



Journal of the Senate

Number 4

Tuesday, April 14, 1981

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	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

Prayer by Father Patrick O'Neill, President, Biscayne College, Miami:

Divine lover, creator of all, we come before you during this time with our needs, our wants and our desires for a better life. We ask you to give us the gift of wisdom to be able to change those things which are in need of change and the serenity to accept those things which cannot be changed. Give us the gift of compassion so that we may show true concern for the most needy of our state and give us a sense of optimism as we attempt to support the undertakings of those who are trying to develop themselves in so many ways. Bless our lives with your love, bless our work with divine success. Help us always to live as your children. Amen.

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

Senator Trask presiding

Presentation of the Florida Times-Union Awards

The presiding officer invited Dr. Allen Morris, Clerk of the House of Representatives, to the rostrum.

Dr. Morris presented plaques to the following Senators symbolizing honors voted them in secret balloting by their colleagues in the 1980 Senate:

Senator Robert McKnight, Runner-up, Most Effective First-Term Senator

Senator Clark Maxwell, Most Effective First-Term Senator

Senator Harry A. Johnston, II, Runner-up, Most Effective in Committee

Senator Curtis Peterson, Most Effective in Committee

Senator Jack Gordon, Runner-up, Most Effective in Debate

Senator W. D. Childers, Most Effective in Debate

Senator John Ware, Runner-up, Most Effective Member of the Senate

Senator Dempsey J. Barron, Most Effective Member of the Senate

Dr. Morris stated that this was the ninth award received by Senator Barron in this series and the fourth as Most Effective

Member of the Senate. The Florida Times-Union Awards were originated by Dr. Morris, in whose name they were carried forward after he became Clerk of the House in 1966.

The President presiding

The President thanked Dr. Morris for his participation in the presentation of the foregoing awards.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 14, 1981: SB 89, SB 303, SB 150, CS for SB 123, SB 126, SB 322, CS for SB 239, SB 2, CS for SB 138, SB 167, SB 172, SB 175

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary-Civil recommends the following pass: SB 274

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 27, SB 364

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 28, SB 59 with 3 amendments, SB 151 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: SB 280 with 1 amendment, SB 323 with 1 amendment

The Committee on Rules and Calendar recommends the following pass: SB 11 with 1 amendment, SM 52, SB 234, SCR 325

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

The Committee on Finance, Taxation and Claims recommends the following not pass: SB 190

The Committee on Judiciary-Civil recommends the following not pass: SB 10

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

The Committee on Education recommends a committee substitute for the following: SB 207

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 306

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 185

The bill with committee substitute attached was placed on the calendar.

Reports on Executive Appointments

The Committee on Natural Resources and Conservation recommends that the Senate confirm the following appointment made by the Governor: Victoria Jean Tschinkel, Tallahassee, Secretary, Department of Environmental Regulation, to serve at the Pleasure of the Governor.

The Committee on Transportation recommends that the Senate confirm the following appointment made by the Governor: Jacob D. Varn, Tallahassee, Secretary, Department of Transportation, to serve at the Pleasure of the Governor.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business under the original reference.

BILLS REFERRED TO SUBCOMMITTEE

SB 96 (Subcommittee composed of Senator McKnight, Chairman; Senator Renick, Vice Chairman; Senators Anderson, Henderson and Dunn re-appointed by Senator Vogt, Chairman of the Committee on Natural Resources and Conservation, to report to the full committee by May 8.)

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Johnston, a meeting of the Committee on Finance, Taxation and Claims scheduled for Thursday, April 16, was cancelled.

On motions by Senator Johnston, the rules were waived and by two-thirds vote SB 235 was withdrawn from the Committee on Transportation and by two-thirds vote SB 236 was withdrawn from the Committee on Corrections, Probation and Parole.

On motions by Senator Hill, the rules were waived and by two-thirds vote SB 361 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 387 was withdrawn from the Committee on Natural Resources and Conservation and referred to the Committee on Commerce.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 32 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Carlucci, the rules were waived and by two-thirds vote SB 4 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Carlucci, by two-thirds vote SB 214 was removed from the calendar and recommitted to the Committee on Corrections, Probation and Parole.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 104 and 411 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Winn, the rules were waived and by two-thirds vote SB 24 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Steinberg, the rules were waived and by two-thirds vote Senate Bills 33 and 43 were withdrawn from the committees of reference, SB 33 was recalled from the Special Master, and both bills were indefinitely postponed.

On motion by Senator Peterson, the rules were waived and Appropriations Subcommittee B was granted permission to meet April 14, 16 and 20 at 1:00 p.m. until completion of the agendas.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 386 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Thomas, the rules were waived and Appropriations Subcommittee A was granted permission to extend time of adjournment of the meetings, April 14, 16 and 20 until completion of the agendas.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 51 and 320 were withdrawn from the Committee on Appropriations.

On motion by Senator McKnight, by two-thirds vote SB 287 was placed on the special order calendar.

On motion by Senator Gordon, by two-thirds vote SB 148 was removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Barron, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following bill out of order.

INTRODUCTION AND REFERENCE OF BILLS

By Senators Thomas, Barron, Peterson and Gordon—

SB 634—A bill to be entitled An act relating to an appropriation for Bragg Memorial Stadium; appropriating funds from student building fees and capital improvement fees in the Public Education Capital Outlay and Debt Service Trust Fund; authorizing structural repairs and safety corrections; providing an effective date.

