Journal of the Senate

Number 9 Tuesday, April 28, 1981

BILL ACTION SUMMARY

Tuesday, April 28, 1981

The Senate took action as indicated on the following bills:

H	279	Withdrawn from Commerce; Substituted for CS for SB 607; Passed; YEAS 34 NAYS 0
H	288	Withdrawn from Transportation; Substituted for SB 334; Passed; YEAS 32 NAYS 0
S	26	C/S passed; YEAS 33 Nays 0
S	49	Passed as amended; YEAS 38 NAYS 0
S	51	Passed as amended; YEAS 34 NAYS 0
S	59	Passed as amended; YEAS 29 NAYS 4
S	68	Reconsidered; Amendments 2 & 4 reconsidered & failed; Passed as amended; YEAS 35 NAYS 0
S	144	Passed; YEAS 38 NAYS 0
S	152	Passed as amended; YEAS 34 NAYS 0
S	179	Passed as amended; YEAS 32 NAYS 5
S	186	Passed as amended; YEAS 33 NAYS 0
S	189	Passed; YEAS 33 NAYS 0
S	228	C/S passed as amended; YEAS 35 NAYS 0
S	237	Passed; YEAS 32 NAYS 1
S	255	Passed as amended; YEAS 31 NAYS 1
S	265	Passed as amended; YEAS 37 NAYS 0
S	270	Passed as amended; YEAS 34 NAYS
S	271	Passed as amended; YEAS 31 NAYS 3
S	288	Passed as amended; YEAS 34 NAYS 0
S	290	C/S passed as amended; YEAS 32 NAYS 0
S	291	Passed; YEAS 34 NAYS 0
S	307	Passed as amended; YEAS 35 NAYS 0
S	320	Passed as amended; YEAS 33 NAYS 0
S	323	Passed as amended; YEAS 33 NAYS 0
S	334	Iden./Sim./Compare Bill passed, refer to HB 288
S	346	Passed as amended; YEAS 38 NAYS 0
S	373	Passed as amended; YEAS 34 NAYS 2
S	380	C/S passed; YEAS 35 NAYS 0
S	426	Passed; YEAS 38 NAYS 0
S	427	Passed; YEAS 36 NAYS 0
S	456	Passed as amended; YEAS 32 NAYS 0
S	607	Iden./Sim./Compare Bill passed, refer to HB 279
S	1097	Adopted; YEAS 37 NAYS 0

The Senate convened at 9:00 a.m. and adjourned at 11:22 a.m.

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

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

Excused: Senator Dunn

Prayer by Lt. Col. Maro Smith, Divisional Commander, The Salvation Army, Tampa:

O God our Heavenly Father, we humbly beseech thee to bless us as we present our needs to thee at the beginning of this new day. Our minds would seek the clarity of vision, the integrity of purpose, and the certainty of thy presence which will assure us that the deliberations and decisions of this day will glorify thee.

We present for thy gracious care and comfort those who sorrow, those who suffer, those who are held in physical or spiritual bondage, and those who face this day in uncertainty or fear.

We pray that thou whose ministry among men was to preach the Gospel to the poor, to bind up the brokenhearted, to preach deliverance to the captives, and the opening of the prison to those who are bruised, shall find us ready to share with thee in thy healing involvement with mankind.

We acknowledge that our resources are meager, until they are augmented and strengthened by thine infinite grace, and our way cloudy and indistinct until it is illuminated by thy wisdom. May we find a new assurance of thy presence, a new awareness of thy power, and a new consciousness of thy providence.

Through Jesus Christ our Lord. Amen.

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

The President introduced the Honorable Bill Nelson, member of Congress, 9th District of Florida, who addressed the Senate.

Vote Recorded

Senator Steinberg was recorded as voting yea on SB 900 which passed the Senate on April 24.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 28, 1981: SB 265, SB 426, SB 49, SB 144, SB 334, SB 346, SB 323, SB 186, SB 320, SB 373, SB 152, SB 189, SB 270, SB 271, CS for SB 380, SB 307, CS for SB 228, SB 237, SB 291, SB 255, SB 456, SB 51, CS for SB 26, CS for SB 290, SB 288, SB 59, SB 179, CS for SB 607, SB 427

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass: SB 321, SB 628

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Commerce recommends the following pass: SB 504

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 471 with 2 amendments, SB 544, SB 671, SB 692 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 390 with 1 amendment, SB 537, SB 551, SB 552, SB 554

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

The Committee on Commerce recommends the following not pass: SB 187

The bill was laid on the table.

