



# Journal of the Senate

Number 18

Thursday, May 15, 1980

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

## INTRODUCTION

By Senator Johnston—

SB 1352—A bill to be entitled An act relating to Pelican Lake Water Control District in Palm Beach County; amending section 1(a) and section 2 of chapter 77-625, Laws of Florida; prescribing the rate of interest authorized for the issuance of certain bonds; prescribing the rate of taxation to be levied on lands in the district; creating section 7A of chapter 77-625, Laws of Florida; authorizing the issuance of refunding bonds; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

Senate Resolutions 1353, 1354, 1355, 1356 and 1357—Introduced and adopted May 14.

By Senator MacKay—

SB 1358—A bill to be entitled An act relating to the duties of the board of county commissioners of Marion County; amending s. 5, chapter 61-2460, Laws of Florida; removing the requirement that a fee be charged for the issuance of a duplicate tag for pets when the original tag has been lost; repealing chapter 8110, Laws of Florida, 1919, relating to fairs and expositions; repealing chapter 8762, Laws of Florida, 1921, relating to the appropriation and expenditure of funds of Marion County for publicity purposes; repealing chapter 8763, Laws of Florida, 1921, relating to authorization to levy a special tax for the purposes of providing funds for community welfare work in Marion County, Florida; repealing chapter 10873, Laws of Florida, 1925, relating to authorization to levy and collect a special tax to be used exclusively for advertising Marion County; repealing chapter 29272, Laws of Florida, 1953, relating to authorization to levy a tax for the purposes of advertising and publicizing Marion County; repealing chapter 59-1552, Laws of Florida, as amended, relating to the regulation of building construction, erection, alterations and repairs, including plumbing and electrical, in certain areas of Marion County; repealing s. 12, chapter 24687, Laws of Florida, 1947, as amended by chapter 59-1555, Laws of Florida, relating to a limitation on appropriations for zoning expenses; repealing chapter 61-2464, Laws of Florida, relating to authorization to improve certain streets, highways, boulevards, avenues, roads, lanes, and alleys and relating to providing assessments on certain property; repealing chapter 68-1613, Laws of Florida, relating to the levy of a special tax to establish and maintain a library in Marion County; repealing chapter 70-804, Laws of Florida, as amended, relating to the creation of fire control districts; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Lewis, Johnston and Don Childers—

SR 1359—A resolution recognizing Mrs. Patricia R. Palmer for her sincere and dedicated service to education and the young people of Florida.

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1055 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Lippman—

HB 1055—A bill to be entitled An act relating to the manufacture of prescription drugs; requiring all manufacturers and distributors to provide for the identification of drug products in finished solid oral dosage form; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted, HCR 1716 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Burnsed—

HCR 1716—A concurrent resolution relating to service on appointive boards by members of Legislature.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 951 and CS for HB 230 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fox—

HB 951—A bill to be entitled An act relating to school district finance; amending s. 231.40(1), Florida Statutes, and adding a paragraph to subsection (2) thereof; adding a subsection to s. 231.48, Florida Statutes; clarifying sick leave provisions; authorizing certain expenditure of funds to instructional and noninstructional personnel; providing for conditional repeal; providing an effective date.

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

By the Committee on Commerce and Representatives Bush and Grant—

CS for HB 230—A bill to be entitled An act relating to public transportation facilities; regulating the distribution of material and solicitation of funds therein for any purposes; providing for the licensing and regulating the manner in which such activities may be conducted; providing penalties; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 19, CS for HB 717, HB 1069, HB 464 and HB 1638 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Kutun and Fontana—

HB 19—A bill to be entitled An act relating to the sales and use tax; amending s. 212.04(2)(b), Florida Statutes, 1978 Supplement, exempting admissions to the National Football League championship game from the sales tax; providing an effective date.

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

By the Committee on Governmental Operations and Representative Hattaway—

CS for HB 717—A bill to be entitled An act relating to the Department of State; amending s. 20.10(2), Florida Statutes, establishing the Division of Administration within the department; providing an effective date.

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

By Representative Gustafson—

HB 1069—A bill to be entitled An act relating to Sunland Centers; providing that the park at the Sunland Center in the City of Ft. Myers in Lee County shall be designated and named the Ira C. Hatch, Sr., Memorial Park; providing for appropriate signs and markers; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Representative Gustafson—

HB 464—A bill to be entitled An act relating to criminal attempts, solicitations, and conspiracy; amending s. 777.04(4)(b) and (c), Florida Statutes, to increase the penalty for burglary which is a felony of the first degree; providing an effective date.