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

On motions by Senator Barron, by two-thirds vote SB 634 was withdrawn from the Committee on Appropriations and by two-thirds vote placed at the end of the special order calendar to be considered at 11:30 a.m.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate

The Secretary of State on April 7, 1981, 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:

Robert Lee Howell, Apalachicola, Brigadier General of the Florida Army National Guard, for term ending at Pleasure of the Governor

Beverly Anne Ledbetter, Dade City, Member of the Career Service Commission, for term ending November 22, 1984

Mildred Dunlap, Orlando, Member of the Education Practices Commission, for term ending October 1, 1981

The Secretary of State on April 9, 1981, 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:

Selma S. Barganier, Bartow, Member of the Construction Industry Licensing Board, for term ending February 18, 1984

Roy F. Milliron, Jr., Madison, Member of the North Central Florida Regional Planning Council, Region Three, for term ending October 1, 1982

The Secretary of State on April 13, 1981, 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:

Seymour Chotiner, Live Oak, Member of the North Florida Regional Planning Council, Region Three, for term ending October 1, 1983

Howard C. Babcock, Jr., Orlando, Member of the Board of Real Estate, for term ending March 5, 1984

[Referred to the Committee on Executive Business]

Presentation of Distinguished Guest

The President appointed Senators Barron, Gordon and Skinner as a committee to escort U.S. Senator Lawton M. Chiles, Jr. to the rostrum. The President presented Senator Chiles who addressed the Senate.

On motion by Senator Thomas, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

INTRODUCTION AND REFERENCE OF BILLS

By Senators Thomas and Barron—

SR 636—A resolution honoring Miss Robin Rene Kyle, the 1981 Florida Honey Queen.

—which was read the first time by title. On motion by Senator Thomas SR 636 was read the second time in full and adopted. The vote on adoption was:

Yeas—40

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	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

Nays—None

SPECIAL ORDER

SB 89—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 487.061(1), (2), (3), Florida Statutes, and adding subsection (6) to said section; providing for the creation, organizational structure, and meetings of the Pesticide Technical Council; providing for payment of travel expenses and per diem for members of the council; repealing s. 570.52, Florida Statutes, relating to the Fertilizer and Pesticide Technical Councils; reviving and readopting s. 487.061, Florida Statutes, as amended, notwithstanding the provisions of the Sundown Act; providing an effective date.

—was read the second time by title.

Senator Trask moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 19 through and including 21 and insert: Section 1. Section 487.061, Florida Statutes, is amended to read:

Amendment 2—On page 2, line 5, between the word "industry" and the period (.) insert: and two certified commercial applicators, one of whom is an aerial applicator, who shall be appointed by the department subject to the same procedure as prescribed in s. 570.23

Amendment 3—On page 2, strike all of line 31 and insert: the council.

(4) POWERS AND DUTIES.—The Pesticide Technical Council, with respect to its field of work and that of the Department of Agriculture and Consumer Services, shall have the powers and duties to consider and study the entire field of pesticides and pesticide application; to review and make recommendations to the department on any pesticide registration submitted to it by the department; to advise, counsel and consult with the department upon its request in connection with the promulgation, administration and enforcement of all laws and rules and regulations relating to pesticides and pesticide ap-

plication; to consider all matters submitted to it by the department or its secretary or other members of the council and to offer suggestions and make recommendations to the department on its own initiative in regard to changes in the laws and rules and regulations relating to pesticides and pesticide application, as may be deemed advisable to secure the effective administration and enforcement of said laws and rules and regulations; to suggest or recommend, on its own initiative, policies or practices for the administration of this chapter, which suggestions and recommendations the department shall duly consider.

(5) RECORDS OF MEETINGS.—In conducting its meetings, the technical council shall use accepted rules of procedure and the secretary shall keep a complete record of the proceedings of each meeting of the technical council, which proceedings shall show the names of the members present at each meeting and the actions taken at council meetings. Such record of proceedings of the council shall be kept on file with the secretary and in the department, and all such records and other documents relating to matters within the jurisdiction of the council shall be subject to inspection by the members of the council.

Amendment 4—On page 3, strike all of line 5 and insert: Section 2. Sections 487.162 and 570.52, Florida Statutes, are hereby

Amendment 5—In title on page 1, strike all of lines 4 through and including line 10 and insert: 487.061, Florida Statutes; providing for the creation, membership, duties, organizational structure, and meetings of the Pesticide Technical Council; providing for payment of travel expenses and per diem for members of the council; repealing s. 487.162, Florida Statutes, relating to the Pesticide Application Council; repealing s. 570.52, Florida Statutes,

On motion by Senator Trask, by two-thirds vote SB 89 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 303—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.12, Florida Statutes; providing for exemption of certain shows, amusements, and concessions from occupational license taxes; amending ss. 616.15, 616.17, Florida Statutes; removing requirement that the Agricultural and Livestock Fair Council approve the issuance of fair or exposition permits and tax exemption certificates; amending s. 616.21, Florida Statutes; providing for membership, officers, official action, meetings, compensation, and duties and responsibilities of the Agricultural and Livestock Fair Council; removing the requirement that the Department of Agriculture and Consumer Services approve or disapprove certain expenditures or the issuance of permits within a reasonable length of time; reviving and readopting s. 616.21(2), Florida Statutes, as amended, notwithstanding the provisions of the Sundown Act; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 303 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Hill	Kirkpatrick
Anderson	Gordon	Jenkins	Langley
Barron	Grizzle	Jenne	Lewis
Carlucci	Hair	Jennings	Margolis
Childers, D.	Henderson	Johnston	Maxwell

McClain	Poole	Skinner	Trask
McKnight	Rehm	Steinberg	Vogt
Neal	Renick	Stevens	Ware
Peterson	Scott	Stuart	Winn

Special Guest

The President introduced Representative Mark O'Brian of Kentucky, chairman of the Southern Legislative Conference of the Council of State Governments, who addressed the Senate briefly.