The Committee on Education recommends a committee substitute for the following: Senate Bills 585 and 358

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 343 and CS for SB 58

The Committee on Transportation recommends a committee substitute for the following: SB 515

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 511

The bill with committee substituted attached was referred to the Committee on Judiciary-Civil under the original reference.

BILLS REFERRED TO SUBCOMMITTEE

SB 905 has been referred to Appropriations Subcommittee "B" which will report to the full committee within 10 days.

Bills Re-referred Pursuant to Rule 4.6

SB 644 and SB 462 were re-referred to the Committee on Commerce.

REQUESTS FOR EXTENSION OF TIME

April 27, 1981

The Committee on Commerce requests an extension of 15 days for consideration of the following: SB 292, SB 394, SB 563, SB 573, SB 602, SB 614, SB 615, SB 626, SB 628, SB 638, SB 651, SB 652, HB 125

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: SB 557, SB 558, SB 561, SB 562, SB 571, SB 637, HB 22

April 28, 1981

The Committee on Agriculture requests an extension of 15 days for consideration of the following: SB 70, SB 422

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 5, 230, 356, 387 and 440 were withdrawn from the Committee on Appropriations.

On motions by Senator Gordon, by two-thirds vote Senate Bills 39 and 475 were removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Beard, the rules were waived and by two-thirds vote SB 311 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator D. Childers the rules were waived and by two-thirds vote SB 328 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 903 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Hair, the rules were waived and by two-thirds vote SJR 340 was also referred to the Committee on Judiciary-Civil.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 508 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 563 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Grizzle, the rules were waived and by two-thirds vote SB 329 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Anderson, the rules were waived and by two-thirds vote SB 1023 was withdrawn from the Committee on Natural Resources and Conservation and referred to the Committee on Commerce.

On motion by Senator Peterson, the rules were waived and Subcommittee B was granted permission to meet April 30 from 12:00 noon until 2:00 p.m. or until final consideration of SB 905.

On motion by Senator Johnston, the rules were waived and the Committee on Personnel, Retirement and Collective Bargaining was permitted to meet this day from 2:00 p.m. until 5:00 p.m.

Senator Hair announced cancellation of a Judiciary-Civil Committee meeting scheduled for May 1.

On motion by Senator Tobiassen, 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 Tobiassen and W. D. Childers—

SR 1097—A resolution recognizing the participation of the Fort Walton Beach High School band in the inauguration parade for the President of the United States.

—which was read the first time by title. On motion by Senator Tobiassen SR 1097 was read the second time in full and adopted. The vote on adoption was:

Yeas—37

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

Nays—None

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate

The Secretary of State on April 20, 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:

Richard D. Childers, Coleman, Member of the Withlacoochee Regional Planning Council, Region Five, for term ending October 1, 1982

Robert F. Ensslin, Jr., Tampa, Brigadier General of the Florida Army National Guard, for term ending at Pleasure of the Governor

Charles W. Harrison, Arcadia, Member of the Central Florida Regional Planning Council, Region Seven, for term ending October 1, 1982

Joan R. Levy, Tallahassee, Member of the Board of Dentistry, for term ending February 7, 1985

Edgar M. Turner, Pensacola, Member of the Board of Trustees of the Florida School for the Deaf and the Blind, for term ending November 19, 1984

The Secretary of State on April 23, 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:

B. Richard Eoff, Tallahassee, Member of the Board of Massage, for term ending January 1, 1985

Leo D. Wells, Bushnell, Member of the Withlacoochee River Basin Water Management Board of the Southwest Florida Water Management District, for term ending June 30, 1981

[Referred to the Committee on Executive Business]

The following Executive Order of Reinstatement was filed with the Secretary:

EXECUTIVE ORDER NUMBER 81-44
(Executive Order of Reinstatement)

WHEREAS, JOHN LOMELO, JR., was suspended from the Office of Mayor, City of Sunrise, Florida, pursuant to Executive Order 81-26, dated March 12, 1981, and

WHEREAS, JOHN LOMELO, JR., has been granted a Directed Verdict of Acquittal of the charges contained in the Indictment upon which the suspension was predicated,

NOW, THEREFORE, I, BOB GRAHAM, as Governor of the State of Florida, by the power vested in me by the Constitution and Laws of Florida, do hereby promulgate the following Executive Order, effective immediately:

1. That Executive Order of the Governor 81-26 is hereby revoked and the suspension of JOHN LOMELO, JR., is terminated pursuant to Section 7(c) of Article IV, Florida Constitution (1968).