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

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

HB 1638—A bill to be entitled An act relating to book-making; amending s. 550.361(3), Florida Statutes, providing for the reduction of a suspension from pari-mutuel facilities to a period of 2 years; providing for reinstatement by the Florida Pari-mutuel Commission; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1572 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism & Economic Development and Representative Kutun and others—

HB 1572—A bill to be entitled An act relating to industrial development financing; amending s. 159.26, Florida Statutes, changing legislative intent with respect to such financing; amending s. 159.27(1) and (5), Florida Statutes, and adding subsections (8)-(19), redefining "bonds" and expanding the definition of "project" to include various facilities; providing other definitions; amending s. 159.28(3), (4), and (6), Florida Statutes, authorizing local agencies to use financing agreements; authorizing certain agreements for the sale of facilities; deleting a restriction upon the financing of projects; amending s. 159.29, Florida Statutes, expanding the criteria to be met for projects to be financed; authorizing the use of financing agreements; deleting requirement for maintenance of bond reserves; declaring certain bond related costs to be costs of the project; amending s. 159.30(1), Florida Statutes, authorizing the sale of such projects by local agencies; amending s. 159.31, Florida Statutes, deleting provisions relating to the tax liability of persons with property interests in such projects; amending s. 159.32, Florida Statutes, authorizing a purchaser or prospective purchaser of a project to contract for the construction of a financed project; amending s. 159.34(1) and (2), Florida Statutes, authorizing interest on industrial revenue bonds to be paid at variable rates; amending s. 159.36(2), Florida Statutes, providing for the fixing of payments under a financing agreement to pay such bonds; amending s. 159.39, Florida Statutes, declaring such bonds, regardless of form to have the qualities of investment securities under the Uniform Commercial Code; amending s. 159.43, Florida Statutes, specifying that certain powers granted to local agencies are supplemental to other powers; amending s. 159.44(2), Florida Statutes, conforming the term "project" as used in provisions relating to industrial development authorities; amending s. 159.45(2), Florida Statutes, authorizing the creation of county industrial development authorities for the development and financing of such projects; amending s. 159.46, Florida Statutes, conforming provisions relating to the purposes of such authorities; amending s. 159.47(6), (7), and (9), Florida Statutes, conforming provisions relating to the powers of such authorities and authorizing the interest bonds issued by such authorities to be paid at variable rates; authorizing such authorities to enter into certain financing agreements; amending s. 159.49(1) and (2), Florida Statutes, conforming provisions relating to bonds issued by such authorities; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 718 and CS for HB 719 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hattaway—

HB 718—A bill to be entitled An act relating to factory-built housing; adding subsection (10) to s. 553.37, Florida Statutes; providing for the bonding of factory-built housing inspection agencies; amending s. 553.38(2), Florida Statutes; authorizing local authorities to enforce on-site installation requirements for factory-built housing; amending s. 553.39, Florida Statutes; authorizing injunctive or other relief from the circuit court to enforce laws and rules regulating factory-built housing; providing for conditional repeal; providing an effective date.

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

By the Committee on Community Affairs and Representative Hattaway—

CS for HB 719—A bill to be entitled An act relating to building construction standards; amending s. 553.74(1), Florida Statutes; increasing from 15 to 17 the membership of the Board of Building Codes and Standards of the Department of Community Affairs; revising a membership requirement; providing for conditional repeal; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 68 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Evans and others—

HB 68—A bill to be entitled An act relating to motor vehicles; creating s. 319.351, Florida Statutes; providing purposes and intent; creating s. 319.352, Florida Statutes; providing definitions; amending and renumbering s. 319.35, Florida Statutes, 1978 Supplement; proscribing unlawful acts in connection with motor vehicle odometers; providing exemptions; providing circumstances to be considered in the prosecution of violations; providing a penalty; creating s. 319.354, Florida Statutes; requiring each transferor of a motor vehicle to give the transferee certain written disclosure statements; prescribing the contents of such disclosure statement; prohibiting a transferee from accepting an incomplete disclosure statement; providing a penalty; creating s. 319.355, Florida Statutes; providing civil penalties; providing remedies for certain violations; creating s. 319.356, Florida Statutes; requiring the retention of certain records; providing penalties; creating s. 319.357, Florida Statutes; permitting certain inspections and investigations, and impoundment of motor vehicles, by the state attorney's office to ensure enforcement of and compliance with the provisions of this act; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 346 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative J. H. Smith—

HB 346—A bill to be entitled An act relating to witnesses; amending s. 914.04, Florida Statutes, relating to immunity of witnesses from the use of compelled testimony; providing a procedure for the granting of immunity by circuit courts before certain courts of this state, the grand jury, or the state attorney; permitting prosecutions against such witnesses under certain circumstances; providing an effective date.

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

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 431 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives L. R. Hawkins and Batchelor—

HB 431—A bill to be entitled An act relating to the Florida Adoption Act; adding subsection (4) to s. 63.042, Florida Statutes; prohibiting discrimination in adoption solely on the basis of physical handicap; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1451 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives J. W. Lewis and Hazouri—

HB 1451—A bill to be entitled An act relating to unemployment compensation; amending s. 443.04(2)(a), Florida Statutes;

increasing the maximum weekly benefit amount; providing an effective date.