Nays—None

SB 150—A bill to be entitled An act relating to wrongful death claims; amending s. 768.18(1), (2), Florida Statutes; re-defining the terms "survivors" and "minor children" for the purposes of the Florida Wrongful Death Act; amending s. 768.20, Florida Statutes; providing for survival of personal injury actions when the claimant dies from injuries; amending s. 768.21(2)-(4), (6)(a), Florida Statutes; specifying persons entitled to recover damages in a wrongful death action and the damages to which each is entitled; providing for the recovery by the decedent's estate for loss of the prospective net accumulation of the estate; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 1, line 20 through page 3, line 16, strike everything after the enacting clause and insert:

Section 1. Subsection (2) of section 768.18, Florida Statutes, is amended to read:

768.18 Definitions.—As used in 768.18-768.27:

(2) "Minor children" means dependent unmarried children under 25 ~~24~~ years of age, notwithstanding the age of majority.

Section 2. Paragraph (a) of subsection (6) of section 768.21, Florida Statutes, is amended to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(6) The decedent's personal representative may recover for the decedent's estate the following:

(a) Loss of earnings of the deceased from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest. If the decedent's survivors include a surviving spouse or lineal descendants, or if the decedent is not a minor child as defined in subsection (2) of section 768.18 and does not have survivors as defined in subsection (1) of section 768.18, loss of the prospective net accumulations of the estate, which might reasonably have been expected but for the wrongful accumulations beyond death, and reduced to present money value, may also be recovered.

Section 3. This act shall take effect July 1, 1981, and shall apply only to deaths occurring after that date.

Amendment 2—In title on page 1, strike all of lines 3 through 16 and insert: amending s. 768.18(2), Florida Statutes; re-defining the term "minor children" for the purposes of the Florida Wrongful Death Act; amending s. 768.21(6)(a), Florida Statutes; providing for the recovery by the decedent's estate for loss of the prospective net accumulation of the estate; providing an effective date.

On motion by Senator Steinberg, by two-thirds vote SB 150 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

By the Committee on Governmental Operations and Senators Carlucci and Stuart—

CS for SB 123—A bill to be entitled An act relating to historic preservation; amending s. 267.0617, Florida Statutes; establishing criteria for distributing grants-in-aid; repealing ss. 267.0615, 267.0616, Florida Statutes, relating to the Historic Preservation Project Review Council; providing an effective date.

—was read the first time by title and SB 123 was laid on the table.

On motion by Senator Neal, by two-thirds vote CS for SB 123 was read the second time by title.

Senator Winn moved the following amendments which were adopted:

Amendment 1—On page 2, lines 8-9, strike "Sections 267.0615 and 267.0616, Florida Statutes, are" and insert: Section 267.0616, Florida Statutes, is

Amendment 2—In title on page 1, line 5, strike "ss. 267.0615" and insert: s.

On motion by Senator Neal, by two-thirds vote CS for SB 123 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	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gordon	Lewis	Scott	Winn
Grizzle	Margolis	Skinner	

Nays—None

SB 126—A bill to be entitled An act relating to investigative agencies and deception detectors; repealing s. 493.025(3), Florida Statutes, as created by s. 1, ch. 80-268, Laws of Florida, appearing as s. 493.303, Florida Statutes, 1980 Supplement, which section creates an advisory council to advise the Department of State relative to the operation and regulation of the private investigation and security industry; repealing s. 493.217, Florida Statutes, as created by s. 2, ch. 80-268, Laws of Florida, appearing as s. 493.564, Florida Statutes, 1980 Supplement, which section provides that the advisory council be the advisory council for the regulation of detection of deception examiners; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote SB 126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 322—A bill to be entitled An act relating to housing; adding s. 20.18(8), Florida Statutes, 1980 Supplement; providing for creation of the Florida Housing Advisory Council to serve in an advisory capacity within the Department of Veteran and Community Affairs; providing for terms of office and filling of vacancies on the council; providing for the selection of officers; providing for reimbursement of expenses; providing for investigation of certain reports and for removal of council members; providing for staff support; providing for future repeal; repealing s. 420.005(3), Florida Statutes, relating to an advisory committee appointed by the Governor pursuant to the Florida Housing Act of 1972; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 2, strike lines 27 and 28 (Renumber subsequent sections.)