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 23rd day of April, 1981.

Bob Graham
GOVERNOR

ATTEST:
George Firestone
SECRETARY OF STATE

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 SB 287, SB 234

The bills contained in the above message were ordered enrolled.

Allen Morris, Clerk

MATTERS ON RECONSIDERATION

The motion by Senator Beard on April 24, that the Senate reconsider the vote by which—

SB 68—A bill to be entitled An act relating to motor vehicles; amending s. 320.10, Florida Statutes; exempting from the annual license tax for the operation of motor vehicles or mobile homes, any such motor vehicle or mobile home owned and operated by any member of the United States Armed Forces who is not a resident of Florida and who is stationed in the state in compliance with military or naval orders; providing for issuance of license plates, revalidation stickers, or mobile home stickers for such motor vehicles or mobile homes and prescribing the fee therefor; conforming certain language to the definition of "motor vehicle"; exempting any vehicle operated by local chapters of Radio Emergency Associated Citizens Team (REACT); amending s. 371.63, Florida Statutes; exempting boats from the definition of a motor vehicle and from being taxed and certified as motor vehicles; providing a retroactive effective date.

—as amended passed on April 22, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Beard, the Senate reconsidered the vote by which SB 68 was read the third time.

On motions by Senator Beard, the Senate reconsidered the vote by which Amendments 2 and 4 were adopted.

Amendments 2 and 4 failed.

On motion by Senator Beard, by two-thirds vote SB 68 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Barron, Hair

SPECIAL ORDER

SB 265—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19 (6), (7), Florida Statutes, 1980 Supplement; limiting terms on the statewide Human Rights Advocacy Committee; providing guidelines for selection, appointment, length of terms, and replacement of members of statewide and district committees; requiring separate and distinct appropriations for committees; prohibiting certain uses of appropriations; requiring the development of bylaws; requiring the department to maintain financial records and to adopt rules; limiting the number of district committees; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendment which was adopted:

Amendment 1—On page 6, line 29, strike "*(f)*" and insert: *(h)*

On motion by Senator D. Childers, by two-thirds vote SB 265 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Barron

SB 426—A bill to be entitled An act relating to the Medical Examiners Commission; amending ss. 406.02, 406.06(1), 406.-08(1), 406.09, Florida Statutes; transferring the commission from the Department of Health and Rehabilitative Services to the Department of Law Enforcement; providing membership, terms, powers, and duties; providing terms of office for district medical examiners; providing for removal or suspension of medical examiners by the commission; requiring a district medical examiner to submit an annual budget to the board of county commissioners; providing for expert witness fees; reviving and readopting, notwithstanding the Sundown Act, ss. 406.02-406.05, Florida Statutes, as amended; providing for legislative review; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 426 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Barron

SB 49—A bill to be entitled An act relating to crimes involving weapons; amending s. 790.001(3)(a), (13), Florida Statutes, 1980 Supplement, and adding subsection (15) to said section; defining "switchblade"; including switchblade in definitions of "weapon" and "concealed weapon" for purposes of crimes involving weapons; providing an effective date.

—was taken up with pending amendment.

On motion by Senator Steinberg the Senate reconsidered the vote by which Amendment 1A was adopted. Amendment 1A failed.

By permission, Amendment 1 was withdrawn.

Senator Anderson moved the following amendment which was adopted:

Amendment 2—On page 2, line 1, after "blade" insert: *over 3 inches in length*

On motion by Senator Steinberg, by two-thirds vote SB 49 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	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Barron

SB 144—A bill to be entitled An act relating to fire safety; amending s. 255.25(5), Florida Statutes, 1980 Supplement; deleting the authority of the Division of Building Construction and Property Management of the Department of General Services to delegate certain responsibilities; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Barron

SB 334—A bill to be entitled An act relating to drivers' licenses; adding s. 322.01(18), (19), Florida Statutes; providing definitions; amending s. 322.27(3)(e), Florida Statutes; including conviction of certain violations of federal law in the point system; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Lewis and adopted:

Amendment 1—On page 2, strike lines 15 and 16 and insert: *an offense under any federal law substantially conforming to the traffic laws of this state,*; except a violation of s. 322.26, may be recorded

Amendment 2—On page 1, strike lines 16 through 27 and insert: *(18) "Court": means a state court having jurisdiction over offenses committed under this chapter or any other law of this state regulating the operations of motor vehicles, and a federal court regulating the operations of motor vehicles, and a federal court having jurisdiction over an offense under any federal law substantially conforming to such state statutory provisions.*

(19) "Conviction": means a conviction of an offense committed under this chapter or any other law of this state or any other state regulating the operations of motor vehicles on highways, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14, and a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions

Amendment 3—In title on page 1, line 6, strike the word "violations" and insert: offenses

Pending further consideration of SB 334 as amended, on motion by Senator Lewis, the rules were waived and by two-thirds vote HB 288 was withdrawn from the Committee on Transportation.

On motion by Senator Lewis—

HB 288—A bill to be entitled An act relating to drivers' licenses; adding subsections to s. 322.01, Florida Statutes, defining "court" and "conviction" to include federal courts and federal traffic convictions; amending s. 322.27(3)(e), Florida Statutes, including federal traffic convictions within the point system for the suspension or revocation of drivers'

licenses; amending s. 316.645, Florida Statutes, to include offenses committed under the provisions of chapter 322; providing an effective date.

—a companion measure, was substituted for SB 334 and read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 288 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

SB 334 was laid on the table.

SB 346—A bill to be entitled An act relating to traffic control; amending s. 316.300, Florida Statutes; exempting certain trucks and motor vehicles from the requirement of carrying flares, lanterns, or portable emergency reflectors; authorizing the use of portable emergency reflectors for certain vehicles; amending s. 316.301(5), Florida Statutes; providing that the drivers of motor vehicles using compressed gas as a fuel are not required to display lanterns or reflectors when such vehicles are disabled or parked; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 1, strike all of lines 21 through 23 and insert:

(1) No person shall operate any truck, bus, ~~or~~ truck-tractor, *trailer, semi-trailer, pole trailer,* or ~~any~~ motor vehicle towing a house trailer, *when such vehicle is 80 inches or more in overall width or 30 feet or more in overall length,* upon any highway

Amendment 2—On page 3, between lines 18 and 19 insert: Section 3. Subsection (7) of section 316.301, Florida Statutes, is amended to read:

316.301 Display of warning lights and devices when vehicle is stopped or disabled.—

(7) Whenever any vehicle described in this section is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by s. 316.217, the driver of the vehicle shall display two red flags *or two red portable emergency reflectors* as follows:

(a) If traffic on the roadway moves in two directions, one flag *or reflector* shall be placed approximately 100 feet to the rear and one flag *or reflector* approximately 100 feet in advance of the vehicle in the center of the lane occupied by such vehicle.

(b) Upon a one-way roadway, one flag *or reflector* shall be placed approximately 100 feet and one flag *or reflector* approximately 200 feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

(Renumber subsequent section.)

Amendment 3—In title on page 1, line 12, after the semicolon insert: amending s. 316.301(7), Florida Statutes; authorizing the display of portable emergency reflectors by certain vehicles;

On motion by Senator Beard, by two-thirds vote SB 346 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	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Barron

Consideration of SB 323 was deferred.

SB 186—A bill to be entitled An act relating to hospitals; amending s. 395.20(1), Florida Statutes, and adding a new subsection (3) thereto; providing requirements with respect to itemized patient billing; requiring itemized daily expenses in patients' daily progress charts; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendments which were moved by Senator Gordon and adopted:

Amendment 1—On page 2, strike lines 21 through 23, and insert: *(3) On a random sample basis, a copy of the itemized bill will be given to the patient's physician.*

Amendment 2—In title on page 1, lines 6 through 7, strike "requiring itemized daily expenses in patients' daily progress charts"

On motion by Senator Gordon, by two-thirds vote SB 186 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Barron, Beard, Kirkpatrick

SB 320—A bill to be entitled An act relating to the State University System; amending s. 240.287, Florida Statutes; requiring each university to invest funds deposited outside of the State Treasury; requiring earnings from such investments to be used for student scholarships and loans unless otherwise provided by the Board of Regents; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Tobiassen:

Amendment 1—On page 1, line 22, strike "Unless otherwise provided by the Board of Regents" and on line 24, strike "The earnings from such investments" and insert on line 24: *The earnings from such investment of Activity and Service fee funds*