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

The Senate recessed at 8:47 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Prayer by Senator Myers:

Our Heavenly Father, let us not be carried away by our own importance. For as it is written:

Man's origin is dust,  
and dust is his end.  
Each of us is a shattered urn,  
Grass that must wither,  
A flower that will fade,  
A shadow moving on,  
A cloud passing by,  
A particle of dust floating in the wind,  
A dream soon forgotten.

Therefore, while we are here, let us remember that our only legacy is to leave behind deeds that will have created a better Florida, a better world, and a better life for those we serve and touch by our actions here. Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 15, 1980:

CS for SB 505	SB 388
SB 1345	SCR 481
SB 1344	SB 493
SB 46	CS for SB 533
CS for SB 102	SB 577
SB 1251	SB 587
CS for SB 762	SB 610
SJR 1349	SB 620
SB 830	CS for SB 623
SB 89	SB 705
SB 109	SB 709
SB 264	SB 718
CS for SB 286	SB 793
CS for SB 317	SB 842
CS for CS for SB 357	SB 874

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Natural Resources and Conservation recommends that the Senate confirm the appointment made by the Governor of John V. D'Alhora, Jr., Cocoa, Member, St. Johns River Water Management District, for term ending July 1, 1983.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 523 with 2 amendments                      SB 671 with 3 amendments

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 625 with 2 amendments, SB 1281

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Agriculture recommends the following pass: HB 51 with 1 amendment

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Commerce recommends the following pass: SB 593, SB 728 with 2 amendments

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

CS for CS for HB 786 with 5 amendments CS for HB 1095 with 1 amendment HB 1506 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass: SB 952, SB 968, SB 890

The bills were referred to Ways and Means Subcommittee D under the original reference.

The Committee on Commerce recommends the following pass:

SB 21 SB 829
SB 327 with 2 amendments SB 849 with 1 amendment
SB 371 with 1 amendment SB 898 with 2 amendments
SB 419 with 3 amendments SB 946
SB 456 with 2 amendments SB 956 with 3 amendments
SB 630 with 2 amendments SB 959
SB 675 SB 1250
SB 710 HB 342
SB 753 with 1 amendment HB 1565

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 756 HB 423
CS for SB 909 HB 784 with 2 amendments
CS for HB 347 HB 1560 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass:

SB 1152 SB 933
SB 763 SB 787 with 3 amendments
SB 878 SB 182 with 2 amendments
SB 409 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 80

The Committee on Transportation recommends a Committee Substitute for the following: SB 1315

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 908

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 583

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 208 and SB 801

The Committee on Education recommends a Committee Substitute for the following: Senate Bills 986, 675, 826, 1181, 1275 and 1276

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends Committee Substitutes for the following: SB 603, SB 821

The Committee on Commerce recommends a Committee Substitute for the following: SB's 960 and 929

The Committee on Commerce recommends Committee Substitutes for the following: SB 815, SB 1191

The Committee on Judiciary-Civil recommends Committee Substitutes for the following: SB 511, SB 701, SB 1198

The Committee on Transportation recommends a Committee Substitute for the following: SB 1039

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 212

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

The Committee on Agriculture recommends the following not pass: HB 739

The Committee on Commerce recommends the following not pass: SB 995

The Committee on Judiciary-Criminal recommends the following not pass: SB 944

The bills contained in the foregoing reports were laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 1126 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 954, 814 and 722 were withdrawn from the Committee on Ways and Means; and HB 66 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motions by Senator Vogt, the rules were waived and by two-thirds vote Senate Bills 528 and 531 were withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Myers, the rules were waived and Ways and Means Subcommittee D was granted permission to meet from 11:00 a.m. until 1:30 p.m. in lieu of 11:00 a.m. until 1:00 p.m. this day.

On motion by Senator Johnston, the rules were waived and Ways and Means Subcommittee E was granted permission to meet from 11:00 a.m. until 1:30 p.m. in lieu of 11:00 a.m. until 1:00 p.m. this day.