Amendment 2—In title on page 1, lines 13-16, strike "repealing s. 420.005(3), Florida Statutes, relating to an advisory committee appointed by the Governor pursuant to the Florida Housing Act of 1972;"

On motion by Senator Steinberg, by two-thirds vote SB 322 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

By the Committee on Governmental Operations—

CS for SB 239—A bill to be entitled An act relating to legislative review of programs and functions; amending s. 11.61, Florida Statutes; amending s. 11.6105, Florida Statutes, 1980 Supplement; providing legislative intent; repealing various provisions of law relating to the regulation of professions, occupations, businesses, industries, or other endeavors; providing for review of such provisions prior to repeal; providing for periodic review of programs which are continued, reestablished, or created; prescribing criteria to be used in such review; providing for the appointment of a joint committee of the Legislature; prescribing the powers and duties of such committee; providing for the abolition of units of government and reversion of funds; providing for refund of fees; preserving certain causes of action; providing for effect on pending prosecutions, investigations, or disciplinary actions; repealing chapters 76-168, 77-237, and 77-457, Laws of Florida, relating to the Regulatory Reform Act of 1976; repealing various provisions of the Laws of Florida, which repeal various laws relating to the regulation of professions, occupations, businesses, industries, or other endeavors and which require such laws to be reviewed pursuant to the Regulatory Reform Act of 1976; providing severability; providing an effective date.

—was read the first time by title and SB 239 was laid on the table.

On motions by Senator Neal, by two-thirds vote CS for SB 239 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair, Stevens

SB 2—A bill to be entitled An act relating to the University of North Florida; naming the library at the university the Thomas G. Carpenter Library; directing the university to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 2 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Gordon

By the Committee on Judiciary-Civil—

CS for SB 138—A bill to be entitled An act relating to elections; amending s. 97.021(9)(a), (18), (20), Florida Statutes; providing definitions; amending s. 99.021(1)(a), (c), Florida Statutes; providing oath for write-in candidates; renumbering s. 99.061(3)-(5), Florida Statutes, and adding a new subsection (3) to said section; exempting write-in candidates from filing fees and party assessments; amending s. 99.092(1), Florida Statutes, conforming language; amending s. 101.011(4), Florida Statutes, and adding subsection (6) to said section; providing for voting for write-in candidates; amending s. 101.151(3)(a), Florida Statutes; providing specifications for general election ballot; amending s. 101.191(1), Florida Statutes; providing form of general election ballot; adding s. 101.251(3), Florida Statutes; specifying duties of supervisor of elections; amending s. 101.27(3), Florida Statutes; providing for write-in votes on voting machines; creating s. 101.445, Florida Statutes; providing for casting write-in votes; amending s. 101.54(1), (2), Florida Statutes; providing for tabulation and filing of write-in votes; amending s. 101.56, Florida Statutes; providing for securing of write-in ballots; adding s. 101.5608(6), Florida Statutes; providing for separate write-in ballots; renumbering s. 101.5614(4)-(6), Florida Statutes, adding a new subsection (4) to said section, and amending existing subsection (6) of said section; providing for canvass of write-in votes; creating s. 103.022, Florida Statutes; providing for write-in candidates for President and Vice President; amending s. 104.19, Florida Statutes; prohibiting use of stamps or stickers in casting write-in votes; providing penalties; amending s. 105.031(1), (3), Florida Statutes; exempting write-in judicial candidates from filing fees; adding s. 105.041(4), Florida Statutes, 1980 Supplement; providing for ballot for write-in judicial candidates; amending s. 105.051(1)(b), Florida Statutes; providing for determination of election of judicial candidates; providing an effective date.

—was read the first time by title and SB 138 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 138 was read the second time by title.

Senator Thomas moved the following amendment which failed:

Amendment 1—On page 5, strike all of lines 11-16 and insert: Section 3. Subsections (1) and (2) of section 99.061, Florida Statutes, are amended, present subsections (3), (4), and (5) are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) Each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his qualification papers with, and pay the qualification fee and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be the 63rd day prior to the first primary, but not later than noon of the 49th day prior to the date of the first primary. However, the qualification fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures. *A write-in candidate shall file his qualification papers any time after the date and time set for the first day of qualifying and not later than noon of the 42nd day prior to the first primary.*

(2) Each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his qualification papers with, and pay the qualification fees and party assessment, if any has been levied, to, the supervisor of elections of the county, or qualify by the alternative method with the supervisor of elections, at any time after noon of the first day for qualifying, which shall be the 63rd day prior to the first primary, but not later than noon of the 49th day prior to the first primary. *A write-in candidate shall file his qualification papers any time after the date and time set for the first day of qualifying and not later than noon of the 42nd day prior to the first primary.* The supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs within 30 days after the closing of qualifying time the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

Pending further consideration of CS for SB 138, on motion by Senator Hair, the rules were waived and the Senate reverted to—

MESSAGES 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 as amended HB 116 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Ethics & Elections and Representatives Hieber and Woodruff—

