



Journal of the Senate

Number 1—Special Session

Tuesday, November 27, 1979

At a Special Session of the Florida Legislature convened pursuant to Article III, Section 3(c)(1) of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

In pursuance of the Proclamation of Honorable Bob Graham, Governor of the State of Florida, the Senate met in Special Session at 2:00 p. m. and was called to order by Senator Philip D. Lewis, 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
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by Senator Peterson:

Gracious and heavenly Father, we praise your name today and thank you for the blessings we have in this land of freedom. We thank you for the blessings of the institutions in this land of freedom; the institutions of the family, and of worship and the government. Father, today we pray for the institution of government, we pray for this Senate, we pray for the leaders of this Senate. Father, we ask for your guidance as we meet in special session. Father, we pray for the leadership of this state, for our Governor, and the Cabinet.

Most of all today our thoughts are directed to our country and the leadership of this land in the crucial times ahead. We ask that to all of these leaders you would give your strength, that you would give them wisdom and understanding, and would give them courage to do what they know is right.

So Father, we ask that as we go our way, if we make mistakes, that you will forgive and that we will pray always in your name. Amen.

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

By direction of the President, the Proclamation of the Governor convening the Legislature in special session was read:

PROCLAMATION

*State of Florida
Executive Department
Tallahassee*

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

WHEREAS, the Governor's Tax Reform Commission was created and given the responsibility to review the adequacy of Florida's state financial structure to support the current level of programs and the fairness of Florida's tax structure in distributing the burden of taxation, while at the same time providing security for Florida's homeowners, condominium owners and renters from excessive property taxes, in order to consider and make recommendations as to tax policy to assist in the attainment of the State's goals of promoting

economic prosperity, increasing the availability of jobs for Florida's citizens and supporting community revitalization and energy conservation, and

WHEREAS, the Tax Reform Commission has met and has diligently carried out its prescribed duties, and

WHEREAS, on October 26, 1979, the Tax Reform Commission presented its recommendations to the Governor, and

WHEREAS, the Governor has carefully reviewed the recommendations presented by the Tax Reform Commission and has adopted a substantial number of them and in some cases has modified such proposals, and

WHEREAS, immediate legislative action is required in order to insure the successful implementation of a program of tax reform for the citizens of Florida, and

WHEREAS, certain other pressing matters, as more particularly described below, have arisen which will require immediate legislative action, and

WHEREAS, it is necessary and in the public interest of the citizens of the State of Florida that the Legislature be convened in special session to consider the legislative business described in Section 2 hereof;

NOW, THEREFORE, I, BOB GRAHAM, Governor of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1

That the Legislature of the State of Florida be and is hereby convened in special session pursuant to Article III, Section 3(c)(1), Florida Constitution, at the Capitol, Tallahassee, Florida, commencing at 2:00 p.m. on Tuesday, November 27, 1979, and extending through 5:00 p.m., Friday, November 30, 1979.

Section 2

That the Legislature is convened for the sole purpose of considering the following matters:

1. Revision of Article VII of the Florida Constitution as follows:

(a) Amendments to Section 1 providing for state expenditure limitations and stabilization;

(b) Amendments to Section 3 extending the exceptions authorized in Subsection (b) to all residents and to widowers and authorizing ad valorem exemptions for community redevelopment and economic development;

(c) Amendments to Section 4. authorizing preferential assessment, classification or exemption for stock and trade, livestock and property used for energy conservation or community redevelopment, setting forth the standard to be used to establish just value and authorizing a fractional assessment for property;

(d) Amendments to Section 5 providing for estate tax liability to the extent of federal credit without regard to other states' taxing policies and for the deletion of an unnecessary subsection (c);

(e) Amendments to Section 6 providing for homestead exemptions and authorizing ad valorem tax relief for permanent residents;

(f) Amendment to Section 8 providing for the use of state ratio studies as a condition on aid to local governments;

(g) Amendment to Subsection 9(b) providing for additional school capital outlay millage to be voted up to ten (10) years;

(h) Amendments to create new sections providing for state homeowner and renter housing assistance programs; community redevelopment programs; and a schedule for this revision providing an effective date and which language shall prevail in the event that more than one amendment to a section is adopted.

2. Amendment and revision of the general laws of Florida regarding ad valorem assessment and collection practices and State review thereof.

3. Amendments to Chapter 27, Florida Statutes, providing which public defenders shall handle appeals in the Fifth Appellate District.

4. Amendments to Article V, Section 3(a) and (b) of the Florida Constitution, concerning the organization and judicial jurisdiction of the Florida Supreme Court.

