



Journal of the Senate

Number 1—Special Session

November 18, 1980

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 2:30 p.m. and was called to order by Senator W. D. Childers, President. A quorum present—39:

Mr. President	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	

Excused: Senator Barron, because of illness; Senator Gordon at 6:00 p.m.

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, Bob Graham, Governor of Florida, on 13 October 1980 did respectfully petition the Florida Supreme Court to amend its order of 21 December 1979 impaneling a statewide grand jury, and

WHEREAS, the Florida Supreme Court on 14 October 1980 determined that it is without statutory authority to broaden the scope of the Fourth Statewide Grand Jury and denied the requested petition, and

WHEREAS, expanding the jurisdiction of the Fourth Statewide Grand Jury rather than requiring the state to impanel a fifth statewide grand jury would:

- (1) Save the state the \$20,000 necessary to impanel a new statewide grand jury, and
- (2) Save the state the two and one-half months of time necessary to impanel a new statewide grand jury, and
- (3) Allow the state to utilize the existing staff personnel and expertise which has already been developed by the existing statewide grand jury, and
- (4) More effectively utilize state resources to combat the drug trafficking problem in Florida.

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

1. That the Legislature of the State of Florida be and is hereby convened in special session at the Capitol, Tallahassee, Florida, commencing at approximately 2:30 p.m. on Tuesday, the 18th day of November, 1980, and ending at 6:30 p.m. on Tuesday, the 18th day of November, 1980.
2. That the Legislature is convened for the sole purpose of considering the enactment of legislation granting the Florida Supreme Court authority to expand the jurisdiction of the statewide grand jury upon petition by the Governor, by amending Chapter 905, Florida Statutes.



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 17th day of November, 1980.

BOB GRAHAM
Governor

ATTEST:
GEORGE FIRESTONE
Secretary of State

VETOED BILLS 1980 REGULAR AND SPECIAL SESSIONS

Honorable W. D. Childers
President of the Senate
November 17, 1980

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, 1980 Regular and Special Sessions, with the Governor's objections attached thereto:

- SB 310 Relating to regulation of radio common carriers
- SB 364 Relating to public records
- SB 512 Relating to insurance
- SB 523 Relating to cable television
- SB 828 Relating to individual sewage disposal facilities
- SB 1229 Relating to alcoholic beverage tax
- SB 1304 Relating to drinking water standards
- SB 3-D Relating to a special election for the approval or rejection by the electors of a joint resolution relating to ad valorem tax relief
- SB 9-D Relating to taxation of live-aboard vessels

Sincerely,
GEORGE FIRESTONE
Secretary of State

Honorable George Firestone
Secretary of State

July 4, 1980

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 my objections to Senate Bill 310 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1980 entitled:

"An act relating to regulation of radio common carriers; amending s. 364.41, Florida Statutes; providing definitions; providing for deposit of fees; amending s. 364.44, Florida Statutes; deleting provisions relating to gross revenue tax; providing for audit of reports of intrastate gross revenues; creating s. 364.45, Florida Statutes; providing for adjustment of rates; authorizing orders affecting equipment, facilities, and services; providing a rule of construction; reviving and readopting, notwithstanding the Regulatory Reform Act of 1976, as amended, ss. 364.41, 364.42, and 364.44, Florida Statutes, as amended; repealing s. 364.43, Florida Statutes relating to penalties for violations; providing a retroactive effective date."

This bill would authorize the Florida Public Service Commission to continue the regulation of the Radio Common Carrier Industry. Under Chapter 76-168, Laws of Florida as amended, (The Regulatory Reform Act) Chapter 364, Part II, Florida Statutes, was repealed on July 1, 1980. The purpose of Senate Bill 310 is essentially to revive and readopt, with amendments, Chapter 364, Part II, Florida Statutes, to require the Public Service Commission to regulate Radio Common Carriers.

The Public Service Commission indicates that regulation of this industry cost \$72,167 in 1978-79. Only \$18,038 of this amount was covered by industry fees. Therefore, Florida taxpayers are paying most of the cost of this unnecessary regulation and there is no significant public protection afforded by the regulation. There have been fewer than three formal complaints against the regulated companies during the last five years and there has been only one rate case in the past fifteen years.

Even without Florida regulation of this industry, the Federal Communication Commission will continue to regulate the industry to handle quality of service complaints, determine whether public convenience and necessity justifies new entrants, and to renew licenses every five years.

In addition to the above, the bill would further this unnecessary state regulation with a provision that may in fact increase the entry burden for new companies by requiring proof that the existing service is inadequate to meet the reasonable needs of the public and that present licenses are incapable of meeting that need.

The need for continued regulation does not meet the standards outlined in the Regulatory Reform Act, Section 11.61(2) Florida Statutes. This legislation imposes government regulation at the expense of the public and the free enterprise system without a corresponding benefit.

For the above reasons, I am withholding my approval of Senate Bill 310, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto the same.

Sincerely,

BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 2, 1980

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 364 enacted by the Sixth Legislature of Florida under the Florida Constitution 1968 Revision, during the Regular Session of 1980, and entitled:

"An act relating to public records; amending s. 28.24 (9) (a), Florida Statutes; reducing the service charge by clerks of the circuit of a particular size; providing certain exceptions; specifying costs for copies by photographic process of final judgments or opinions by certain courts; providing an effective date."

This bill would require a reduction in the service charge by clerks of the circuit for duplicating public records. It is anticipated that this reduction in charges will adversely affect this revenue of several counties. To the extent that this occurs, other sources of revenue would have to be increased to compensate for any losses.