## REQUESTS FOR EXTENSION OF TIME

May 13, 1980

The Committee on Commerce requests an extension of 15 days for consideration of the following:

SB 727 by Senator McKnight	HB 245 by Representative O'Malley
SB 1257 by Senator Gorman	HB 368 by Agriculture and General Legislation Committee
SB 1270 by Senator Winn	HB 1504 by Tourism and Economic Development Committee
SB 1291 by Senator Frank	HB 1530 by Tourism and Economic Development Committee and others
SB 1292 by Senator Winn	
SB 1294 by Senator Jenne	
SB 1306 by Senator Jenne	
HB 24 by Representative Lippman and others	

May 15, 1980

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

SB 812 by Senator Maxwell	HCR 1511 by Representative Brown
HM 641 by Representative Woodruff and others	

May 15, 1980

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 789 by Senator McClain	HB 189 by Representative Boles
SB 860 by Senator Myers	

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

## Appointments Subject to Confirmation by the Senate

The Secretary of State on May 13, 1980, certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Denise L. Hodnette, Cantonment, Member of the Historic Pensacola Preservation Board of Trustees, for term ending January 22, 1983

Joseph F. Brooks, Pensacola, Member of the Historic Pensacola Preservation Board of Trustees, for term ending September 19, 1983

Lisa H. Richbourg, Pensacola, Member of the Historic Pensacola Preservation Board of Trustees, for term ending September 13, 1983

J. Randolph Snell, Palmetto, Member of the Manasota Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1982

Richard J. Salem, Tampa, Member of the Board of Trustees of the Florida School for the Deaf and the Blind, for term ending February 7, 1983

Charles J. Cetti, Pensacola, Member of the Historic Pensacola Preservation Board of Trustees, for term ending September 13, 1983

The Secretary of State on May 14, 1980, certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Samuel R. Shorstein, Jacksonville, Member of the Florida Elections Commission, for term ending December 10, 1983

Robert L. Stone, Pensacola, Member of the Historic Pensacola Preservation Board of Trustees, for term ending September 19, 1982

[Referred to the Committee on Executive Business]

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted SB 1343.

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 1244.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment and passed HB 505, as amended.

*Allen Morris, Clerk*

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed with 5 amendments—

By Senator Henderson—

SB 453—A bill to be entitled: An act relating to schools teaching real estate practice; adding s. 475.451(7), Florida Statutes; providing for video tape instruction of certain courses required for initial licensure as a salesman; requiring instruction of other courses by instructors in attendance at the course; providing for continuing education courses by correspondence; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 14, strike all of said line and insert: Section 1. Subsections (7) and (8) are added to s. 475.451,

Amendment 2—On page 1, line 9 in title, after the semicolon “;” insert: adding subsection (8) to s. 475.451, Florida Statutes; providing for video tape courses in regard to initial licensure; providing for instruction of other courses by instructors in attendance in classrooms; providing an exemption from licensing for certain school instructors; amending s. 475.4511, Florida Statutes; allowing certain advertising by real estate schools; providing for conditional repeal;

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

Amendment 1—On page 1, lines 2-7, strike the words “, adding subsection (8) to s. 475.451, Florida Statutes; providing for video tape courses in regard to initial licensure; providing for instruction of other courses by instructors in attendance in classrooms;” and insert: exempting certain attorneys from continuing education requirements; adding s. 475.451(8), Florida Statutes;

Amendment 3—On page 1, line 29, after the period “.” insert: *The continuing education requirements provided herein or provided in any other section in this chapter shall not apply with respect to any attorney who is otherwise qualified under the provisions of this chapter.*

Amendment 4—On page 1, line 29, strike the period “.” and insert: *; provided, however, that any such course of correspondence shall be required to have a final examination, prepared and administered by the school issuing such correspondence course.*

Amendment 5—On page 1, line 29, after the “.” insert: *(8) Any school instructor who was licensed as a school instructor*

prior to June 14, 1978, shall not be required to comply with the provisions of this section; however, he shall comply with the requirement of licensure as a broker.

Section 2. Subsection (4) of section 475.4511, Florida Statutes, is amended to read:

475.4511 Advertising by real estate schools.—

(4) A school shall advertise only as a school and under the registered name of that school and shall not advertise the school in connection with an advertisement of an affiliated broker, except that a school may advertise jointly in conjunction with an affiliated broker as long as there is a distinctive separation in the advertisement.

Section 3. If chapter 475, Florida Statutes, is repealed in accordance with the intent expressed in section 42 of chapter 79-239, Laws of Florida, it is the intent of the Legislature that this act shall also be repealed on the same date as is therein provided.

Renumber subsequent section.

On motions by Senator Henderson, the Senate concurred in House Amendments 1, 3, 4, 5 and House Amendment 2 as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 453 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Carlucci

Vote after roll call:

Yea—Holloway

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended and passed HB 1561 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing—

HB 1561—A bill to be entitled An act relating to the Beverage Law; creating s. 562.51, Florida Statutes, providing that a person selling or furnishing alcoholic beverages to another person is not thereby liable for injury or damage caused by or resulting from the intoxication of such other person; providing exceptions; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, line 10, strike all of lines 10, 11, and 12

On motion by Senator Barron, the Senate concurred in the House amendment to Senate Amendment 1.

