the Florida Senate, and Representative J. Hyatt Brown, Speaker of the House of Representatives, the Senate met in special session at 12:00 noon and was called to order by the President. A quorum present—40:

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

By direction of the President, the following Proclamation was read:

## THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA  
SENATE AND THE FLORIDA HOUSE OF  
REPRESENTATIVES:

We, Philip D. Lewis, President of the Florida Senate, and J. Hyatt Brown, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Section 3, Article III, Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Section 3(c), Article III, Florida Constitution and Section 11.011, Florida Statutes, at the new Capitol facilities in Tallahassee, Florida at 12:00 noon on Wednesday the 6th day of June, 1979, for a period of two hours.
2. That the Legislature is convened for the sole and exclusive purposes of consideration of SJR 93, SB 66, and SB 1288, Legislative Salary and Per Diem.



*Philip D. Lewis*  
President, The Florida Senate

*J. Hyatt Brown*  
Speaker, The Florida House  
of Representatives

Duly filed with and received by the Florida Department of State this 6th day of June, 1979 by:

*George Firestone*

On motion by Senator Barron, the Senate recessed at 12:05 p.m., awaiting the call of the President.

The Senate was called to order by the President at 12:45 p.m. A quorum present—40.

## INTRODUCTION

SJR 1-B, SB 2-B and SB 3-B were determined by the President to be within the purview of the call.

By Senators Gordon, Trask, Peterson, Barron and Ware—

SJR 1-B—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to ad valorem tax relief.

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

On motion by Senator Gordon, by two-thirds vote SJR 1-B was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Gordon, by two-thirds vote SJR 1-B was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 2, lines 21-23, strike all of said lines and insert: *permanent residents, ad valorem tax relief on school district levies. Such ad valorem tax relief shall be in the form and*

**Amendment 2**—On page 2, line 31, and on page 3, line 1, strike all of said lines and insert: *valorem school millage levies, providing authorization for ad valorem tax relief for permanent resident renters,*

**Amendment 3**—On page 2, line 11, after the word "to" insert: *a total of*

On motion by Senator Gordon, by two-thirds vote SJR 1-B as amended was read the third time in full as follows:

**SJR 1-B**—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to ad valorem tax relief.

*Be It Resolved by the Legislature of the State of Florida:*

That the following revision consisting of an amendment to Section 6 of Article VII of the State Constitution is hereby agreed to and that the revision shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980; provided, however, that if such revision is not submitted to the electors at a special election on March 11, 1980, it shall be submitted to the electors at the next general election, and, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

## ARTICLE VII

### FINANCE AND TAXATION

#### SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of

the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled.

(d) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on school district levies. Such ad valorem tax relief shall be in the form and amount established by general law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

#### CONSTITUTIONAL AMENDMENTS

##### ARTICLE VII, SECTION 6

Proposing amendments to the State Constitution to provide a homestead exemption of \$25,000 from certain ad valorem school millage levies, providing authorization for ad valorem tax relief for permanent resident renters, and providing that the \$25,000 exemption from certain ad valorem school millage levies shall take effect upon approval by the voters and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter.

—and as amended passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yeas—Maxwell, Poole

By Senators Gordon and Trask—

SB 2-B—A bill to be entitled An act relating to a special election to be held on March 11, 1980, pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution amending Section 6 of Article VII of the State Constitution relating to ad valorem tax relief; providing for publication of notice and for procedures; providing an effective date.

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

On motion by Senator Gordon, by two-thirds vote SB 2-B was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Gordon, by two-thirds vote SB 2-B was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 1, lines 17-22, strike all of said lines and insert: Florida for approval or rejection Senate Joint Resolution 1-B, relating to finance and taxation.