I am concerned that the state not enact laws which have an adverse fiscal impact on local governments without making allowances to compensate for the impact. This bill does not speak to the question of replacement revenue.

For the above reasons, I am withholding my approval of Senate Bill 364, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto the same.

Sincerely,

BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 2, 1980

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 512, enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1980, and entitled:

An act relating to insurance; amending s. 631.64, Florida Statutes; providing a tax offset to member insurers for assessments made by the Florida Insurance Guaranty Association, Incorporated; creating s. 220.16, Florida Statutes; referencing the tax credit authorized in s. 631.64, Florida Statutes, in the Florida Income Tax Code; providing a limitation; providing an effective date.

This bill allows a corporate income tax credit for any assessments made against an insurer by the Florida Insurance Guaranty Association, Incorporated. Section 631.57(3)(d), Florida Statutes, states that "No state funds of any kind shall be allocated or paid to said association (FIGA) or any of its accounts." In addition, Article VII, Section 10, of the Constitution of the State of Florida, states that "Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership, or person." Although Senate Bill 512 does not allow direct payments of state funds to FIGA, through the corporate tax credits provided by the bill, General Revenue Funds would be indirectly paid to the Association, and I feel the bill violates the intent of the law by allowing such credits.

In addition, since there is no provision for reimbursement to the State in the event of recovery of resources via liquidation of defunct member assets, the potential exists for the insurer to recover assessments from the receiver for which the insurer had realized a tax credit from the State.

Furthermore, the bill increases the differential treatment given domestic and foreign insurance carriers, which could cause out-of-state retaliatory fees to increase on Florida insurers. Since insurers are allowed to deduct corporate tax liability from their insurance premium tax payments, a decline in corporate tax liabilities would lead to an increase in insurance premium tax liability. However, domestic carriers are not subject to the insurance premium tax, so they would receive benefits from the bill, while foreign carriers would not.

These legal and technical considerations notwithstanding, I do not approve of the policy that the general public should bear the cost of subsidizing the Association. The Association is presently divided into four separate accounts for the purpose of assessment, and it is obviously the intent of the law

that the individuals bearing the cost in each case be those that benefit, or those who purchase a particular type of insurance. I feel that the broadening of the burden to the general public through the corporate tax credit is a reversal of that policy that I cannot accept.

For the above reasons, I am hereby withholding my approval of Senate Bill 512, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto same.

Sincerely,
BOB GRAHAM
 Governor

Honorable George Firestone
 Secretary of State

July 2, 1980

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 523 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1980 and entitled:

"An act relating to cable television; authorizing certain cable television services or community antennae line services to increase or decrease rates without the approval of a municipality or county under certain circumstances; providing a definition; providing an exception; providing an effective date."

Senate Bill 523 comes before me this year in substantially the same form as last year. The concern I expressed then about the erosion of power and authority of local government has not diminished. It is equally important to the operator and subscribers that reasonable subscriber rates, franchise fees, quality signals, programming, and esthetics of construction be set in an appropriate balance and reflect local needs. Local political subdivisions are in the best position to do and determine what is in their citizens' best interests.

When the cable television industry began to operate in communities throughout the State, there were certain understandings regarding rate regulation between them and municipalities in which they were franchised, as well as with their subscribers.

If these understandings and agreements are to be abrogated, this should be determined on the local level, not by such a sweeping statewide action.

Senate Bill 523 also proposes some serious constitutional questions. The bill exempts any franchise agreement between a cable television system and the consolidated municipal government established pursuant to Section 9 of Article VIII of the State's Constitution or any urban services district established by the charter of such consolidated municipal government. Such exemption makes the bill a "local special law" in violation of Section 10 of Article III, Florida Constitution. Further, such exclusion in the bill raises questions of unconstitutionality on the basis of *Housing Authority of the City of St. Petersburg v. City of St. Petersburg*, 287 So.2d 307 (Fla. 1973). The *Housing Authority* court pointed out that when statutes relate "to particular subdivisions or portions of the State, or to particular places of classified locality" they are local laws. This special classification in Section Two of the bill renders the bill a local law and thereby requires that the constitutional procedures necessary to enact local legislation be followed. Here, such procedures were not followed and the bill would likely fail under the constitutional challenge.

For the above reasons, I am withholding my approval of Senate Bill 523, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto the same.

Sincerely,
BOB GRAHAM
 Governor

Honorable George Firestone
 Secretary of State

July 4, 1980

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 828 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1980, and entitled:

"An act relating to individual sewage disposal facilities; amending s. 381.272(1) and (5), Florida Statutes, and adding subsection (11) thereto; providing that variances shall apply to subsections (2), (3), (4) and (7), providing standards; defining the term "acre"; providing an effective date."

This bill proposes further changes to the individual sewage disposal statute. In 1979 I approved legislation which increased the maximum number of septic tanks which could be permitted per acre on a residential subdivision from two to four. Accompanying approval of that legislation was a statement of my concern over the widespread use of septic tanks and that I would insist upon strict enforcement of the State laws regarding the use of septic tanks. At my direction, the Department of Health and Rehabilitative Services and its County Health units have carefully monitored and enforced provisions of the laws and regulations regarding the installation of septic tanks. Training sessions have been held statewide in each county. Each county's septic tank program has been evaluated twice during the past fiscal year.

During this past year the denial procedures have been improved by utilization of the Administrative Procedures Act and records have been maintained in a much more organized fashion. Permit issuance is also being handled in a more appropriate way by relying more on technical data, such as soil types and water table elevations. With only a year of this stricter enforcement procedure, however, data is not sufficient to warrant another expansion after the major change which took place after the 1979 session of the Legislature.