HB 1561 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—20

Mr. President	Gorman	Myers	Thomas
Anderson	Hair	Scarborough	Tobiassen
Barron	Henderson	Scott	Vogt
Beard	Holloway	Skinner	Williamson
Childers, W. D.	Jenne	Steinberg	Winn

Nays—13

Carlucci	Frank	Neal	Ware
Chamberlin	Grizzle	Poole	
Dunn	Johnston	Stuart	
Fechtcl	McKnight	Trask	

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 2 and passed SB 453, as amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

A message from the House of Representatives containing SB 1020 with House amendments was referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers, the rules were waived and Ways and Means Subcommittee D was granted permission to consider SB 1020 this day.

Senator Thomas moved that the Senate reconsider the vote by which HB 1541 passed on May 14.

The motion was placed on the calendar for consideration May 20.

On motion by Senator Barron, the rules were waived and the special order calendar as submitted for this day was approved.

SPECIAL ORDER

By the Committee on Ways and Means and Senators Maxwell, W. D. Childers, Barron, Trask, Fechtel, Peterson, Skinner, Lewis, Gorman, Scott and Dunn—

CS for SB 505—A bill to be entitled An act relating to ad valorem taxes; amending s. 194.011(2), Florida Statutes; specifying content of notice of assessment; amending s. 194.032(2), (5), Florida Statutes; requiring notice of hearings of the property appraisal adjustment board and notice of results of such hearings; amending s. 196.031(3), Florida Statutes, as amended by chapter 79-332, Laws of Florida; providing a \$15,000 homestead exemption from ad valorem nonschool levies under certain conditions; amending s. 196.032, Florida Statutes; relating to the reimbursement of local government for certain revenues lost; amending s. 199.292(4), Florida Statutes; providing for the deposit of certain intangibles tax collections into the General Revenue Fund of the state; amending s. 197.072(1), Florida Statutes; specifying content of notice of taxes; amending s. 200.065(1), (2), (5), (9), Florida Statutes; providing duties of property appraiser; specifying circumstances for increase of millage over a specified amount; specifying applicability; adding s. 228.041(31), Florida Statutes; defining "non-voted discretionary millage"; amending s. 236.25, Florida Statutes; limiting millage for school purposes; specifying budget procedure; providing for increased millage; amending s. 236.081(4), Florida Statutes; requiring the Legislature to prescribe aggregate required local effort; requiring the Commissioner of Education to certify millage for required local effort to each district school board; specifying duties of Department of Revenue; amending s. 237.081, Florida Statutes; requiring notice of certain nonvoted discretionary tax levies; specifying aggregate required local effort for fiscal year 1980-1981; amending s. 218.23(1), Florida Statutes; providing requirements for participation in revenue sharing; adding ss. 218.34(6), 373.503(5), 218.32(2), Florida Statutes; requiring special districts and water management districts to certify compliance with procedure for increase of millage over a specified amount; requiring the Department of Banking and Finance to report such certification; amending s. 193.114, Florida Statutes; providing that review of assessment roll must allow for use of criteria; providing an effective date.

—was read the first time by title and SB 505 was laid on the table.

On motion by Senator Maxwell, by two-thirds vote CS for SB 505 was read the second time by title.

Senators Barron, Gordon, Fechtcl, McClain and Peterson offered the following amendment which was moved by Senator Gordon:

Amendment 1—On page 5, line 20, strike "\$15,000" and insert: \$20,000

Senator Tobiassen moved the following substitute amendment which failed:

Amendment 2—On page 5, line 20, strike "\$15,000" and insert: \$5,000

Amendment 1 was adopted.

Senators Scarborough and Hair offered the following amendment which was moved by Senator Scarborough and failed:

Amendment 3—On page 11 strike lines 23-31 and on page 12 strike lines 1-9.

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On pages 21 and 22, strike Section 14 and insert: A new section 14

Section 14. Subsection (6) is added to section 218.34, Florida Statutes, to read:

218.34 Special districts; financial matters.—

(6) Each special district shall, before March 31 of each year, certify compliance or noncompliance with s. 200.065(2)(c) to the Department of Banking and Finance in conjunction with the filing of its annual financial report required by s. 218.32. Specific grounds for noncompliance shall be stated in the certification. In its annual report required by s. 218.32 (2), the Department of Banking and Finance shall report to the Governor and the Legislature those special districts certifying noncompliance or not reporting.

Senator Scarborough presiding

Senator Frank moved the following amendment which failed:

Amendment 5—On page 23, between lines 27 and 28, insert: Section 18. Section 193.624, Florida Statutes, is created to read:

193.624 Assessment of homestead property.—Property for which a person is granted a homestead tax exemption shall be assessed for ad valorem tax purposes at the average of the just valuations of such property for the current assessment year and each of the immediately preceding 4 years that such person or such person's spouse was granted a homestead tax exemption on such property.