On motion by Senator Gordon, by two-thirds vote SB 2-B as amended was read the third time by title, passed by the required constitutional three-fourths vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—Maxwell, Poole

By Senators Peterson, Gordon, Trask, Barron, Carlucci and Williamson—

SB 3-B—A bill to be entitled An act relating to ad valorem tax relief; amending s. 236.25(1), Florida Statutes; providing a limitation on the millage levied by school districts for fiscal year 1979-1980; creating s. 200.066, Florida Statutes; providing a limitation on the rate of increase in ad valorem operating millage levies for municipalities and counties for 1979 under certain circumstances; providing exceptions; amending s. 196.031(3), (4), Florida Statutes; providing for an increased homestead exemption of \$25,000 of assessed valuation for taxes levied by school districts; providing for the annual compilation by the property appraisers of the loss of tax revenue to the school districts from levies other than the minimum financial effort required; adding s. 196.032(5), Florida Statutes; providing for creation of the School District Homestead Trust Fund; providing for annual payments from the trust fund to school districts as reimbursement for revenue lost because of the additional exempt value; providing that the Legislature annually appropriate sufficient moneys to the trust fund; amending s. 196.121(1), Florida Statutes; deleting the statutory homestead exemption form; providing that such form shall be developed by the Department of Revenue; amending s. 196.141, Florida Statutes; deleting language relating to the assessment of homestead property; amending s. 192.091(2), Florida Statutes; providing that the commissions of property appraisers and tax collectors on certain school district levies be paid by the board of county commissioners; creating s. 196.002, Florida Statutes; providing legislative intent in regard to assessment roll, recordkeeping, and reporting; providing an appropriation; providing an effective date.

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

On motion by Senator Gordon, by two-thirds vote SB 3-B was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Gordon, by two-thirds vote SB 3-B was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 5, line 23, after the word "to" insert: a total of

Amendment 2—On page 4, line 6, after the word "of" insert: . . . (amount) . . . for

**Amendment 3**—On page 10, lines 3-11, strike all of lines 3-11 and insert: Section 10. Sections 1, 2 and 10 of this act shall take effect upon becoming a law and sections 3 through 9 shall take effect upon approval of Senate Joint Resolution 1-B at a special election to be held on March 11, 1980, or at the next general election, and shall first apply to assessment rolls for the year 1980 and each year thereafter. Sections 1 and 2 of this act are hereby repealed effective June 30, 1980.

Senator MacKay moved the following amendment which was adopted:

**Amendment 4**—On page 3, line 5, after the word "Constitution" insert: or levied pursuant to special act or written contract entered into prior to June 1, 1979 funded by ad valorem tax or levied by a special district, either independent or dependent, or a municipal service taxing unit

On motion by Senator Gordon, by two-thirds vote SB 3-B 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	Gordon	McKnight	Stuart
Anderson	Gorman	Myers	Thomas
Barron	Hair	Peterson	Tobiassen
Carlucci	Henderson	Poole	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Williamson
Fechtcl	MacKay	Steinberg	Winn

Nays—8

Childers, D.	Grizzle	Johnston	Spicola
Frank	Jenne	Skinner	Ware

Vote after roll call:

Yea—Maxwell

On motion by Senator Barron, the Senate recessed at 1:04 p.m., awaiting the call of the President.

The Senate was called to order by the President at 1:18 p.m. A quorum present—40:

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

HB 1-B and HB 2-B were determined by the President to be within the purview of the call.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1-B and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gordon—

**HB 1-B**—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.

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

On motion by Senator Barron, by two-thirds vote HB 1-B was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Gordon, by two-thirds vote HB 1-B 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

Mr. President	Frank	Jenne	Steinberg
Anderson	Gordon	Johnston	Tobiassen
Carlucci	Gorman	McKnight	Trask
Childers, D.	Grizzle	Myers	Vogt
Childers, W. D.	Henderson	Peterson	Winn
Dunn	Hill	Scott	
Fechtcl	Holloway	Skinner	

Nays—7

Barron	Hair	Scarborough	Thomas
Chamberlin	MacKay	Spicola	

Votes after roll call:

Yea—Maxwell

Nay to Yea—MacKay, Thomas

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 2-B and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gordon—

**HB 2-B**—A bill to be entitled An act relating to legislative salaries; amending s. 11.13(1), Florida Statutes; increasing the salaries of the President of the Senate and the Speaker of the House of Representatives; providing an effective date.

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

On motion by Senator Gordon, by two-thirds vote HB 2-B was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Dunn, by two-thirds vote HB 2-B was read the second time by title.

Senator Steinberg moved the following amendment:

**Amendment 1**—On page 1, strike all of line 20 and insert: Representatives, \$12,000 each, provided that on November 5, 1980, this figure shall be increased to \$13,738.

(c) Beginning in 1981, the annual salaries provided in this subsection shall be adjusted at the same time adjustments are made in the salaries for state employees. Adjustments to salaries of members of the Legislature shall be equal to the percentage increase in the average cost-of-living index, provided that such increase shall not be in excess of the average percentage of increase granted to state employees as calculated by the Appropriations Committees of each House and certified to the Joint Legislative Management Committee.