Senate Bill 828, by defining the term "acre" to mean "gross acreage including road rights of way abutting the lot and not exceeding 30 feet in width", represents a further incremental eroding of the State's septic tank laws. Its long-term effect could be the placing of more than four septic tanks per acre in the State's larger subdivisions.

For the above reasons, I am withholding my approval of Senate Bill 828, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto the same.

Sincerely,
BOB GRAHAM
 Governor

Honorable George Firestone
 Secretary of State

July 2, 1980

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 1229 enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1980, and entitled:

"An act relating to the alcoholic beverage tax; amending s. 565.02(1)(g), Florida Statutes; requiring an additional tax from vendors serving in more than three rooms rather than in more than three locations; providing an effective date."

This bill eliminates the additional license tax assessed when there are more than three locations at which alcoholic beverages are served on the premises. This bill would result in a loss of revenue to the State of Florida and no significant public purpose is served by the bill.

For the above reasons, I am withholding my approval of Senate Bill 1229, Regular Session of the Legislature, commencing on April 8, 1980, and do hereby veto the same.

Sincerely,
BOB GRAHAM
 Governor

Honorable George Firestone
Secretary of State

July 2, 1980

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 1304 enacted by the Sixth Legislature of Florida under the Florida Constitution 1968 Revision, during the Regular Session of 1980, and entitled:

"An act relating to drinking water standards; adding new subsections (4), (5), (6), (7) and (8) to S. 403.854, Florida Statutes; directing the Department of Environmental Regulation to waive chlorination requirements for certain public water systems; directing the department to waive the certified operator requirement for certain public water systems; setting time limitations for such waivers; providing for revocation of such waivers; providing for such waivers under certain circumstances; exempting the department and department personnel from liability in certain circumstances; providing an effective date."

The bill mandates that the Department of Environmental Regulation waive the chlorination requirement for public water systems with fewer than sixty-five (65) connections upon satisfaction of certain other conditions.

Such a sweeping retreat from chlorination is also a retreat from many of the worldwide health gains made in this century. Typhoid, cholera, and a host of other diseases killed thousands of people in this country only a few short generations ago and mandatory chlorination has been the single greatest factor in eliminating that grisly toll. That such times could come again is shown in Florida by the outbreak of typhoid in South Florida in 1973 and the Shigellosis epidemic in Dade County in 1974. Both were traced to inadequate chlorination.

This bill also mandates that the Department waive the requirement for a certified operator for all public water systems upon satisfaction of certain other conditions. While there may be a need to provide relief to some of the small water systems, waiving the requirement for the large and more complex systems goes too far.

For the above reasons, I am withholding my approval of Senate Bill 1304, Regular Session of the Legislature, commencing on April 8, 1980 and do hereby veto the same.

Sincerely,

BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 10, 1980

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 3-D enacted by the Sixth Legislature of Florida under the Florida Constitution 1968 Revision, during the Special Session of 1980, and entitled:

An act relating to a special election for the approval or rejection by the electors of a joint resolution relating to ad valorem tax relief; providing for publication of notice and for procedures; providing an effective date.

This bill attempted to place on the September 9, 1980 special election ballot, Senate Joint Resolution 2-D, the proposed constitutional amendment increasing the homestead exemption for all non-school tax assessments.

The legislature subsequently withdrew Senate Joint Resolution 2-D and passed five bills; Senate Bills 3-E, 7-E, 10-E, 13-E and 16-E which placed this proposed amendment and four others on the October 7, 1980 special election ballot.

I have already signed those five bills placing the resolutions on the October 7, 1980 special election ballot and they have been transmitted to the Secretary of State along with the five

companion resolutions. Therefore, this earlier bill is no longer appropriate and if allowed to become law, might create confusion on which ballot the resolution is to be placed.

For the above reasons, I am withholding my approval of Senate Bill 3-D, Special Session of the Legislature, commencing on June 9, 1980, and do hereby veto the same.

Sincerely,

BOB GRAHAM
Governor

Honorable George Firestone
Secretary of State

July 10, 1980

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 9-D, enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the First Special Session of 1980, and entitled:

An act relating to taxation of live-aboard vessels; amending s. 196.031(1), Florida Statutes, providing that the homestead exemption shall apply to live-aboard vessels, providing procedures and filing deadlines for 1980 assessments; amending s. 371.021(18)(a), (b), Florida Statutes; redefining the term "live-aboard vessel"; amending s. 371.59, Florida Statutes, defining the "live-aboard vessel", providing that the act shall not be deemed to prohibit local governmental authorities from enacting or enforcing certain regulations with respect to live-aboard vessels; providing severability; providing an effective date.

Equity has long been recognized and accepted as a fundamental policy goal in ad valorem taxation. The original intent of the legislation which levied ad valorem taxes on "live-aboard vessels" was to require that persons who maintained residences aboard such vessels be required to help support those local governments and school districts upon which they were a burden.

The redefinition of "live-aboard vessel" provided by this bill would continue to allow the levy of ad valorem taxes on some types of vessels which are used as residences, but not upon others. Accordingly, only those vessels specifically constructed for use as living units, primarily houseboats, would be subject to ad valorem taxation, while other vessels, even when used as primary residences, would not be considered to be "live-aboard vessels" and hence would not be subject to the ad valorem tax. Such classification would be inherently unfair and inequitable. Current law which defines "live-aboard vessels" as those "used principally as a residence," seems adequate to administer the intent of existing legislation.