HB 116—A bill to be entitled An act relating to elections; amending s. 97.021(9)(a), (18), Florida Statutes; providing definitions; amending s. 99.021(1)(a) and (c), Florida Statutes; providing oath for write-in candidates; amending s. 99.061(1) and (2), Florida Statutes, and adding a new subsection (3) to said section; providing for method of qualifying as a write-in candidate; exempting write-in candidates from filing fees and party assessments; amending s. 99.092(1), Florida Statutes, conforming language; adding a subsection to s. 101.011, Florida Statutes; providing for voting for write-in candidates; amending s. 101.151(3)(a), Florida Statutes; providing specifications for general election ballot; amending s. 101.191(1), Florida Statutes; providing form of general election ballot; adding a subsection to s. 101.251, Florida Statutes; specifying duties of supervisor of elections; amending s. 101.27(3), Florida Statutes;

providing for write-in votes on voting machines; creating s. 101.445, Florida Statutes; providing for casting write-in votes; amending s. 101.54(1) and (2), Florida Statutes; providing for tabulation and filing of write-in votes; amending s. 101.56, Florida Statutes; providing for securing of write-in ballots; adding a subsection to s. 101.5608, Florida Statutes; providing for separate write-in ballots; amending s. 101.5614(6), Florida Statutes, and adding a new subsection (4) to said section; providing for canvass of write-in votes; creating s. 103.022, Florida Statutes; providing for write-in candidates for President and Vice President; amending s. 104.19, Florida Statutes; prohibiting use of stamps or stickers in casting write-in votes; providing penalties; amending s. 105.031(1) and (3), Florida Statutes; exempting write-in judicial candidates from filing fees; adding a subsection to s. 105.041, Florida Statutes, 1980 Supplement; providing for ballot for write-in judicial candidates; amending s. 105.051(1)(b), Florida Statutes; providing for determination of election of judicial candidates; providing an effective date.

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

SPECIAL ORDER, Continued

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 116, a companion measure, was withdrawn from the Committee on Judiciary-Civil and substituted for CS for SB 138. On motion by Senator Hair, by two-thirds vote HB 116 was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 2 after line 20, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (9) and subsections (18) and (20) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(9) "Ballot" or "official ballot" when used in reference to:

(a) "Voting machines" means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election, *except when reference is made to write-in ballots.*

(18) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process;

(b) *Any person who seeks to qualify for election as a write-in candidate;*

(c)~~(b)~~ Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or makes expenditures, with a view to bringing about his nomination, election, or retention to public office;

(d)~~(c)~~ Any person who appoints a treasurer and designates a primary depository; or

(e)~~(d)~~ Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition shall not include any candidate for a political party executive committee.

(20) "Newspaper of general circulation" means a newspaper as defined in chapter 50 printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Section 2. Paragraphs (a) and (c) of subsection (1) of section 99.021, Florida Statutes, are amended to read:

99.021 Form of candidate oath.—

(1) (a) Each candidate, whether a party candidate, or an independent candidate, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of

Before me, an officer authorized to administer oaths, personally appeared . . . (please print name as you wish it to appear on the ballot) . . . , to me well known, who, being sworn, says that he is a candidate for the office of ; that he is a qualified elector of . . . County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes.

. . . (Signature of candidate) . . .
. . . (Address) . . .

Sworn to and subscribed before me this . . . day of . . . , 19 . . . at . . . County, Florida.

. . . (Signature and title of officer administering oath) . . .

(c) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him counted.

Section 3. Present subsections (3), (4), and (5) of section 99.061, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(3) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee or party assessment. A write-in candidate shall not be entitled to have his name printed on any ballot; however, space shall be provided on the general election ballot for his name to be written in. No person may qualify as a write-in candidate if he has also otherwise qualified for nomination or election to such office.

Section 4. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Filing fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a filing fee to the officer with whom he qualifies and, if any party assessment has been levied, attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the committee assessment is 2 percent of the annual salary unless made less by the executive committee. The annual salary of the office for purposes of computing the filing fee and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fees shall be returned to the candidate unless he withdraws his candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, his qualifying fee shall be returned to his designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall

direct the party to return that portion to the candidate's designated beneficiary.

Section 5. Subsection (4) of section 101.011, Florida Statutes, is amended and subsection (6) is added to said section to read:

101.011 Voting by paper ballot.—

(4) If the elector marks more names than there are persons to be elected to an office, or if it is impossible to determine the elector's choice, his ballot shall not be counted for the office; but this shall not vitiate the ballot as to those names which are properly marked, and nothing in this code shall be construed to prevent any elector, at any general election, from voting for any qualified candidate other than one whose name is printed on the ballot.

(6) At a general election an elector may vote for a write-in candidate by writing in the name of such person in the blank space provided. In addition, on ballot cards used with electronic or electromechanical voting systems the elector shall be required to make a notation with the marking device immediately following the blank space provided.

Section 6. Paragraph (a) of subsection (3) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(3) (a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: The heading "Electors for the President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, State Treasurer, Commissioner of Education, Commissioner of Agriculture, public service commissioner, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: Members of the board of county commissioners, members of the district school board, and such other county offices as are involved in the general election, in the order fixed by the Department of State. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." followed by a blank space shall be provided in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

Section 7. Subsection (1) of section 101.191, Florida Statutes, is amended to read:

101.191 Form of general election ballot.—

(1) The general election ballot shall be in substantially the following form:

OFFICIAL BALLOT GENERAL ELECTION
No. COUNTY, FLORIDA
Precinct No.
... (Date) ...
(Signature of Voter) (Initials of Issuing Official)

Stub No. 1
OFFICIAL BALLOT GENERAL ELECTION
 No. COUNTY, FLORIDA
 Precinct No.
 ... (Date) ...
 (Initials of Issuing Official)

Stub No. 2
OFFICIAL BALLOT GENERAL ELECTION
 No. COUNTY, FLORIDA
 Precinct No.
 ... (Date) ...