5. Amendments to Chapter 659, Florida Statutes, for the purpose of considering lawfully authorized places where Florida banking institutions may transact commercial banking business.

6. Amendments to Chapter 79-183, Laws of Florida, relating to local government audits.

7. Laws relating to the submission of items 1 and 4 to a special election called for March 11, 1980.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in special session, at the Capitol, this 27th day of November, 1979.

BOB GRAHAM
Governor

ATTEST:

GEORGE FIRESTONE
Secretary of State

On motion by Senator Barron that a committee be appointed to notify the Governor that the Senate was convened and ready to proceed with the business of the session, the President appointed Senators Barron, W. D. Childers and Ware. The committee was excused.

On motion by Senator Scarborough that a committee be appointed to notify the House of Representatives that the Senate

was convened and ready to proceed with the business of the session, the President appointed Senators Scarborough, Hill and Scott. The committee was excused.

A committee from the House of Representatives composed of Representatives Bell, Moffitt and Kiser was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

The committees previously appointed to inform the Governor and House of Representatives that the Senate was convened and ready to proceed with the business of the session returned to the chamber, reported to the President that their duties had been performed. The committees were discharged.

VETOED BILLS 1979 REGULAR SESSION

Honorable Philip D. Lewis
President of the Senate

November 27, 1979

Dear Mr. President:

In compliance with the provisions of Article III, Section 8(b), of the State Constitution, I am transmitting to you for consideration of the Senate the following vetoed bills, 1979 Regular Session, with the Governor's objections attached thereto:

SB 294 Relating to electronic repair dealer registration

SB 331 Relating to interest rates and usury laws

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SB 387 Regulation of foresters

SB 477 Relating to the Division of Building Construction and Property Management

SB 487 Relating to early childhood and basic skills development

SB 558 City of Gainesville; internal auditor

SB 1006 Relating to municipal public service tax

SB 1156 Public Works; prevailing wage rate prohibited

Sincerely,
GEORGE FIRESTONE
Secretary of State

Honorable George Firestone
Secretary of State

June 26, 1979

Dear Mr. Secretary:

By authority vested in me as Governor of Florida, under provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 294 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979 entitled:

"An act relating to electronic repair; amending ss. 468.151, 468.152, Florida Statutes; deleting unnecessary definitions; modifying qualifications of Chief of Bureau of Electronic Repair Dealer Registration; amending s. 468.154(1), Florida Statutes, 1978 Supplement; authorizing the head of the Department of Business Regulation to appoint the members of the advisory council to fill vacancies, and to call meetings of the council; providing that two members of the advisory council created pursuant to such section are not to have ever been engaged in the electronic repair industry; deleting requirement that the advisory council meet at least once every 4 months; authorizing the advisory council to elect a chairman from its membership for a 1-year term; amending s. 468.155, Florida Statutes; providing that the Division of General Regulation of the Department of Business Regulation shall validate the registration of each service dealer upon receipt of the required fee; providing grounds for denial of registration and guidelines for revalidating a registration; amending s. 468.156(1), (2), Florida Statutes; deleting minimum service dealer registration fee and establishing maximum fee; repealing s. 468.157, Florida Statutes, relating to disposition of monies received; repealing s. 468.160, Florida Statutes, as amended, relating to appeals to the Board; repealing s. 468.161, Florida Statutes, relating to informal adjustments of

complaints; reviving and readopting ss. 468.150, 468.151, 468.-152, 468.153, 468.155, 468.156, 468.158, 468.159, 468.162, 468.-1625, Florida Statutes, notwithstanding the provisions of the Regulatory Reform Act of 1976; reviving and readopting s. 468.154, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976 or the Sun-down Act; repealing Part V, Chapter 468, Florida Statutes; providing a retroactive effective date."

Under Chapter 76-168, Laws of Florida, as amended, (The Regulatory Reform Act) Chapter 468, Part V, Florida Statutes (Regulation of Electronic Repair Dealers), was scheduled for repeal on July 1, 1979. The purpose of Senate Bill 294 is essentially to revive and readopt, with amendments, Chapter 468, Part V, which would allow the Department of Business Regulation, Division of General Regulation, to continue to regulate electronic repair dealers in the State.

The purpose of the Regulatory Reform Act, Chapter 76-168, Laws of Florida, was to provide for a systematic repeal of those statutes which regulate initial entry into, and practice of, certain professions and occupations. The basic question to be answered was, "Does the statute protect the public from serious potential harm to the extent that repeal of the statute would threaten the public's health, safety, or welfare?"