In addition to the equity question, it is doubtful that the extension of the homestead exemption to "live-aboard vessels" is constitutional. Section 192.001(11)(d), Florida Statutes, includes "live-aboard vessels" in the definition of tangible *personal* property. Article VII, Section 6 of the Florida Constitution restricts the partial homestead exemption from ad valorem taxation to persons having a direct or indirect ownership interest in *real* property, and would thus seem to preclude extending the homestead exemption to owners of "live-aboard vessels."

For the above reasons, I am hereby withholding my approval of Senate Bill 9-D, First Special Session of the Legislature, commencing on June 9, 1980, and do hereby veto the same.

Sincerely,

BOB GRAHAM
Governor

Honorable W. D. Childers
President of the Senate

November 17, 1980

Dear Mr. President:

In compliance with the provisions of Article III, Section 8(b), I am transmitting to you for consideration of the following bill, First Special Session 1980, with the Governor's objections attached thereto:

CS/Senate Bill 1-D (Chapter 80-411), Laws of Florida.

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portions.

Cordially,

GEORGE FIRESTONE
Secretary of State

Honorable George Firestone
Secretary of State

July 10, 1980

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 portions of Committee Substitute for Senate Bill 1-D as set forth herein with my objections and do hereby approve the remainder of Committee Substitute for Senate Bill 1-D enacted by the Sixth Legislature of Florida under the Florida Constitution, 1968 Revision, during the First Special Session of 1980 and entitled:

"An act making supplemental appropriations; providing moneys for the annual periods beginning July 1, 1979 and July 1, 1980, to pay salaries, other expenses, capital outlay-building and improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 79-212, Laws of Florida; suspending section 25.073(3), Florida Statutes, and portions of Chapter 79-212, Laws of Florida; providing an effective date."

This bill, coupled with House Bill 1796 (Public Education Capital Outlay) and several other bills affecting state revenues, leaves a reserve substantially less than the ten percent of projected General Revenue Fund receipts I called for in February. I find the legislative level for reserves unacceptable. Therefore, in my review of this Appropriations Act, one goal has been to restore an acceptable level of reserves. The increased revenues resulting from my actions in reviewing legislative proposals is estimated at \$33.2 million. This will provide a reserve of over \$400 million. It will further provide \$6.5 million in recurring revenues toward meeting projected deficits in state programs for which this Legislature did not provide.

I have reviewed the Supplemental General Appropriations Act and with the exceptions of the areas noted, I find it acceptable. The areas in which I differ with the legislative decisions are from program or policy standpoints. The following provisions of the bill are vetoed for the reasons stated.

Item 2A on page 1 provides reimbursement for costs associated with executive suspensions of county officials. An item was included for this purpose in the 1977 and 1978 Appropriations Acts which my predecessor vetoed. An item was also included in the 1979 Appropriations Act for this purpose which I vetoed. The reasons stated in those veto messages regarding the fundamental question of public policy relating to the Governor's authority and responsibility to suspend public officials remains, in my opinion, not properly considered. The law in effect at the time of these cases clearly fixes the responsibility for this payment related to executive suspension of county officials to the local government rather than the State. Therefore, item 2A on page 1, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"2A Special Categories Reimbursement to Holmes County From General Revenue Fund ..		24,873"

A proviso after item 20C on page 6, authorized the Division of Forestry to purchase uniforms for field personnel. The Department of Administration has under its authority issued appropriate guidelines and requirements wherein departments may purchase uniforms for State employees. To treat employees in the Division of Forestry differently than other employees in similar State public contact jobs would be inappropriate. Therefore, the proviso following item 20C on page 6, which reads as follows, is hereby vetoed:

"All field personnel, except those performing clerical duties, shall be provided, from any funds appropriated to the division, distinctive uniforms for identification by the public."

Item 47A on page 11 appropriates \$35,000 in 1980-81 from the Block Grant Matching Trust Fund for conducting a study regarding the need for educational salary incentives for correctional officers. Any such study or benefit review should be coordinated through the Department of Administration due especially to labor-management negotiation implications. Therefore, Item 47A on page 11, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"47A Special Categories Correctional Standards Council From Block Grant Matching Trust Fund		35,000

The funds provided in specific appropriation 47A to the Correctional Standards Council shall be used to conduct a study regarding the need for educational salary incentives for correctional officers. The Council shall report its findings to the Legislature no later than January 15, 1981."

Item 48A on page 12 appropriates \$93,000 in 1980-81 from the Block Grant Matching Trust Fund for the Department of Corrections to contract with Open Door, Inc. I want to support the use of private delivery systems where appropriate; however, this operation is beyond the scope of the present legislative mandate to provide these services in specified, and more populous areas of the State. Therefore, Item 48A on page 12, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"48A Other Personal Services From Block Grant Matching Trust Fund		93,000"

The moneys in specific appropriation 48A are to be used as required by the Department of Corrections to (A) contract with Open Door, Inc. to continue operation of a probation and restitution center during the Fiscal Year 1980-81, and (B) evaluate that operation and report to the Legislature by November 1, 1980 the feasibility and costs of state assumption of the operation. As a part of its contract agreement, Open Door, Inc. shall report to the Legislature by November 1, 1980 its position regarding state assumption of the operation together with its reasons for the position."