Senator Tobiassen moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike lines 22-25 and insert: *The earnings from such investment of activity and service fee funds shall be used* ~~Each university is authorized to invest available agency and activity funds and to use the earnings from such investments~~ for student scholarships and loans. The

Senator Tobiassen moved the following amendment:

Amendment 3—On page 1, strike lines 28 and 29 and insert: Section 2. Section 1 of Chapter 79-104 Laws of Florida is amended to read:

Section 1. Trust fund; state funds.—

(1) The Department of Administration shall, upon request of the Board of Regents, establish a trust fund which shall serve as the depository for funds appropriated by the Legislature for matching voluntary contributions to the New College Foundation on behalf of New College, a part of the University of South Florida. Notwithstanding the provisions of s. 216.301, Florida Statutes, the amount deposited in this fund shall carry forward until ~~June 30~~ *August 31*, 1981. Disbursement of state funds to the foundation shall be made by the Department of Administration, upon approval by the Administration Commission, only after private, voluntary contributions in the aggregate amount of $3,500,000 have been received by the New College Foundation and deposited in the endowment trust, established pursuant to section 2.

(2) Private, voluntary contributions received in excess of $3,500,000 will not be matched. If the required amount of private, voluntary contributions are not received by ~~June 30~~ *August 31*, 1981, the money appropriated in this act shall revert to the General Revenue Fund.

Section 3. This act shall take effect upon becoming law.

Senator Henderson moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 1, line 12 and page 2, line 2, strike "August 31" and insert: *December 31*

Amendment 3 as amended was adopted.

The Committee on Education recommended the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 4—On page 1, strike lines 6 through 8 and insert: requiring earnings from such investment of Activity and Service fee funds to be used for student scholarships and loans;

Senator Tobiassen moved the following amendment which was adopted:

Amendment 5—In title on page 1, strike line 9 and insert: amending Section 1, Chapter 79-104, Laws of Florida providing that New College, a part of the University of South Florida, has until ~~June 30~~ *August 31*, 1981 rather than June 30, 1981 to obtain private donations to match state funds; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote SB 320 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

SB 323—A bill to be entitled An act relating to the Uniform Reciprocal Enforcement of Support Act; amending s. 88.031(18), Florida Statutes; redefining "state" for purposes of said act to include foreign nations or states of foreign nations under certain circumstances; creating s. 88.0405, Florida Statutes; authorizing the Attorney General to declare certain foreign nations or states of foreign nations to be reciprocating states for purposes of said act; providing for the revocation of such declarations; 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 Ware and adopted:

Amendment 1—On page 1, line 26, strike *"88.381"* and insert: *88.0405*

On motion by Senator Ware, by two-thirds vote SB 323 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Barron, D. Childers, Kirkpatrick

SB 373—A bill to be entitled An act relating to county-owned property; amending s. 125.35, Florida Statutes; providing a procedure for private sale of certain real property without publication of notice or acceptance of bids; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 2 strike lines 9 and 10 and insert: *is determined by the board of county commissioners that the parcel is only of use to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its*

Amendment 2—On page 2, strike line 18 and insert: *and may convey such parcel to the highest bidder or may reject all offers.*

On motion by Senator Frank, by two-thirds vote SB 373 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Carlucci Renick

Vote after roll call:

Yea—Barron, Scott

SB 152—A bill to be entitled An act relating to prostitution; amending ss. 796.05, 796.07, Florida Statutes; increasing the penalties for prostitution and living off the earnings of a prostitute; applying habitual offender penalties to such offenses; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, lines 19 and 20, strike *felony of the third* ~~misdemeanor of the second~~ and insert: misdemeanor of the second

Amendment 2—In title on page 1, lines 4 through 7, strike "the penalties for prostitution and living off the earnings of a prostitute; applying habitual offender penalties to such offenses; providing an effective date." and insert: the penalty for living off the earnings of a prostitute; applying habitual offender penalties for prostitution and living off the earnings of a prostitute; providing an effective date.