(d) For purposes of this section "Average cost-of-living index" as of any adjustment date means the average of the monthly Consumer Price Index figures for the 12-month period ending 2 months immediately prior to the adjustment date, relative to the United States as a whole, issued by the Bureau of Labor Statistics of the United States Department of Labor.

Senator Carlucci moved the following amendment to Amendment 1 which failed:

**Amendment 1A**—On page 1, line 2, after "\$13,738" insert: with respect to members elected in 1980. Such increase shall not apply to members elected in 1982 until the day following the 1982 general election.

Senator Chamberlin moved the following amendment to Amendment 1 which failed:

**Amendment 1B**—On page 1, on line 8 strike the word “the” and strike all of lines 9-12 and insert: 3% per year.

Amendment 1 failed. The vote was:

Yeas—17

Mr. President	Frank	McKnight	Ware
Anderson	Gordon	Scarborough	Winn
Chamberlin	Grizzle	Steinberg	
Childers, D.	Hill	Stuart	
Dunn	Johnston	Vogt	

Nays—20

Barron	Hair	Myers	Spicola
Carlucci	Holloway	Peterson	Thomas
Childers, W. D.	Jenne	Poole	Tobiassen
Fechtcl	MacKay	Scott	Trask
Gorman	Maxwell	Skinner	Williamson

Senator Dunn moved that the rules be waived and HB 2-B be read the third time by title. The motion failed.

Senator Johnston moved that the Senate reconsider the vote by which HB 2-B failed to be read the third time by title. The motion failed.

*The Honorable Philip D. Lewis, President*

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

By Senator Peterson and others—

**SB 3-B**—A bill to be entitled An act relating to ad valorem tax relief; amending s. 236.25(1), Florida Statutes; providing a limitation on the millage levied by school districts for fiscal year 1979-1980; creating s. 200.066, Florida Statutes; providing a limitation on the rate of increase in ad valorem operating millage levies for municipalities and counties for 1979 under certain circumstances; providing exceptions; amending s. 196.031(3), (4), Florida Statutes; providing for an increased homestead exemption of \$25,000 of assessed valuation for taxes levied by school districts; providing for the annual compilation by the property appraisers of the loss of tax revenue to the school districts from levies other than the minimum financial effort required; adding s. 196.032(5), Florida Statutes; providing for creation of the School District Homestead Trust Fund; providing for annual payments from the trust fund to school districts as reimbursement for revenue lost because of the additional exempt value; providing that the Legislature annually appropriate sufficient moneys to the trust fund; amending s. 196.121(1), Florida Statutes; deleting the statutory homestead exemption form; providing that such form shall be developed by the Department of Revenue; amending s. 196.141, Florida Statutes; deleting language relating to the assessment of homestead property; amending s. 192.091(2), Florida Statutes; providing that the commissions of property appraisers and tax collectors on certain school district levies be paid by the board of county commissioners; creating s. 196.002, Florida Statutes; providing legislative intent in regard to assessment roll, recordkeeping, and reporting; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 31 and page 3, line 1 strike all of said lines and insert: programs, and millage requirements imposed by special acts, no local taxing authority other than school districts, multi-county taxing authorities, and municipal service taxing units, shall levy a

**Amendment 2**—On page 3, line 4, after the word “changes” insert: , millage necessary to prevent impairment of a contract entered into prior to June 1, 1979

**Amendment 3**—On page 3, line 5, after the word “Constitution” strike the text of the MacKay amendment (Senate Amendment #4) which reads: or levied pursuant to special act or written contract entered into prior to June 1, 1979 funded by ad valorem tax or levied by a special district, either independent or dependent, or a municipal service taxing unit

**Amendment 4 to Senate Amendment 3**—On page 1, lines 5 & 6, strike “Sections 1 and 2 of this act are” and insert: Section 2 of this act is

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

SB 3-B passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Childers, D. Johnston

Votes after roll call:

Nay—Frank

Yea to Nay—Spicola

The bill was ordered engrossed and then enrolled.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House SJR 1-B.

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional vote of the membership of the House, SB 2-B.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

On motion by Senator Barron, the Senate adjourned sine die at 1:57 p.m.