Item 51K on page 14 appropriates \$93,000 in 1980-81 from the General Revenue Fund for the Southeast Florida Educational Consortium. I want to encourage the continued cooperation between community colleges and universities; however, this is a basic management responsibility and should be funded from existing resources as I pointed out in vetoing Item 274A of the 1979 General Appropriations Act. Therefore, Item 51K on page 14, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"51K Special Categories Southeast Florida Educational Consortium From General Revenue Fund ..		93,000"

Item 51S on page 15 appropriated \$35,000 in 1980-81 from the General Revenue Fund for Seminole Indian Scholarships. This item is addressed in Senate Bill 663 which I have signed into law. The bill contained an appropriation of \$35,000 in 1980-81 from the General Revenue Fund for Miccosukee/Seminole Indian Scholarships. Therefore, Item 51S on page 15, which reads as follows, and is a duplicate of the provisions contained in Senate Bill 663, is hereby vetoed:

	1979-80	1980-81
"51S Financial Assistance Payments Seminole Indian Scholarships From General Revenue Fund ..		35,000"

Item 54D on page 17 decreases and deletes an appropriation of \$250,000 in 1980-81 from the General Revenue Fund for the Florida Academy for School Leaders. These funds were appropriated in support of a new program designed to provide in-service and supplemental training to school management personnel. The training is to be conducted through a continuing series of institutes developed in conjunction with current topics and issues which are relevant to the stresses and challenges facing Florida's school leaders. A primary objective of the program is to respond quickly to the current needs of educational managers at all levels. The program, administered by the Department of Education, is governed by a board of directors composed of representative educational managers. The successes of

this program during its initial year of operation is sufficient to warrant its continuation. I would like to see the objectives and activities of this program be coordinated with the activities of the Florida Council of Educational Management, to be established by Senate Bill 1284 which I signed into law, and continue to be focused on all levels of educational management. Therefore, the negative appropriation in Item 54D on page 17 which would eliminate this worthwhile program and which reads as follows is hereby vetoed:

	1979-80	1980-81
"54D Special Categories Florida Academy for School Leaders From General Revenue Fund ..		-250,000"

Item 54E on page 18 appropriates \$157,084 in 1980-81 from the General Revenue Fund for the Suncoast Area Teacher Training Program. This item is addressed in both House Bill 954 and House Bill 1829 which I will sign into law. The House Bill 954 legislation contains an appropriation of \$157,084 in 1980-81 from the General Revenue Fund for the Suncoast Area Teacher Training Program. Therefore, item 54E on page 18, which reads as follows, and is a duplicate of the provision contained in House Bill 954, is hereby vetoed:

	1979-80	1980-81
"54E Special Categories Suncoast Area Teacher Train- ing Program (SCATT) From General Revenue Fund ..		157,084"

Proviso language following item 55A on page 19 allocates \$58,550 of the operating capital outlay funds appropriated in item 366, Chapter 79-212, Laws of Florida, for 1980-81, to the University of West Florida for the purchase of electronic news gathering equipment. This allocation is unrelated to any substantive policy decision of the Legislature and circumvents established procedures for allocation of university funds. In view of the \$22.9 million in quality improvement funds for 1980-81 provided in item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the university president. Therefore, the proviso following item 55A on page 19, which reads as follows, is hereby vetoed:

"From the funds appropriated in Item 366, Chapter 79-212, Laws of Florida, for 1980-81, \$58,550 shall be allocated to the University of West Florida for the purchase of electronic news gathering equipment."

Proviso language following item 55A on page 19 allocates \$184,000 of the funds appropriated in Items 363-366, Chapter 79-212, Laws of Florida, for 1980-81, to continue the program of the Center for Labor Research and Studies at Florida International University. This allocation is in place of an allocation of \$131,000 earmarked for the same purpose in proviso language following Item 367 of Chapter 79-212, Laws of Florida, for 1979-80 and 1980-81, which would indicate that the \$184,000 allocation is for program improvement rather than continuation as stated in the proviso. This allocation circumvents established procedures for consideration of program continuation and improvement funding. In view of the \$22.9 million quality improvement funds for 1980-81 provided in Item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President. Therefore, the proviso following item 55A on page 19, which reads as follows, is hereby vetoed:

"From the funds appropriated in Items 363-366, Chapter 79-212, Laws of Florida, for 1980-81, \$184,000 shall be allocated to continue the program of the Center for Labor Research and Studies at Florida International University."

Item 55D on page 20 appropriates \$100,000 in 1980-81 from the General Revenue Fund for a Weekend College Program at Florida International University and the University of South Florida. This appropriation would have the effect of implementing a new educational program by circumventing established procedures for new program approval and without reference to substantive law. In view of the \$22.9 million in quality improvement funds for 1980-81 provided in Item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President in accordance with the program approval procedures of the Board of Regents. Therefore, item 55D on page 20, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"55D Lump Sum Weekend College Program FIU/ USF From General Revenue Fund ..		100,000"

Item 55E on page 20 authorizes three positions and appropriates \$154,857 from the General Revenue Fund for a Center for Alcohol, Other Drugs and Alcoholism at the University of North Florida. This appropriation would have the effect of implementing a new educational program by circumventing established procedures for new program approval and without reference to substantive law. In view of the \$22.9 million in quality improvement funds for 1980-81 provided in Item 271C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President in accordance with the program approval procedures of the Board of Regents. Therefore, item 55E on page 20, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"55E Lump Sum Center for Alcohol, Other Drugs and Alcoholism, UNF Positions From General Revenue Fund ..		3 154,857"

Item 55H on page 21 authorized three positions and appropriates \$154,857 from the General Revenue Fund for a Center for Alcohol Studies at the University of West Florida. This appropriation would have the effect of implementing a new program approval and without reference to substantive law. In view of the \$22.0 million in quality improvement funds for 1980-81 provided in Item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President in accordance with the program approval procedures of the Board of Regents. Therefore, item 55H on page 21, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"55H Lump Sum Center for Alcohol Studies, UWF Positions From General Revenue Fund ..		3 154,857"