On motion by Senator Poole, by two-thirds vote SB 152 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

SB 189—A bill to be entitled An act relating to the duties of school attendance assistants; amending s. 232.17(2)(h), Florida Statutes; prescribing times for making reports to the school board of all service performed; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

SB 270—A bill to be entitled An act relating to nursing home facilities; amending s. 400.126(2), Florida Statutes, 1980 Supplement; providing that a hearing shall be conducted within a specified number of days of filing a petition for receivership; providing for reasonable notice of hearing; providing that notice of hearing shall be posted by the court inside a facility; providing for ex parte appointment of a receiver; providing for a maximum term of appointment as receiver; providing an effective date.

—was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 15 and 16, insert: Section 1. Paragraph (c) of subsection (1) of section 381.494, Florida Statutes, 1980 Supplement, is amended to read:

381.494 Health-related projects; Certificate of need.—

(1) APPLICATION.—All health care related projects as described in paragraphs (a)-(n) shall be subject to review under this act and, accordingly, shall file applications for a certificate of need.

(c) A capital expenditure of $150,000 or more by or on behalf of a hospital ~~or of $50,000~~ or ~~more~~ by or on behalf of a skilled or intermediate nursing facility or *a capital expenditure of $50,000 or more by or on behalf of an* ambulatory surgical center, intermediate care facility, hospice, or free-standing hemodialysis center. Capital expenditure limits shall be adjusted pursuant to an index designated by the Secretary of Health, Education, and Welfare.

(Renumber subsequent sections.)

Amendment 2—On page 3, between lines 6 and 7, insert: Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisionor application, and to this end the provisions of this act are declared severable.

Amendment 3—In title on page 1, line 2, after the word "facilities;" insert: amending s. 381.494(1)(c), Florida Statutes, 1980 Supplement; requiring application for a certificate of need by any skilled or intermediate nursing facility for an expenditure of $150,000 or more;

Amendment 4—In title on page 1, line 11, after the semi-colon (;) insert: providing severability

On motion by Senator McKnight, by two-thirds vote SB 270 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

SB 271—A bill to be entitled An act relating to spouse abuse; amending s. 741.30, Florida Statutes; giving the circuit court discretionary power to issue an order to restrain an abusive spouse; 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 Hair and adopted:

Amendment 1—On page 1, line 23, after "complaint," insert: *if the complaint was filed with a law enforcement agency,*

Amendment 2—On page 2, line 3, strike "agency)" and insert: agency *or clerk of the circuit court)*

On motion by Senator Hair, by two-thirds vote SB 272 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Hill	Neal	Stuart
Anderson	Jenkins	Peterson	Thomas
Barron	Jennings	Poole	Tobiassen
Beard	Langley	Rehm	Trask
Carlucci	Lewis	Renick	Vogt
Childers, D.	Margolis	Scott	Ware
Frank	McClain	Steinberg	Winn
Hair	McKnight	Stevens	

Nays—3

Grizzle	Jenne	Johnston

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

CS for SB 380—A bill to be entitled An act relating to electric and gas utilities; amending s. 366.82(4), Florida Statutes, 1980 Supplement; removing the requirement for submission by the commission of an annual report under the Florida Energy Efficiency and Conservation Act; adding s. 366.05(9), Florida Statutes, 1980 Supplement; clarifying the commission's authority with regard to electric utilities purchasing energy or power from cogenerators or small power producers; amending s. 403.-537(1), Florida Statutes, 1980 Supplement; prescribing time limitations for commission proceedings for determination of the need for a transmission line; providing an effective date.

—was read the first time by title and SB 380 was laid on the table.

On motions by Senator Hair, by two-thirds vote CS for SB 380 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—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 307—A bill to be entitled An act relating to the Florida Anti-Fencing Act; amending s. 812.012(2)(c), Florida Statutes; redefining the term "obtains or uses" for purposes of said act to include obtaining property by willful misrepresentation of a future act or a false promise; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 17 and 18, strike the words: *"of any kind or nature"*

On motion by Senator Poole, by two-thirds vote SB 307 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

By the Committee on Commerce and Senator Peterson—

CS for SB 228—A bill to be entitled An act relating to unemployment compensation; amending s. 443.151(4)(d), Florida Statutes, 1980 Supplement; authorizing the Division of Employment Security of the Department of Labor and Employment Security and the Unemployment Appeals Commission to prescribe rules governing the manner in which appealed claims may be presented; providing an effective date.