In applying the Regulatory Reform standards to this Act, not only is the use of revocation and suspension occasional, but criminal prosecutions were never sought. I find that repeal of Chapter 468, Part V of the Florida Statutes, would not leave the public defenseless against unethical service dealers. Section 817.53, Florida Statutes, provides criminal penalties for various fraudulent acts related to television and radio repair. Further, Sections 817.559 and 817.56, Florida Statutes, also provide criminal penalties for failure to properly label television picture tubes and for misrepresentation of picture tubes. These penalties, if applied, would, in my opinion, provide protection for consumers and deter dealers from committing fraudulent and dishonest acts.

In addition, I feel it would be misleading and giving a false sense of security to the citizens of this State to implement a piece of regulatory legislation in which the Legislature failed to provide the staffing necessary to adequately enforce and investigate complaints arising from such legislation.

For the above reasons, I am withholding my approval of Senate Bill 294, Regular Session of the Legislature, commencing on April 3, 1979, and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 331, enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the regular session of 1979 and entitled:

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

Senate Bill 331 increases the maximum permissible interest on loans in excess of \$500,000 made to corporations from 15% to 45%. The same objective was accomplished by Senate Bill 1262, which became effective July 1, 1979.

Senate Bill 1262 is a more comprehensive law that increases the interest rate applicable to many loans other than those addressed by Senate Bill 331. The enactment of Senate Bill 1262 renders Senate Bill 331 unnecessary. Moreover, if Senate Bill 331 became law after Senate Bill 1262, much confusion might ensue inasmuch as Senate Bill 331 purports to leave

unaltered many usury ceilings that the Legislature chose to increase by Senate Bill 1262.

For the foregoing reasons, I withhold my approval of Senate Bill 331, Regular Session of the Legislature commencing on April 3, 1979, and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

June 26, 1979

Dear Mr. Secretary:

By authority vested in me as Governor of Florida, under provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bill 387 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979 entitled:

"An act relating to the regulation of foresters; stating legislative purpose; providing definitions; prescribing membership and terms of office for the Board of Foresters; authorizing the board to set fees; providing for certain examinations; providing for biennial renewal of licenses; authorizing licensure by endorsement; authorizing an inactive status for licenses; authorizing issuance of temporary licenses; providing for a biennial roster of foresters; providing exemptions, prescribing violations; providing penalties; authorizing continuation of rules; providing for the future repeal of the act; repealing chapter 492, Florida Statutes, the Forestry Practice Act including s. 492.18, as amended; providing a retroactive effective date.

This bill would reenact the registration of foresters in Florida. The main purpose of this act is to regulate persons who practice forestry as defined by the act.

Under Chapter 76-168, Laws of Florida, as amended, (The Regulatory Reform Act) Chapter 492, Florida Statutes, was scheduled for repeal on July 1, 1979. The purpose of Committee Substitute for Senate Bill 387 is essentially to revive and readopt, with amendments, Chapter 492, which would allow the Department of Professional Regulation, Board of Registration of Foresters to regulate foresters in the State.

However, if the standards set forth in the Regulatory Reform Act of 1976 are applied it is the obvious intent of the Legislature:

(1) That no profession, occupation, business, industry, or other endeavor shall be subject to the state's regulatory power unless the exercise of such power is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage. The exercise of the state's police power shall be done only to the extent necessary for that purpose.

(2) That the state shall not regulate a profession, occupation, industry, business or other endeavor in a manner which will unreasonably adversely affect the competitive market.

(3) To provide systematic legislative review of the need for, and public benefits derived from a program or function which licenses or otherwise regulates the initial entry into a profession, occupation, business, industry or other endeavor by a periodic review and termination, modification, or reestablishment of such programs and functions.

A review of the enforcement by the Board reveals that no certificate of registration has ever been revoked or suspended for a violation of the statute. Further, very few persons have ever been registered through the examination process. Those who are have passed since 1975. There have been only three complaints regarding the professionalism of a forester since 1961.

The Senate staff report indicates that the benefits to the public are small compared with the relative benefits to the practitioners. "The Act does not assure competence; nor that unethical, unscrupulous or incompetent practitioners will be put out of business. Any citizen victimized by unfair dealings of a registrant must look to the courts for a remedy, regardless of the statute."