Item 55J on page 21 appropriates \$281,628 in 1980-81 from the General Revenue Fund for a multi-disciplinary diagnostic and treatment program at the University of Florida. This appropriation would have the effect of implementing a new educational program by circumventing established procedures for new program approval and without reference to substantive law. In view of the \$22.9 million in quality improvement funds for 1980-81 provided in Item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President in accordance with the program approval procedures of the Board of Regents. In addition, Item 328B of Chapter 79-212, Laws of Florida, appropriated \$4.9 million to the Department of Education in 1980-81 for Florida Diagnostic and Learning Resource Centers. Therefore, item 55J on page 21, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"55J Lump Sum Multi-Disciplinary Diagnostic and Treatment Program, UF From General Revenue Fund ..		281,628"

Item 55K on page 21 appropriates \$52,900 from the General Revenue Fund for a Center for State and Local Governments at the University of West Florida. This appropriation circumvents established procedures for consideration of program improvements in the biennial budgeting process and is without reference to substantive law. In view of the \$22.9 million in quality improvement funds for 1980-81 provided in Item 371C of Chapter 79-212, Laws of Florida, ample funding for this purpose is available at the discretion of the University President. Therefore, item 55K on page 21, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"55K Lump Sum Center for State and Local Governments, UWF From General Revenue Fund ..		52,900"

Item 56F on page 22 appropriates \$2,613,142 in 1980-81 from the General Revenue Fund for the University of South Florida Teaching Hospital Program at Tampa General Hospital. At the time of the establishment of the USF Medical School, it was understood by all concerned that a full program of medical education could be achieved by reliance on the facilities available in the Tampa Bay community hospitals and that the establishment of a state supported teaching hospital would not be necessary, as I pointed out in vetoing the proviso following Item 383 of the 1979 General Appropriations Act. Therefore, Item 56F on page 22, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"56F Special Categories University of South Florida Medical Center, Teaching Hos- pital Program, Tampa General Hospital From General Revenue Fund ..		2,613,142"

Item 57C on page 23 appropriates \$1,950,000 in 1980-81 from the General Revenue Fund for the Jacksonville Health Education Programs, Inc. This appropriation was not included in the Appropriations Act originally passed by either house of the Legislature, but was added to the bill in conference committee in the context of a discussion focusing on the merger of two universities. This appropriation circumvented established procedures for the consideration of improvements to existing programs. The provision of funding without consideration and development of a sound policy regarding the extent of medical education costs to be paid by the State is inappropriate. Therefore, Item 57C on page 23, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"57C Special Categories Jacksonville Health Education Programs, Inc. From General Revenue		1,950,000"

"Funds in specific appropriation 57C shall be used by the Jacksonville Health Education Program for quality improvement at University Hospital, Jacksonville, and may be expended for faculty, support staff, and house staff salaries, purchase of equipment, operating capital outlay, expenses and other personal services associated with the program."

Item 57D on page 23 appropriates \$300,000 from the Workers' Compensation Administration Trust Fund to be used to develop construction and operation plans for a comprehensive rehabilitation center, designed to carry out comprehensive rehabilitation of injured citizens of the State. Such center to be a quality improvement at University Hospital, Jacksonville. The Division of Workers' Compensation has the authority under Section 440.49, Florida Statutes, to conduct studies on the issue of rehabilitative services. I have directed the Division to conduct a feasibility study of the need for developing a rehabilitation center in the State. This is needed prior to the commitment of funds for construction and operation plans as called for in the appropriation. Therefore, Item 57D on page 23 which reads as follows, is hereby vetoed:

	1979-80	1980-81
"57D Special Categories Rehabilitation Center for Plan- ning From Workmans' Compensa- tion Administration Trust Fund		300,000"

"Funds in specific appropriation 57D shall be used by the Jacksonville Health Education Program through the Office of the Vice-President for Health Affairs at the University of Florida to develop construction and operating plans for a Comprehensive Rehabilitation Center to be located at University Hospital in Jacksonville. Such center to be designed to carry out comprehensive rehabilitation of injured citizens for the State. Providing further that appropriated funds may be used to contract for consulting services in planning the facility."

Proviso language following items 58, 58A, 59 and 60 on page 24 limits the funds and positions to one year, although it appears in the recurring portion of the budget. Additionally, the proviso requires the development of a State water policy by the Department of Environmental Regulation and further-

requires the policy to be presented to the 1981 Legislature. While I strongly endorse the development of a State water policy, the substantive requirements imposed by this proviso reduces the Department's flexibility in developing this policy. Accordingly, proviso language following Items 58, 58A, 59 and 60 on page 24, which reads as follows, is hereby vetoed:

"Funds and four positions in specific appropriations 58 through 60 are provided for one year for the purpose of preparing a State water policy to be presented to the 1981 Legislature."

Proviso language following Item 77C on page 30 requires the Department of Health and Rehabilitative Services to contract with the Children's Home Society in Duval County for a group care program for foster children. Current contracts between the Department and the Children's Home Society were negotiated competitively, in keeping with requirements of the Department's new contract management system. I am not supportive of the requirements to purchase services from a specific provider without regard to the cost and quality of services offered. Therefore, proviso language following item 77C on page 30, which reads as follows, is hereby vetoed:

"From item 583 in Chapter 79-212, Laws of Florida, an amount up to \$150,000 shall be used by the Department of Health and Rehabilitative Services to contract with Children's Home Society in Duval County for a group care program for permanent placement of adolescents in foster care."