TO VOTE for a candidate whose name is printed on the ballot, mark a cross (X) in the blank space at the RIGHT of the name of the candidate for whom you desire to vote. To vote for a candidate whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

ELECTORS
 For President
 and
 Vice President

(A vote for the candidates will actually be a vote for their electors)

Vote for group

DEMOCRATIC

(Name of Candidate)
 For President

(Name of Candidate)
 For Vice President

REPUBLICAN

(Name of Candidate)
 For President

(Name of Candidate)
 For Vice President

(NAME OF MINOR PARTY)

(Name of Candidate)
 For President

(Name of Candidate)
 For Vice President

INDEPENDENT

(Name of Candidate)
 For President

(Name of Candidate)
 For Vice President

WRITE-IN

For President
 For Vice President

**CONGRESSIONAL
 UNITED STATES SENATOR**

Vote for One

(Name of Candidate) (Party abbreviation)

(Name of Candidate) (Party abbreviation)

(And thence other offices under this heading, followed by the headings and offices as prescribed in s. 101.151.)

**PROPOSED CONSTITUTIONAL
 AMENDMENTS OR OTHER PUBLIC MEASURES**

To vote on a constitutional amendment or other public measure, mark a cross (X) in the blank space next to either YES or NO at the RIGHT for the Amendment or against the Amendment.

No.
**CONSTITUTIONAL
 AMENDMENT**
ARTICLE , SECTION

(Here the wording of the substance of the amendment shall be inserted.)

YES for Approval FOR the Amendment
 NO for Rejection AGAINST the Amendment

Section 8. Subsection (3) is added to section 101.251, Florida Statutes, to read:

101.251 Supervisor of elections to print names of candidates on ballots, etc.—

(3) In addition to the names printed on the ballot, a blank space shall be provided under those offices for which a write-in candidate has qualified.

Section 9. Subsection (3) of section 101.27, Florida Statutes, is amended to read:

101.27 Voting machine ballots.—

(3) The order in which the voting machine ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot for that election. The names of the unopposed candidates shall not appear on the general election ballot. If two or more write-in candidates are seeking election for one office, only one blank space shall be provided. Each unopposed candidate shall be deemed to have voted for himself.

Section 10. Section 101.445, Florida Statutes, is created to read:

101.445 Write-in ballots.—In counties in which voting machines are used, a write-in ballot shall be deposited, written, or affixed in or upon the receptacle or device provided for that purpose. A write-in ballot shall be cast in its appropriate place on the machine or it is void and shall not be counted. When a write-in ballot is cast it shall not be necessary to use the (X) mark.

Section 11. Subsections (1) and (2) of section 101.54, Florida Statutes, are amended to read:

101.54 Tabulation of vote and proclamation of results, where voting machine used.—

(1) As soon as the polls are closed, the inspectors of election shall immediately lock and seal the voting machines against voting. The inspectors then shall sign a certificate stating: that the machines have been locked against voting and sealed; the number of electors as shown on the public counters; the number on the seal; the number registered on the protective counter, if one is provided; and that the voting machines are closed and locked. The inspectors then shall open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The clerk of the board of elections shall then read and announce in distinct tones the designating number and letter on each counter for each candidate's name, and the results as shown by the counter numbers, and shall then read, announce, and record the votes cast for each write-in candidate who has qualified. He shall also read and announce the vote on each constitutional amendment, proposition, or other question. The results shall be announced four times by the following procedure. While the clerk is announcing the results, one inspector shall stand by his side and check the clerk's announcements. The vote as registered shall be entered on the certificate of returns by two inspectors of different political affiliation, whenever practicable, but not including the clerk, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off from the counters of the machine by the inspector standing near the clerk. While the inspector is announcing the results, the clerk shall stand by his side and check the inspector's announcement. After the results are announced by the clerk and the inspector, they shall exchange positions with the two inspectors who are tabulating the results. The same procedure as used by the clerk and inspector shall again be followed by the two inspectors in announcing the results. The tabulation shall then be filled out, which shall show the total number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated or elected. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the board of elections. Any candidate or duly accredited watcher who may desire to be present shall be admitted to the polling place from the closing of the polls until count and tabulation are complete. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the clerk who shall read the name of each candidate, with the designating number and letter of his counter and the vote registered on such counter and also the vote cast for and against each question submitted. During each proclamation, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall immediately be made by the board, after which the doors of the voting machine

shall be closed and locked. Before adjourning, the board shall, with the seal provided therefor, so seal the operating lever of the machines that the voting and counting mechanism will be prevented from operating. The same procedure shall be followed for each machine in the precinct, and a final proclamation made of the total vote received by each candidate. As each vote is read and announced, it shall be recorded on two statements by two other members of the board and, when completed, compared with the numbers on the counters of the machine. If found correct, the result shall be announced by the clerk, and the tabulation of votes, after being duly certified and sworn to, shall be filed as provided for filing election returns.

(2) *Write-in ballots, enclosed in a properly sealed package properly endorsed, shall be filed with the original statement of returns.* The inspector filing the returns shall deliver to the supervisor the keys of the voting machine, enclosed in a sealed envelope having endorsed thereon a certificate of the inspectors stating the number of the machine or machines, the precinct where it has been used, the number on the seal, and the number on the protective counter, if any.