Section 19. Section 193.624, Florida Statutes shall take effect Oct. 1, 1980, provided that Senate Joint Resolution No. 1344 is approved by vote of the electors at the special election held on Sept. 9, 1980.

(Renumber subsequent sections.)

Senator Dunn moved the following amendment which failed:

Amendment 6—On page 23, between lines 27 and 28, insert: Section 19. The provisions of s. 218.23, Florida Statutes, to the contrary notwithstanding, the distribution of funds to any unit of local government under that section for the fiscal year 1980-1981 shall not be less than the amount distributed to such unit of local government under that section for the fiscal year 1979-1980.

(Renumber subsequent section.)

The vote was:

Yeas—8

Chamberlin Gorman Scarborough Trask
Dunn Grizzle Stuart Ware

Nays—29

Anderson Gordon McClain Thomas
Barron Hair McKnight Tobiassen
Beard Henderson Myers Vogt
Carlucci Hill Neal Williamson
Childers, D. Holloway Peterson Winn
Childers, W. D. Jenne Scott
Fechtcl Johnston Skinner
Frank Maxwell Steinberg

Senators Myers and Dunn offered the following amendment which was moved by Senator Myers and adopted:

Amendment 7—On page 23, line 28, insert a new section and renumber succeeding sections:

Section 18. Paragraph (b) of Subsection (1) of section 205.-043, Florida Statutes, is amended to read:

205.043 Conditions for levy; municipalities.—

(1) The following conditions are hereby imposed on the authority of a municipal governing body to levy an occupational license tax:

(b) No occupational license tax levied hereunder shall be at a rate greater than that in effect in such municipality for the year beginning October 1, 1971; provided, however, beginning October 1, 1980 the municipal governing body may increase occupational license taxes authorized by chapter 205 up to 100 percent of the license tax levied on October 1, 1971; except such authority to increase occupational license taxes shall not apply to any utility franchised by the municipality and a franchise fee is paid therefor.

Senator Maxwell moved the following amendments which were adopted:

Amendment 8—On page 10, line 3, strike "s. 166.321" and insert: s. 166.231

Amendment 9—On page 13, line 10, strike the period(.) and insert: , except that water management districts shall be subject to only paragraph (c) of subsection (2) of this section

Amendment 10—On page 15, lines 14-20, strike all of said lines

Amendment 11—On page 21, line 18, strike all of said line and insert: (e) For fiscal year 1981-82, certified that any increase of its 1980-81 millage levy by

Amendment 12—On page 23, between lines 27 and 28 insert new sections 18, 19 and 20 and renumber subsequent sections.

Section 18. There is hereby appropriated \$4,600,000 from the General Revenue Fund to the County Revenue Sharing Trust Fund for fiscal year 1980-81.

Section 19. There is hereby appropriated \$12,800,000 from the General Revenue Fund to the Municipal Revenue Sharing Trust Fund for fiscal year 1980-81.

Section 20. The 1980-81 appropriation provided item 1102A of section 1 of chapter 79-212, Laws of Florida, is amended to \$16,900,000 from the present \$48,400,000.

Senators Hair, Steinberg, Gordon and Dunn offered the following amendment which was moved by Senator Hair and adopted:

Amendment 13—On page 14, line 20, strike the semi-colon and insert: , unless approved pursuant to the provisions of s. 200.065(2)(c);

The vote was:

Yeas—20

Anderson Dunn Holloway Myers
Beard Frank Jenne Scarborough
Carlucci Gordon Johnston Steinberg
Chamberlin Grizzle McClain Trask
Childers, D. Hair McKnight Winn

Nays—17

Barron	MacKay	Scott	Ware
Childers, W. D.	Maxwell	Skinner	Williamson
Fechtcl	Neal	Stuart	
Gorman	Peterson	Tobiassen	
Henderson	Poole	Vogt	

Vote after roll call:

Yea—Hill

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 505, SB 1345 and SJR 1344.

Senators Hair, Steinberg and Gordon offered the following amendment which was moved by Senator Hair and adopted:

Amendment 14—On page 14, line 30, strike the period and insert: , unless approved pursuant to the provisions of s. 200.065(2)(c).

Senator Steinberg moved the following amendment which was adopted:

Amendment 15—On page 23, between lines 27 and 28, insert: Section 18. (1) Any person who rents real property for a residential purpose shall have an interest in such property sufficient to subject him to the laws relating to the levy and collection of ad valorem taxes and the enforcement and collection of delinquent taxes, if he:

(a) Signs a written contract with the owner of the real property whereby he agrees to rent the property for 12 consecutive months or longer and to pay the ad valorem taxes on the rented real property; and

(b) Signs and delivers a written notice to the county property appraiser that he has contracted with the owner of the real property to pay the ad valorem taxes on such property.