There are approximately 475 registered foresters in this State. The majority of this number are employed by government. If the case cannot be substantiated that forestry regulation protects the public, it is even more difficult to prove that regulation of foresters assures the protection of our State lands from poor management. Assistance to the private landowner is available through cooperative government programs and other industry.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 387, Regular Session of the Legislature, commencing on April 3, 1979, and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 477 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979, and entitled:

"An act relating to the Division of Building Construction and Property Management of the Department of General Services; adding s. 255.25(9), Florida Statutes, 1978 Supplement; requiring the division to give notice of the request of a state agency for construction, lease, or renovation of a state-owned or state-leased building to the governing body of the municipality or county within which the building is to be constructed, leased, or renovated; providing an effective date.

Senate Bill 477 would require the Division of Building Construction and Property Management of the Department of General Services to notify local governments prior to approving a request from a State agency to construct, renovate or lease a State-owned or leased facility. While the basic intent in that regard is commendable, this bill from an administrative standpoint does not reasonably achieve that intent.

The Division does not in fact approve such requests. The Department of General Services is a service agency which renders such services as requested by other State agencies. Approval authority in these type actions actually rests with the Florida Legislature through the appropriations process. Senate Bill 477 does not establish a clear point in the schedule of these activities when notice should be given. To provide such notice early in the planning process would be ineffective due to subsequent changes in scope, status and other elements of the project, or the delay and even deletion of the project. Such changes would require a continuing renotification action.

Another concern in Senate Bill 477 is the requirement for notice before approval of certain requests from State agencies. This indicates that a response to that notice would be included in the approval process. While we certainly want to strengthen State/local cooperation, this requirement will lead to needless interference in the providing of adequate facilities to support State operations. This is especially so when potential locations for such facilities are already properly zoned in accordance with local planning documents.

Senate Bill 477 also contains no definition of construction, renovation or lease. This is especially important in terms of the scope limits in which notice is required. It would not seem practical to notify a municipal body of a request to relocate one door and move one wall (a renovation project) occurring inside an existing State facility.

Allowing Senate Bill 477 to become law will not completely achieve the desired goal of local notification. There are State construction activities in which the Department of General Services has no control or involvement. Even their responsibilities in leasing facilities are basically restricted to serving the request of their client and approving the form and rate of the lease. They do not become involved in the actual de-

cision to in fact lease. This bill would not require those other agencies to make such notice.

It is my opinion that while well intentioned, Senate Bill 477 requires an administrative workload beyond that necessary to achieve the objective. Legislative action is not necessary to affect reasonable local notice of planned State activity. The Department of General Services already does this in many cases, such as land acquisitions and most major building construction projects. It would be my intent upon this veto to request the Cabinet Management Review Team to examine this question and recommend necessary rule action to properly accomplish the goal for all State agencies involved in this type activity.

For the above reasons, I am withholding my approval of Senate Bill 477, Regular Session of the Legislature, commencing on April 3, 1979, and to hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Florida Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 487 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979 and entitled:

"An act relating to the district school system, amending s. 230.2311(1), Florida Statutes, relating to early childhood and basic skills development programs; authorizing basic skills to be developed through certain basic programs; adding s. 236.013(6), Florida Statutes; defining the term 'basic programs' as it relates to the Florida Education Finance Program; providing an effective date."

This bill is nearly identical to House Bill 553 which became law today. Both bills express the legislative intent that mastery of basic skills is the first priority of public schools in Florida and define those skills as reading, writing, and arithmetic. In addition to this language, House Bill 553 contains a variety of other provisions relating to the district school system.

House Bill 553 provides that basic skills programs *shall* include art, music and physical education, while Senate Bill 487 provides that basic skills programs *may* include art, music and physical education.

In order to prevent inconsistency in the law and ensure clarity concerning basic skills in Florida's public schools, I am withholding my approval of Senate Bill 487, Regular Session of the Florida Legislature, commencing on April 3, 1979, and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 558 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979 and entitled:

"An act relating to the City of Gainesville; adding s. 22A to Chapter 12760, Laws of Florida, 1927, as amended; authorizing the city commission to employ an internal auditor; prescribes duties of the internal auditor; providing a rule of construction; providing an effective date."

This bill authorizes the City of Gainesville to employ an internal auditor. The legislation for this was provided for in House Bill 1319, which became law without my signature on

May 22, 1979. This would duplicate legislation already passed and be unnecessary.

For this reason, I am withholding my approval of Senate Bill 558 and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 1006 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1979, and entitled:

An act relating to the municipal public service tax; amending s. 166.231(2), Florida Statutes, 1978 Supplement; limiting the public service tax on metered or bottled gas (natural liquefied petroleum gas or manufactured); providing an effective date.