Specific appropriation 95A on page 37 appropriates one position and \$30,000 in 1980-81 from the block grant matching trust fund for the establishment of a field office in Key West for the Department of Law Enforcement. I want to encourage the Department's continued efforts for the enforcement of drug laws; however, the assignment of staff and establishment of field offices is a basic management responsibility. While I believe that this appropriation attempts to address part of what I believe is a real and substantial statewide problem, it could more appropriately be addressed by a comprehensive and concerted approach as part of the Department's regular operational plan and legislative budget. Therefore, Item 95A on page 37, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"95A Lump Sum New Office/Key West Positions From Block Grant Matching Trust Fund		1 30,000"

"The Department shall submit a plan to the Executive Office of the Governor for the expenditure of the funds in the Specific Appropriation 95A to establish an office in Key West. The Department shall transfer 3 field investigator positions to Key West to staff said office."

Proviso language following Item 95E on page 38 directs the Legislature to appoint a study commission "to examine the feasibility of and make recommendations on the merging or expansion of university facilities, campuses and programs deemed supportive of quality in the State University System." This proviso ignores the statutory responsibilities of the Board of Regents and the State Board of Education in planning for the university system. The Joint Legislative and Executive Commission on Postsecondary Education noted in its final report that "master-planning is best assigned to a lay board, directly removed from, but accountable to the political process." While the Legislature has the authority to study the question of university mergers with or without this proviso, in the spirit of the Joint Commission report the proviso language following Item 95E on page 38, which reads as follows, is hereby vetoed:

"The Speaker of the House and the President of the Senate shall each appoint four members to a study commission to examine the feasibility of and make recommendations on the merging or expansion of university facilities, campuses and programs deemed supportive of quality in the State University System. The recommendations of the commission shall be made on or before November 1, 1980 to the Speaker of the House and the President of the Senate."

Item 95N on page 39 provides \$100,000 from the General Revenue Fund for transfer to the Erosion Control Trust Fund for beach restoration and erosion control projects. Item 947 of Chapter 79-212, Laws of Florida, provided \$5,950,301 for

fiscal year 1979-80 and \$7,044,994 for fiscal year 1980-81 for various erosion control projects such as above. These were based on detailed plans submitted by local governments to the Department of Natural Resources. No such plans have been submitted relative to the \$100,000 appropriated above. Therefore, Item 95N on page 39, which reads as follows is hereby vetoed:

	1979-80	1980-81
"95N Aid to Local Governments Beach Restoration and Erosion Control From General Revenue Fund ..		100,000"

"General Revenue Funds in specific appropriation 95N shall be transferred to the Erosion Control Trust Fund to fund beach restoration and erosion control projects."

Item 3V on page 47 appropriated \$8,000,000 from the General Revenue Fund for a Multi-Purpose Recreation Facility-Northwest Florida. Since the need for a multi-purpose athletic facility in northwest Florida has not been analyzed by either the Department of General Services or the Department of Education and has not been subject to a feasibility study, Item 3V on page 47, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"3V Fixed Capital Outlay Multi-Purpose Recreation Facility Northwest Florida From General Revenue Fund ..		8,000,000"

Item 4A on page 47 appropriates \$3,500,000 in 1980-81 from the General Revenue Fund for the State Office Building - Lakeland. This facility would make available 63,000 square feet of state-owned office space to replace offices that are currently leased by various agencies. Although it is desirable to collocate agency functions, and provide state-owned buildings where needed, this facility was not part of the Department of General Services 1980-81 Supplemental Budget Request and commitment of funds to this project has not been considered as priority. I have requested the Department of General Services to conduct a programmatic review of state office needs prior to the development of a phase two regional state office building construction program. Therefore, Item 4A on page 47, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"4A Fixed Capital Outlay State Office Building - Lakeland From General Revenue Fund ..		3,500,000"

Item 3F on page 52 appropriates \$2,000,000 in 1980-81 from the Working Capital Fund for the construction of university facilities in Broward County. These funds are "to be spent pursuant to a plan for said higher education facilities predicated on a study to be conducted by the Legislature." Chapter 240.209(1), Florida Statutes, provides that the Board of Regents is primarily responsible for the planning of future needs of the State University System and for the planning of programmatic, financial and physical development of the system. Funding for capital facilities should be carefully considered based upon a plan which reflects the educational needs of the State. No such plan for the expenditure of these funds has been approved by the Board of Regents, the State Board of Education, or the Legislature. Therefore, Item 3F on page 52, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"3F Fixed Capital Outlay University Facilities-Broward County From Working Capital Fund		2,000,000"

"Funds in specific appropriation 3F are to be spent pursuant to a plan for said higher education facilities predicated on a study to be conducted by the Legislature."

Item 4E on page 53 appropriates \$6,000,000 from the General Revenue Fund for the Bronough/Duval Street Extension project. Although this project was developed to accommodate Adams Street traffic displaced by construction of the new Capitol, I do not agree that the priority for this .6 mile project warrants expenditure of this level of General Revenue funds. The total cost of constructing the project (including two bridge overpass structures and connector streets) is estimated to be nearly

\$2,000,000 more than the level appropriated since construction costs will have escalated due to inflation by the time right-of-way is acquired. Proposed solutions to traffic problems in the Capitol Center should be prioritized on the basis of need and cost effectiveness, and other state needs. Therefore, Item 4E on page 53, which reads as follows, is hereby vetoed:

	1979-80	1980-81
"4E Fixed Capital Outlay Bronough/Duval Street Extension From General Revenue Fund ..		6,000,000"

Section 18, on page 57 allows up to 20 percent of the investigators in each State Attorney's Office to be paid a salary not to exceed 90 percent of the salary of that respective State Attorney. Due to the other positions in the law enforcement series that would create conflict in the State's collective bargaining process should this item be allowed, Section 18, on page 57, which reads as follows, is hereby vetoed:

"Section 18. Each State Attorney may pay up to 20 percent of their investigators an amount not to exceed 90 percent of the salary of that respective State Attorney. Said salaries are to be paid from those funds appropriated for the budget of each State Attorney. Each State Attorney, through the Judicial Administration Commission, shall submit to the Legislature prior to November 1, 1980, a list of all investigator positions in their office and the annual salaries for such positions as of June 1, 1980 and October 1, 1980."