(2) Any contract between an owner of real property and a person who rents the real property for residential purposes whereby the renter agrees to pay the ad valorem taxes on the rented property shall not relieve the owner from his obligation to pay all taxes due on the real property, nor prohibit the sale of such real property for unpaid taxes.

(3)(a) No later than January 1 of each year, the owner of real property that is rented for residential purposes shall file with the county property appraiser for the county in which the property is located, the rent roll covering all units of such property. This schedule of rents shall include all units whether rented or not, and whether residential or not.

(b) The county property appraiser, upon receiving the schedule of rents, shall assign an assessed valuation to each rental unit of such property by establishing the relationship of the yearly rent for the unit to the total yearly rent roll and applying this ratio to the assessment established for the real property as a whole, less any assessment on that portion of the real property which the property appraiser may determine is not held for rental purposes.

(c) Taxes on real property not held for rental purposes shall be assessed solely against the owner of the real property and shall not be considered in determining the assessed valuation of each rental unit.

(d) When the construction or remodeling of residential real property is substantially completed, the owner of such real property shall file the required information with the county property appraiser. When the property appraiser reassesses such real property, the relationships established for any prior assessments shall be applied to the new assessments. The assessments so established may be entered on the assessment roll itself or attached as an appendage to such assessment roll, but in any event the assessments for such real property shall be a composite of the total of the assessments of each individual unit's assessment.

(4) The owner of real property which is rented for residential purposes shall notify the county property appraiser of all changes in occupancy including notification when a vacant unit is occupied or when an occupied unit becomes vacant.

(5) The county tax collector, on or before November 1 of each year, shall issue in writing to the owner of real property rented for residential purposes a listing of the assessments for each unit. This listing shall state the amount of taxes each renter who has complied with the provisions of subsection (1) shall pay each calendar month. The real property owner shall make this listing available to each renter upon his occupancy of the rental unit.

(6)(a) Any person who has complied with the provisions of subsection (1) and thereby has acquired the interest in real property described in subsection (1) shall be personally liable for any taxes levied on the assessments declared for such interest.

(b) The owner of the real property subject to the interest described in subsection (1) is deemed to be an agent of the county tax collector of the county in which the real property is located for the purpose of collecting the ad valorem taxes due from each renter personally liable for the taxes.

(c) The rental payments of any person who has complied with the provisions of subsection (1) and whose property interest has been assessed pursuant to subsection (1) shall be made in two separate amounts consisting of basic rent and the ad valorem tax due on the rental unit occupied by such renter. The amount of ad valorem taxes due monthly shall be determined by dividing the total ad valorem taxes due annually by 12. The owner of the real property, or his designee, shall apply the first money paid by the renter to taxes due. Such payment by the renter shall discharge him from liability for the amount of the taxes paid regardless of any subsequent disposition of such money by the owner of the real property.

(d) The owner of the real property subject to the interest described in subsection (1) shall submit to the renter on or before January 30 of each year a written statement indicating the amount of taxes paid by the renter during the previous calendar year. Such statement shall be submitted to each present or former renter for the calendar year covered by the statement if the renter occupied the rental unit during any portion of that calendar year.

(7) No owner of real property subject to the interest described in subsection (1) shall charge a renter under any written lease an amount in any rent period in excess of the amount of rent reserved in such lease, reduced by the amount of the taxes allocated to the renter pursuant to this section.

(8) If a renter personally liable for real property taxes fails to pay that portion of the rental charges attributable to taxes, or is delinquent in his payments to the owner so that less than the total amount due and chargeable for real property taxes is paid to the owner, the owner is deemed to have assumed the renter's interest in the occupied unit and may commence a summary proceeding to recover the real property.

(9) Whenever a unit is vacant, the owner shall be deemed to hold the renter's interest in that unit for the period of the vacancy and shall assume personal liability for taxes levied on the unit.

(10) Any real property owner who fails to remit to the county tax collector any ad valorem taxes submitted to him by a renter is liable for a penalty equal to 25 percent of the tax which should have been remitted. If the owner is a corporation, all officers and directors of such corporation shall be jointly and severally liable for the payment of such penalty.

(11) Nothing in this section shall be construed to affect, alter, or in any way impair the rights of the taxing authority in which the real property is located to collect taxes levied against the owner of such real property for that portion of the real property devoted to nonresidential uses or for which the owner assumes liability under subsections (8) and (9).

Section 19. Subsection (13) of section 192.001, Florida Statutes, is amended to read:

192.001 Definitions.—All definitions set out in chapter 1 that are applicable to this part, are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(13) "Taxpayer" means the person or other legal entity in whose name the property is assessed. *In determining the imposition of ad valorem taxes on real property that is rented*

for residential purposes, taxpayer includes any renter who has contracted with the owner of the property to pay the ad valorem tax on his rental unit.