Present law allows a municipality to levy a tax on the purchase of electricity, metered or bottled gas (liquefied petroleum gas), water service, telephone service, or telegraph service. This tax may apply only to purchases made within the municipality and may not exceed 10 percent of the purchase price, except for the tax on fuel oil which may not exceed 4 cents per gallon. If a municipality levies less than the 10 percent allowable on other services, the maximum tax levied on fuel oil must bear the same proportion to 4 cents that the rate levied on other services bears to 10 percent. This bill would change the maximum tax which a municipality could levy on the purchase of liquefied petroleum (LP) gas 4 cents per gallon. If a municipality levies less than the 10 percent on other services, then the maximum tax levied on LP gas would have to bear the same proportion to 4 cents that the rate levied on other services bears to 10 percent.

This bill does not provide for replacement monies to be provided to the municipalities by the State, and it is estimated that the law change will cost the municipalities \$2.1 million in 1979-80 and \$2.3 million in 1980-81.

It is my strong belief that when the State permanently eliminates a revenue source for local governments that it should provide a permanent alternative. To do otherwise is to preempt the appropriate political responsibility and accountability of local governments to assess and meet the needs of its citizens.

I intend to recommend that the Tax Reform Commission study the entire municipal public service tax structure with the goals of insuring that local governments' financial needs are adequately addressed and removing competitive disadvantages among the suppliers of these services.

For the reasons stated, I am withholding my approval of Senate Bill 1006 and do hereby veto same.

Sincerely,
BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 3, 1979

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold by approval of and transmit to you with my objections Senate Bill 1156 enacted by the Sixth Legislature of Florida, under the Florida Constitution, 1968 Revision, during the Regular Session of 1979, and 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."

Senate Bill 1156 would prohibit counties, municipalities, or other political subdivision or any public agency or authority in the State, from establishing by ordinance, resolution or rule, any prevailing wage rate for any public work. It provides that any such ordinance, resolution, or rule shall be void on and after the effective date of the Act.

Article VIII of the 1968 Florida Constitution generally provides broad Home-Rule powers for local governments including counties and municipalities. The theory of Article VIII is, that local governments are more appropriate to respond to local problems since they are better advised of the desires of the people, the specific circumstances surrounding the issue, and can provide political accountability for decisions.

Senate Bill 1156 significantly interferes with the power of local government to establish provisions in their contracts relating to wages.

The decision has been made on the State level regarding this issue in House Bill 730. Each local political subdivision should be permitted to decide on its own initiative whether its public works contracts should contain prevailing wage rate requirements. The elected officials will be accountable to their citizens.

For the above reasons, I am withholding my approval of Senate Bill 1156, Regular Session of the Legislature, commencing on April 3, 1979, and do hereby veto the same.

Sincerely,
BOB GRAHAM
Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

The President's Remarks

The Governor's tax proposals for the special session touches many facets of the state taxing structure and has the potential to provide tax reform and tax relief as well as provide incentives to help resolve some of the other problems of the state.

The program provides for (1) substantial changes in the current ad valorem assessment and enforcement practices; (2) potential for property tax relief for renters and low income property owners; and (3) property tax relief to help resolve some of the major needs of the state such as economic development, community redevelopment and energy conservation. In addition to these special tax relief programs, the proposal also includes a constitutional amendment to allow for the creation of a State Housing Finance Agency.

To place some restrictions on the use of state taxes, the Governor is also proposing a constitutional amendment that would require the Legislature to restrict appropriations, based on prior years' appropriations, adjusted by population and other economic factors defined by law.

While some of these programs appear to be very simple in concept and have been discussed at length by various commissions and legislative committees, I must caution you to be very thorough in your analysis and deliberation of each issue. These are very complex issues and have far reaching effects on the taxing and spending mechanism at the state and local level.

This week we've heard some of the Senators talk about fractional assessment. Some are for it and some are against it. The Constitution provides for full value, 100 percent. The statutes provide eight requirements for that assessment, but, for all practical purposes, we're talking about a 100 percent assessment.

Now, the Governor has offered a suggestion—which we can alter, change, accept or reject—that will give fractional assessments, the effect of which would be 100 percent. You can use 80, as recommended by the Governor, or 50, or any figure in

between, but, let me tell you, the Governor of Florida is not known for his lack of courage, and if we don't react to this fractional assessment program he will do his best to carry out that "full value" constitutional mandate.

It will be somewhat difficult, next year when we are all running for re-election to say that we passed up the opportunity to put this fractional assessment into operation, as the assessments begin to climb to full value.

The Governor has never said this to me, but all of us who have served with him know him well. He will use his office, his clout, to the best of his ability to enforce that Constitutional provision. I would caution those who say, "let's keep it 'business as usual', with the escalating values, some real, some inflated." I say we ought to give very serious consideration to that fractional assessment.