The portions of Committee Substitute for Senate Bill 1-D which are set forth herein with my objections, are hereby vetoed and all other portions of Committee Substitute for Senate Bill 1-D are hereby approved.

Sincerely,

BOB GRAHAM
Governor

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

INTRODUCTION

By Senator Hair—

SB 1-A—A bill to be entitled An act relating to the statewide grand jury; amending s. 905.33, Florida Statutes; authorizing the Governor to petition the Supreme Court to expand the jurisdiction of a statewide grand jury during the term of that grand jury; authorizing the Supreme Court to comply with such petition; amending section 905.34, Florida Statutes, relating to power and duties of the statewide grand jury changing dangerous drugs to controlled substances; providing for the repeal July 1, 1981 of the amendments accomplished by this act; providing for applicability; providing an effective date.

—was read the first time by title and on motion by Senator Hair, the rules were waived and SB 1-A was placed on the calendar.

On motion by Senator Hair, by two-thirds vote SB 1-A was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 2, lines 28 and 30, strike "State Attorneys or"

Amendment 2—On page 1 in title, lines 9-12, strike "authorizing the State Attorney who is legal advisor to the statewide grand jury to designate one or more State Attorneys to perform certain duties;"

On motion by Senator Hair, by two-thirds vote SB 1-A as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	

Nays—None

On motion by Senator Johnston, the Senate recessed at 2:41 p.m., awaiting the call of the President.

The Senate was called to order by the President at 6:21 p.m. A quorum present—38:

Mr. President	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

By direction of the President, the following amendment to the Proclamation of November 17 was read:

PROCLAMATION

*State of Florida
Executive Department
Tallahassee*

(Amendment to Proclamation dated November 17, 1980)

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

WHEREAS, the Legislature of the State of Florida is now in Special Session, having been convened pursuant to a Proclamation of the Governor issued November 17, 1980, and

WHEREAS, it is in the best interest of the citizens of the State of Florida that this Special Session of the Legislature be extended in order to permit full and adequate consideration of urgently needed legislation, as set forth in the aforesaid Proclamation of the Governor;

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

That Paragraph one (1) of the Proclamation of the Governor dated November 17th, 1980, be and the same is hereby amended to read:

1. That the Legislature of the State of Florida be and is hereby convened in special session at the Capitol, Tallahassee, Florida, commencing at approximately 2:30 p.m. on Tuesday, the 18th day of November, 1980, and ending at 7:30 p.m. on Tuesday, the 18th day of November, 1980.
2. Except as amended by this Proclamation, the Proclamation of the Governor Dated November 17, 1980, 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 18th day of November, 1980.

BOB GRAHAM
Governor

ATTEST:

GEORGE FIRESTONE
Secretary of State

The President declared the Senate in informal recess at 6:23 p.m.

The Senate was called to order by the President at 7:04 p.m. A quorum present—38:

Mr. President	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

By Senator Hair—

SB 1-A—A bill to be entitled An act relating to the statewide grand jury; amending s. 905.33, Florida Statutes; authorizing the Governor to petition the Supreme Court to expand the jurisdiction of a statewide grand jury during the term of that grand jury; authorizing the Supreme Court to comply with such petition; amending s. 905.36, Florida Statutes; providing for applicability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 3—On page 2, line 12, insert after line 12 a new Section 2 and renumber subsequent sections:

Section 2. Section 905.34, Florida Statutes, is amended to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery; crimes involving narcotic or other controlled substances, any violation of the provisions of the Florida RICO (Racketeer-Influenced and Corrupt Organization) Act; any violation of the provisions of the Florida Anti-Fencing Act; or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more counties as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more counties. The statewide grand jury may return indictments and presentments irrespective of the county or judicial

circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

House Amendment 4—On page 1 in the title, line 8, after the semi-colon insert: amending section 905.34, Florida Statutes, relating to power and duties of the statewide grand jury changing dangerous drugs to controlled substances;

House Amendment 5—On page 2, line 13, strike all of section 2 and renumber subsequent sections.

House Amendment 6—On page 1 in the title, lines 8-9, strike "amending Section 905.36, Florida Statutes;"

House Amendment 7—On page 3, between lines 3 and 4, insert a new section 4: Section 4. The amendments adopted pursuant to this act shall stand repealed July 1, 1981. (and renumber the subsequent sections)

House Amendment 8—On page 1 in the title, line 9, insert after the semi-colon (;): providing for the repeal July 1, 1981 of the amendments accomplished by this act;

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

SB 1-A passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Anderson

The bill was ordered engrossed and then enrolled.

Statement of Legislative Intent

By direction of the President, the following statement of legislative intent by Senator Hair was printed in the Journal:

The effect of the repeal, House Amendment 7, is that this entire act as it amends Chapter 905 will be repealed on July 1, 1981, and no other portion of Chapter 905 will be affected by the repeal.

The Senate adjourned at 7:13 p.m. sine die.