(Renumber subsequent sections)

Senators Barron and Gordon offered the following amendment which was moved by Senator Gordon and adopted:

**Amendment 16**—On page 1 in title, line 10, strike "\$15,000" and insert: \$20,000

Senator Steinberg moved the following amendment which was adopted:

**Amendment 17**—On page 2 in title, line 20, after the semicolon (;) insert: authorizing certain renters to pay ad valorem taxes on residential rental property; retaining owner's liability for tax; providing procedures for assessing, collecting, and paying the tax; providing for personal liability of renter for ad valorem tax; providing penalty against owners who fail to remit to tax collector the taxes collected; prohibiting excessive rent; authorizing recovery by owner of rental property for failure of renter to pay tax; amending s. 192.001(13), Florida Statutes; including renters within the definition of taxpayer;

Senator Dunn moved the following amendment which was adopted:

**Amendment 18**—On page 2, line 20, after the semicolon (;) insert: amending s. 205.043(1)(b), Florida Statutes; authorizing an increase in certain occupational license taxes;

On motion by Senator Frank, the Senate reconsidered the vote by which Amendment 6 failed.

On motion by Senator Barron, further consideration of CS for SB 505 with pending Amendment 6 was deferred.

Consideration of SB 1345 and SJR 1344 was deferred.

On motion by Senator Trask, the rules were waived and time of adjournment was extended until 12:00 noon.

Senator Anderson introduced to the Senate, members of the Consular Corps who were seated in the gallery.

#### SPECIAL ORDER, continued

**SB 46**—A bill to be entitled An act relating to saltwater fishing; prohibiting the use of certain traps in fishing for saltwater finfish; prohibiting the possession of any such trap or the taking, sale, or offer for sale of any saltwater finfish caught by any such trap; providing that any vessel, vehicle, or equipment used in violation, and any fish caught by use of such trap, shall be seized and may be forfeited; providing a penalty; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, between lines 8 and 9, insert: Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent section.)

Senator Henderson moved the following amendment which was adopted:

**Amendment 2**—On page 2, lines 9 and 10, strike "upon becoming a law" and insert: October 1, 1980

Senator Skinner moved the following amendments which were adopted:

**Amendment 3**—On page 1, between lines 24 and 25 insert: (c) Any black sea bass trap which has a biodegradable panel, and a throat or entrance the narrowest point of which is not less than 5 inches in height by 2 inches in width, and the outer dimension of which does not exceed 2 feet in height, 2 feet in width, and 2 feet in depth. However, such traps may be used only north of 27 degrees North Latitude.

**Amendment 4**—On page 1, lines 27 and 30, after the words "paragraph (b)" insert: or paragraph (c)

On motion by Senator Henderson, by two-thirds vote SB 46 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—Carlucci, McClain, Williamson

On motions by Senator Barron, the rules were waived and by two-thirds vote all bills remaining on the special order calendar this day were retained on the special order calendar for Tuesday, May 20 and by two-thirds vote the following bills were added: CS for CS for SB 83, CS for SB 417, Senate Bills 558, 565, 566, 570, 836, 837 and House Bills 1703 and 1565.

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to consider SB 1284 on Friday, May 16.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 590 was withdrawn from the Committee on Ways and Means.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 1077 was withdrawn from the Committee on Rules and Calendar.

By the Committee on Economic, Community and Consumer Affairs and Senator Gorman—

**CS for SB 102**—A bill to be entitled An act relating to bonds of units of local government; requiring public sale and competitive bidding for general obligation bonds excluding refunding bonds and providing for private negotiated sale of bonds if no bids are received; prohibiting the giving or receiving of certain bonuses, fees, and gratuities; providing penalties; amending s. 112.312(2), Florida Statutes; including any unit of local government authorized to issue bonds within the definition of "agency" for purposes of the code of ethics for public officers and employees; amending s. 112.3145(1)(a), (b), Florida Statutes; requiring financial disclosure by certain officers and employees of units of local government authorized to issue bonds; creating s. 112.3155, Florida Statutes; limiting employment of members, officers, and employees and former members, officers, and employees of units of local government authorized to issue bonds; providing penalties; amending s. 218.38(1), (3), Florida Statutes; requiring units of local government to disclose certain information upon the issuance of bonds within a specified period of time; requiring underwriters to disclose certain information within a specified period of time; providing penalties; amending ss. 153.06(4), 161.38(2)(d), Florida Statutes; deleting conflicting provisions relating to the manner of sale of bonds; specifying applicability; providing an effective date.

—was read the first time by title and SB 102 was laid on the table.

On motion by Senator Gorman, by two-thirds vote CS for SB 102 was read the second time by title.

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

**Amendment 1**—On page 9, lines 10 and 11, strike "*Community Affairs Banking and Finance*" and insert: Banking and Finance

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 14 was corrected and approved.

The Senate adjourned at 11:46 a.m. to convene at 8:30 a.m., Monday, May 19, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.