I must also caution you to be mindful of the current unstable economy on a national, state and local level. At the state level, the most recent revenue estimating conference estimated an increase in revenue of approximately 60 million dollars over the biennium. However, that figure is a little misleading. This increased revenue is only for this fiscal year and non-recurring. The estimating conference is predicting a more severe downturn in the next fiscal year than was anticipated, resulting in a decrease of approximately 15.8 million dollars in recurring revenue. This reduction eliminates the approximate 13.8 million dollars in recurring revenue which was not appropriated for the next fiscal year and technically establishes a 2 million dollar deficit in recurring revenue. I am not suggesting that we should not cooperate with the Governor and be as helpful as possible because all of his proposals have some merit, but listen very closely to what this means, Senators. Several proposals you have in front of you authorize increased tax relief. (All tax relief is recurring expenditures). We have appropriated all of the recurring funds for the next fiscal year. To implement some of the constitutional amendments during the next fiscal year would mean that funds would have to come from the current 220 million dollar appropriation for the \$25,000 homestead exemption or reductions in current programs.

I might also add that the next regular session will bring forth many good and worthwhile projects and continuation of current programs such as the K-3 program which will have to come from recurring dollars. I have had distributed for your information some estimates of the possible demands on recurring dollars which are not currently available during the next fiscal year. Read it very carefully.

You must understand, Senators, currently no funds are available for tax relief above the 220 million for the \$25,000 homestead exemption and we cannot, and will not, be tempted to utilize any of the 350 million dollars in the working capital fund for recurring tax relief. To do so would almost assure us of a tax increase session in the near future just to continue existing programs.

I am aware that the proposed constitutional amendments are only enabling provisions which require statutory language to implement. However, I am reminded of language placed in the State Constitution in 1968 regarding a right-to-work provision. It simply stated, Senators, "Public employees shall not have the right to strike", which resulted in a court imposed collective bargaining law for public employees. Be very precise in the language you use and be sure it accomplishes what you have in mind. Some of our Dade County colleagues can also educate us on the difference a percentage point can make when a resolution is placed on the ballot. I hope you will be continuously conscious of this in your deliberations.

As you review the proposals outlined in the Governor's call you should also restrain from attempting to add all the other worthwhile projects which may be delayed to the regular session in April. The Governor has made a special effort to limit the call to constitutional issues and emergency items which cannot be delayed until the regular session.

The only other order of business that is not included in the call is the constitutional requirement that if the Legislature is going to override any of the Governor's vetoes, it has to be done in this special session. Copies of the veto items received from the Secretary of State are on your desk. I have referred all of the items vetoed to the Rules Committee for consideration.

Senators, work hard, do your job right, and let's get out of here by Friday.

Senator Barron moved that all bills not within the purview of the Governor's call be referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction. The motion was adopted.

INTRODUCTION

SJR 1-C—Withdrawn

SB 2-C—Withdrawn

SB 3-C, SJR 4-C and SB 5-C were determined by the President to be outside the purview of the Governor's call, and on motion by Senator Barron were referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction.

By Senator Maxwell—

SB 6-C—A bill to be entitled An act relating to ad valorem tax relief; amending s. 2, chapter 79-332, Laws of Florida; providing for the continuation of a limitation on the rate of increase in ad valorem operating millage levies for certain local taxing units under certain circumstances; providing an effective date.

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

By Senators Ware, Henderson, Scott and Poole—

SJR 7-C—A joint resolution proposing an amendment to Section 1, Article VII of the State Constitution, relating to finance and taxation; providing that in no year shall the rate of increase in appropriations from state general tax revenues exceed the estimated rate of growth of the economy of the state as determined by law; providing that no appropriation in excess of this limitation shall be made unless the legislature sets forth the dollar amount and rate by which the limit will be exceeded; providing for a three-fifths vote of each house of the legislature to adopt any appropriation in excess of the limitation; providing for a working capital fund; providing for tax relief.

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

Senate Bills 8-C and 9-C were determined by the President to be outside the purview of the Governor's call, and on motion by Senator Barron were referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction.

By Senator Stuart—

SJR 10-C—A joint resolution proposing an amendment to Section 4, Article VII of the State Constitution, relating to assessment of property for ad valorem taxation, to provide for the assessment of historic property at a specified percentage of its value.