Section 12. Section 101.56, Florida Statutes, is amended to read:

101.56 Locking machine and returning write-in ballots.—The election officers shall, as soon as the count is completed and ascertained, lock the counter compartment of the machine, and it shall so remain for a period not less than 10 days, unless another election is held within 3 weeks, in which event the machine shall remain locked for 5 days, except in either event it may be opened by the canvassing board or by order of a court of competent jurisdiction. *Whenever write-in ballots have been voted and counted by the election officers, the election officers shall return such ballots in a secured package labeled "write-in ballots" and return and file such package with the original statement of the result of the election made by them.*

Section 13. Subsection (6) is added to section 101.5608, Florida Statutes, to read:

101.5608 Paper balloting procedures to apply.—So far as practicable, the procedures for voting paper ballots as prescribed in this code shall apply to procedures followed pursuant to this act. The following procedures shall apply, however, and any procedure prescribed for paper ballots which is made impractical because of any of the following requirements may be modified with approval of the Department of State to facilitate adherence to the following requirements:

(6) *A separate write-in ballot, which may be in the form of a paper ballot, card, or envelope in which the elector places his ballot after voting, shall be provided when necessary to permit electors to write in the names of persons who have qualified as write-in candidates.*

Section 14. Subsections (4), (5), and (6) of section 101.5614, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, a new subsection (4) is added to said section, and the renumbered subsection (7) is amended to read:

101.5614 Canvass of returns.—

(4) *If ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, write-in ballots or the envelopes on which a write-in ballot has been cast shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. This process may be completed at either the precinct by the election board or at the central counting location. For each ballot or ballot and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card, and if the total number of votes for any office exceeds the number allowed by law, a notation to the effect, specifying the office involved, shall be entered on the back of the ballot card, or in a margin if voting areas are printed on both sides of the ballot card. Such votes shall not be counted. All valid votes shall be tallied by the canvassing board.*

(7) (6) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes, shall constitute the official return of the election. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of

the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 15. Section 103.022, Florida Statutes, is created to read:

103.022 Write-in candidates for President and Vice President of the United States.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 63rd day prior to the first primary election in the year in which a presidential election is held, but prior to noon of the 49th day prior to the date of the first primary election. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their name on the ballot.

Section 16. Section 104.19, Florida Statutes, is amended to read:

104.19 Use of stickers, rubber stamps, etc., unlawfully.—It is unlawful for any person casting a ballot at any election to use stickers or rubber stamps or to carry into a voting booth any mechanical device, paper, or memorandum which might be used to affect adversely the normal election process. *In casting a write-in ballot the elector shall cast the same in his own handwriting or in the handwriting of an authorized person aiding him.* Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Subsections (1) and (3) of section 105.031, Florida Statutes, are amended to read:

105.031 Qualification; filing fee; candidate's oath.—

(1) TIME OF QUALIFYING.—Candidates for judicial office shall qualify with the Division of Elections of the Department of State no earlier than noon of the 63rd day, and no later than noon of the 49th day, before the first primary election. Filing shall be on forms provided for that purpose by the Division of Elections. Any person seeking to qualify as a candidate for circuit judge or county court judge by the alternative method, if he has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his name printed on the ballot.

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay the Division of Elections a qualifying fee of 3 percent of the annual salary of the office to which he seeks election, or qualify by the alternative method. The Division of Elections shall forward all such qualifying fees to the Department of Revenue for deposit in the General Revenue Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

Section 18. Subsection (4) is added to section 105.041, Florida Statutes, 1980 Supplement, to read:

105.041 Form of ballot.—

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court, if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031.

Section 19. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election to office.—

(1)

(b) If two or more candidates, *neither of whom is a write-in candidate*, qualify for such an office, the names of those candidates shall be placed on the ballot at the first primary election. If any candidate for such an office receives a majority of the votes cast for such office in the first primary election, the name of the candidate who receives such majority shall not appear on any other ballot *unless a write-in candidate has qualified for such office*. An unopposed and such candidate shall be deemed to have voted for himself at the general election. If no candidate for such an office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 20. This act shall take effect upon becoming a law.

Amendment 2—In title, on pages 1 and 2, strike everything before the enacting clause and insert:

A bill to be entitled An act relating to elections; amending s. 97.021(9)(a), (18), (20), Florida Statutes; providing definitions; amending s. 99.021(1)(a), (c), Florida Statutes; providing oath for write-in candidates; renumbering s. 99.061(3)-(5), Florida Statutes, and adding a new subsection (3) to said section; exempting write-in candidates from filing fees and party assessments; amending s. 99.092(1), Florida Statutes, conforming language; amending s. 101.011(4), Florida Statutes, and adding subsection (6) to said section; providing for voting for write-in candidates; amending s. 101.151(3)(a), Florida Statutes; providing specifications for general election ballot; amending s. 101.191(1), Florida Statutes; providing form of general election ballot; adding s. 101.251(3), Florida Statutes; specifying duties of supervisor of elections; amending s. 101.-27(3), Florida Statutes; providing for write-in votes on voting machines; creating s. 101.445, Florida Statutes; providing for casting write-in votes; amending s. 101.54(1), (2), Florida Statutes; providing for tabulation and filing of write-in votes; amending s. 101.56, Florida Statutes; providing for securing of write-in ballots; adding s. 101.5608(6), Florida Statutes; providing for separate write-in ballots; renumbering s. 101.5614-(4)-(6), Florida Statutes, adding a new subsection (4) to said section, and amending existing subsection (6) of said section; providing for canvass of write-in votes; creating s. 103.022, Florida Statutes; providing for write-in candidates for President and Vice President; amending s. 104.19, Florida Statutes; prohibiting use of stamps or stickers in casting write-in votes; providing penalties; amending s. 105.031(1), (3), Florida Statutes; exempting write-in judicial candidates from filing fees; adding s. 105.041(4), Florida Statutes, 1980 Supplement; providing for ballot for write-in judicial candidates; amending s. 105.051(1)(b), Florida Statutes; providing for determination of election of judicial candidates; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 116 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Poole

CS for SB 138 was laid on the table.