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

By Senator Hair—

SB 11-C—A bill to be entitled An act relating to public defenders; amending s. 27.51(4), Florida Statutes; providing that the public defender of the tenth judicial circuit handle all appeals arising within the district comprising the Second District Court of Appeal; providing that the public defender for the seventh judicial circuit handle all appeals within the district comprising the Fifth District Court of Appeal; removing the requirement that funds for certain staff and other expenses incurred by certain public defenders be appropriated on an annual basis; providing an effective date.

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

SB 12-C was determined by the President to be outside the purview of the Governor's call, and on motion by Senator Barron was referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction.

By Senator Gordon—

SJR 13-C—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution, relating to homestead tax exemptions.

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

SB 14-C was determined by the President to be outside the purview of the Governor's call, and on motion by Senator Barron was referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction.

By Senator Thomas—

SJR 15-C—A joint resolution proposing an amendment to Section 3, Article VII of the State Constitution, relating to ad valorem taxation, to authorize the granting of economic development tax exemptions.

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

By Senator Thomas—

SB 16-C—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 3 of Article VII of the State Constitution relating to economic development ad valorem tax exemptions; 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 Ways and Means.

By Senators Thomas, Gorman, Barron, W. D. Childers, MacKay, Skinner and Vogt—

SB 17-C—A bill to be entitled An act relating to tax collections and tax sales; amending s. 197.062(3), Florida Statutes, 1978 Supplement; providing certain requirements for the advertisement of tax certificate sales; amending s. 197.072(4), Florida Statutes, 1978 Supplement, and adding s. 197.072(5), Florida Statutes; requiring tax collectors to give annual notice of tax certificates; requiring notice of tax certificate sales; amending s. 197.116(1), (2), Florida Statutes; providing that property subject to a homestead tax exemption shall be struck off only to the county; amending s. 197.136, Florida Statutes; conforming language; amending s. 197.241(2)-(6), Florida Statutes, 1978 Supplement; requiring tax collectors to advertise and administer tax deed sales, to collect certain fees, and to execute tax deeds; providing minimum bid requirements for the sale of property subject to homestead tax exemption; amending s. 197.246, Florida Statutes; requiring tax collectors to publish notice of applications for tax deeds and to file proof of publication of the notice with the clerk of the circuit court; amending s. 197.256(1), Florida Statutes; requiring tax collectors to mail notice of a tax deed sale to certain persons; requiring special written statements on notices mailed to homestead owners; amending

s. 197.261, Florida Statutes; requiring tax collector to provide notice to certain persons upon request of a certificate holder; prescribing service charges for such services; amending s. 197.266(1), (2), Florida Statutes, and adding s. 197.266(3), Florida Statutes; requiring tax collectors to perform certain duties during tax deed sales; requiring payment of tax deed bids within a certain period; providing a penalty for failure to make timely bid payments; preserving the right of counties to sue bidders who fail to honor their bids; amending s. 197.271, Florida Statutes, as amended; requiring tax collectors to sign all tax deeds; amending ss. 197.276, 197.281(1), (3), Florida Statutes; conforming language; amending s. 197.291(1), (2), Florida Statutes, as amended; requiring tax collectors to distribute proceeds of tax deed sales and to deduct certain service charges; repealing s. 28.24(27), (28), Florida Statutes, 1978 Supplement as amended, relating to service charges of the clerk of the circuit court; repealing s. 197.018, Florida Statutes, relating to tax certificate notice; providing an effective date.

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

By Senator Lewis—

SB 18-C—A bill to be entitled An act relating to governmental auditing; amending s. 11.45(1)-(4), (8), Florida Statutes, as amended; providing definitions; replacing references to post-audits with references to financial audits; providing for selection of accountants to audit county agencies; creating the County Government Audit Trust Fund in the Department of Banking and Finance; providing circumstances for reimbursement of county agencies for certain costs of auditing; providing an appropriation; providing an effective date.

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

By Senators Frank and Winn—

SB 19-C—A bill to be entitled An act relating to banking; amending s. 659.06, Florida Statutes; authorizing the establishment of branches by merger anywhere in the state with certain restrictions; providing for the establishment of not more than two branches per calendar year in a county in which a branch is established by merger; providing certain considerations and procedures for the granting of a branch application; requiring written notification to the Department of Banking and Finance prior to operating a bank facility; providing for the conversion of certain military facilities into branches; providing an effective date.

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

By the Committee on Judiciary-Civil—

SJR 20-C—A joint resolution proposing an amendment to Section 3, Article V of the State Constitution, relating to the organization and jurisdiction of the Supreme Court.

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

By the Committee on Judiciary-Civil—

SB 21-C—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 a joint resolution amending Section 3 of Article V of the State Constitution relating to the judiciary; 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 Judiciary-Civil.

SB 22-C was determined by the President to be outside the purview of the Governor's call, and on motion by Senator Barron was referred to the Committee on Rules and Calendar for determination if an emergency existed compelling introduction.

By direction of the President the following amendment to the Proclamation of November 21 was read:

PROCLAMATION

*State of Florida
Executive Department
Tallahassee*

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

WHEREAS, on the 21st day of November, 1979, a Proclamation of the Governor was issued convening a special session of the Florida Legislature commencing on the 27th day of November, 1979, and

WHEREAS, it is necessary and in the best interest of the State to amend the Proclamation of the Governor of November 21, 1979 in order to expand the call of the special session so that the Legislature may consider the additional legislative business set forth below.

NOW, THEREFORE, I, BOB GRAHAM, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1

That the Legislature of the State of Florida be and is hereby convened in special session pursuant to Article III, Section 3(c)(1), Florida Constitution, at the Capitol, Tallahassee, Florida, commencing at 2:00 p.m. on Tuesday, November 27, 1979, and extending through 5:00 p.m., Friday, November 30, 1979.

Section 2

That the Legislature is convened for the sole purpose of considering the following matters:

1. Revision of Article VII of the Florida Constitution as follows:

(a) Amendments to Section 1 providing for state expenditure limitations and stabilization;

(b) Amendments to Section 3 extending the exceptions authorized in Subsection (b) to all residents and to widowers and authorizing ad valorem exemptions for community redevelopment and economic development;

(c) Amendments to Section 4 authorizing preferential assessment, classification or exemption for stock in trade, livestock, property used for energy conservation or community redevelopment and environmentally endangered lands, and setting forth the standard to be used to establish just value and authorizing a fractional assessment for property;

(d) Amendments to Section 5 providing for estate tax liability to the extent of federal credit without regard to other states' taxing policies and for the deletion of an unnecessary subsection (c);

(e) Amendments to Section 6 providing for homestead exemptions and authorizing ad valorem tax relief for permanent residents;

(f) Amendment to Section 8 providing for the use of state ratio studies as a condition on aid to local governments;

(g) Amendment to Subsection 9(b) providing for additional school capital outlay millage to be voted up to ten (10) years;

(h) Amendments to create new sections providing for state homeowner and renter housing assistance programs; community redevelopment programs; and a schedule for this revision providing an effective date and which language shall prevail in the event that more than one amendment to a section is adopted.

2. Amendment and revision of the general laws of Florida regarding ad valorem assessment and collection practices and state review thereof.

3. Amendments to Chapter 27, Florida Statutes, providing which public defenders shall handle appeals in the Fifth Appellate District, and providing an appropriation of \$302,629 for operations in fiscal year 1979-1980 for the Fifth District Court of Appeal.

4. Amendments to Article V, Section 3(a) and (b) of the Florida Constitution, concerning the organization and judicial jurisdiction of the Florida Supreme Court.

5. Amendments to Chapter 659, Florida Statutes, for the purpose of considering lawfully authorized places where Florida banking institutions may transact commercial banking business.

6. Amendments to Chapter 79-183, Laws of Florida, relating to local government audits.

7. Laws relating to the submission of items 1 and 4 to a special election called for March 11, 1980.

8. Amendments to Section 570.15(1) and (2), Florida Statutes, regarding individuals who have access to regulated premises or vehicles, access to documents, issuance of search warrants, establishment of administrative probable cause, and requiring vehicles to submit to inspection.

Section 3

Except as amended by this Proclamation, the Proclamation of the Governor dated November 21, 1979 is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27th day of November 1979.

BOB GRAHAM
Governor

ATTEST:
GEORGE FIRESTONE
Secretary of State

On motion by Senator Barron the rules were waived as to the two hour notice and the following Committees were granted permission to meet this day: Judiciary-Civil at 2:30 p.m.; Commerce at 3:00 p.m.; and Ways and Means at 4:00 p.m.

On motion by Senator Gordon, by two-thirds vote SB 17-C was withdrawn from Subcommittee D of the Committee on Ways and Means.

On motion by Senator Hair, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider SB 11-C, SJR 20-C and SB 21-C this day.

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to consider SB 18-C, SB 177-C and 11-C this day.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to consider SB 19-C this day.

Senator Childers announced that a bill by Senator Anderson relating to usury would be discussed at the meeting of the Committee on Commerce.

On motion by Senator Barron, the Senate adjourned at 2:51 p.m. to convene at 9:00 a.m., Wednesday, November 28.