SB 167—A bill to be entitled An act relating to the probate code; amending s. 732.402, Florida Statutes; specifying items and amount of a decedent's estate to which a surviving spouse is entitled; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Langley and adopted:

Amendment 1—On page 1, line 20, strike "*of the decedent*" and insert: *held in the decedent's name and used by him or members of his immediate family as their personal automobiles*

On motion by Senator Langley, by two-thirds vote SB 167 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Poole

SB 172—A bill to be entitled An act relating to the Probate Code; amending s. 733.304(3), Florida Statutes; adding certain people to the list of nonresidents who may qualify as a personal representative; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendments which were moved by Senator Stevens and adopted:

Amendment 1—On page 1, lines 10-19, strike all of Section 1 and insert: Section 1. Section 733.304, Florida Statutes, is amended to read:

733.304 Nonresidents.—A person who is not domiciled in the state cannot qualify as personal representative unless the person has a *substantial interest in the assets of the estate and is:*

- (1) A legally adopted child or adoptive parent of the decedent;
- (2) Related by lineal consanguinity to the decedent;
- (3) A spouse, ~~or a~~ brother, sister, uncle, aunt, nephew, or niece of the decedent; ; or someone related by lineal consanguinity to any such person; or a brother, sister, uncle, aunt, nephew or niece of a decedent's spouse, whether such spouse is surviving or deceased; or
- (4) The spouse of a person otherwise qualified under this section.

Amendment 2—In title on page 1, line 3, strike all of said line and insert: s. 733.304, Florida Statutes; requiring non-residents who may qualify as a personal representative to have a substantial interest in the assets of the estate; adding certain

On motion by Senator Stevens, by two-thirds vote SB 172 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, D.	Hair	Jennings
Anderson	Dunn	Henderson	Johnston
Barron	Frank	Hill	Kirkpatrick
Beard	Gordon	Jenkins	Langley
Carlucci	Grizzle	Jenne	Lewis

Margolis	Peterson	Steinberg	Trask	Skinner	Stuart	Trask	Winn
Maxwell	Rehm	Stevens	Vogt	Steinberg	Thomas	Vogt	
McClain	Renick	Stuart	Winn	Stevens	Tobiassen	Ware	
McKnight	Scott	Thomas					
Neal	Skinner	Tobiassen					

Nays—1

Ware

Vote after roll call:

Yea—Poole

SB 175—A bill to be entitled An act relating to probate; amending s. 732.207, Florida Statutes; providing the formula for computing the elective share; amending s. 733.2123, Florida Statutes; requiring a copy of the will to be attached to formal notice of petition for administration; amending s. 733.702(1), Florida Statutes, 1980 Supplement; requiring timely presentation of claims for funeral or burial expenses; amending s. 733.703, Florida Statutes; requiring informal notice procedure for serving creditor's claims on the personal representative; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 175 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Poole

On motions by Senator Barron, by two-thirds vote—

SB 634—A bill to be entitled An act relating to an appropriation for Bragg Memorial Stadium; appropriating funds from student building fees and capital improvement fees in the Public Education Capital Outlay and Debt Service Trust Fund; authorizing structural repairs and safety corrections; providing an effective date.

—was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Jennings	McClain
Anderson	Grizzle	Johnston	McKnight
Barron	Hair	Kirkpatrick	Neal
Beard	Henderson	Langley	Peterson
Childers, D.	Hill	Lewis	Rehm
Dunn	Jenkins	Margolis	Renick
Frank	Jenne	Maxwell	Scott

Skinner	Stuart	Trask
Steinberg	Thomas	Vogt
Stevens	Tobiassen	Ware

Nays—None

Vote after roll call:

Yea—Poole

SB 287—A bill to be entitled An act relating to the Department of Natural Resources; naming the building presently housing the department in Tallahassee, Florida; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote SB 287 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Poole

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Dunn, the rules were waived and by two-thirds vote SB 482 was also referred to the Committee on Personnel, Retirement and Collective Bargaining as first committee of reference.

On motion by Senator Barron, the rules were waived and all bills passed this day were ordered immediately certified to the House.

CO-INTRODUCERS

Senator Grizzle—SB 30; Senator Langley—SM 52; Senator Tobiassen—CS for SB 185; Senators Langley, Jenkins and Grizzle—SB 335; Senator Hill—SB 343; Senator Stevens—SB 344; Senators Stevens, Jenkins, Peterson, Lewis and Neal—SB 389; Senators Stuart and Jennings—SB 360; Senators Trask and Renick—SB 432; Senator Poole—SB 445; Senators Hill, Margolis and McKnight—SB 451

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 10 was corrected and approved.

The Journals of April 8 and 7 as corrected were approved.

On motion by Senator Barron the Senate recessed at 10:34 a.m. to reconvene at 9:00 a.m. April 22, 1981.