—was read the first time by title and SB 228 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 228 was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 1, line 28, insert new Section 2:

Section 2. Paragraph (a) of subsection (5) of section 443.-151, Florida Statutes, 1980 Supplement, is amended to read:

443.151 Procedure concerning claims.—

(5) PAYMENT OF BENEFITS.—

(a)*1.* Benefits shall be promptly paid in accordance with a determination or redetermination regardless of any appeal or pending appeal. ~~However,~~

2. Any employer who, pursuant to the provisions of s. 443.-131(4), (5), or (6), is liable for reimbursement payments in lieu of contributions for the payment of such benefits shall be notified, at the address on file with the Division of Employment Security, as to the initial determination of the claim, and the employer shall be given *20* ~~10~~ days to respond, prior to the payment of the benefits to the employee.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, line 9, insert after the word "presented:" *amending s. 443.151(5)(a), 1980 Supplement, providing extra days for notification of claim;*

On motion by Senator Peterson, by two-thirds vote CS for SB 228 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jennings	McKnight
Anderson	Grizzle	Johnston	Neal
Barron	Hair	Langley	Peterson
Beard	Hill	Margolis	Poole
Carlucci	Jenkins	Maxwell	Rehm
Childers, D.	Jenne	McClain	Renick

Scott	Stevens	Tobiassen	Ware
Skinner	Stuart	Trask	Winn
Steinberg	Thomas	Vogt	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 237—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101(8), Florida Statutes, 1980 Supplement; providing an exception to disqualification for unemployment compensation benefits; providing a retroactive effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 237 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Jennings

Vote after roll call:

Yea—Kirkpatrick, Stevens

SB 291—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111(5)(c), Florida Statutes, 1980 Supplement; providing for ineligibility for extended benefits; providing an exception; amending s. 443.171(6), Florida Statutes, 1980 Supplement; providing duties of the Division of Employment Security of the Department of Labor and Employment Security; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 291 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Kirkpatrick

SB 255—A bill to be entitled An act relating to negligence; creating s. 768.136, Florida Statutes, providing protection from liability with respect to canned or perishable food distributed free of charge; providing definitions; protecting donors and gleaners of canned or perishable food apparently fit for human consumption; protecting bona fide charitable or nonprofit organizations which receive such food; providing exceptions; providing for applicability to certain foods "not readily marketable"; stipulating that the act shall not restrict certain regulatory authority; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike lines 17-23 and renumber subsequent subsections.

Amendment 2—In title on page 1, strike lines 9-10

On motion by Senator Jenkins, by two-thirds vote SB 255 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Frank

Vote after roll call:

Yea—Barron, Hair, Hill, Kirkpatrick, Scott

Senator Barron presiding

SB 456—A bill to be entitled An act relating to garnishment of wages; amending s. 222.11, Florida Statutes; providing that a single person who supports a child or other dependent is a head of family for purposes of the exemption from attachment or garnishment; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 22 and 23, insert: Section 2. Section 77.28, Florida Statutes, is amended to read:

77.28 Garnishment; attorney's fees, costs, expenses, etc.; deposit required.—Before issuance of any writ of garnishment, the party applying for it shall deposit *$25* ~~$10~~ in the registry of the court which shall be paid to garnishee on his demand at any time after the service of the writ for the payment or part payment of his attorney's fee which he expends, or agrees to expend, in obtaining representation in response to the writ. On rendering final judgment the court shall determine garnishee's costs and expenses, including a reasonable attorney's fee, and the amount shall be taxed as costs. Plaintiff may recover in this manner the sum advanced by him and paid into registry of court, and if the amount allowed by the court is greater than the amount of the deposit, judgment for garnishee shall be entered against the party against whom the costs are taxed for the deficiency.

Amendment 2—In title on page 1, line 7, after the semicolon (;) insert: amending s. 77.28, Florida Statutes; increasing the required court deposit by persons seeking a writ of garnishment;

On motion by Senator Frank, by two-thirds vote SB 456 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Grizzle	Jennings	Maxwell
Beard	Hair	Johnston	McClain
Childers, D.	Henderson	Langley	McKnight
Frank	Jenkins	Lewis	Neal
Gordon	Jenne	Margolis	Peterson

Poole	Steinberg	Thomas	Vogt
Rehm	Stevens	Tobiassen	Ware
Renick	Stuart	Trask	Winn

Nays—None

Vote after roll call:

Yea—Barron, Hill, Kirkpatrick, Scott

SB 51—A bill to be entitled An act relating to the State University System; adding s. 240.295(3), Florida Statutes; providing that certain proposed projects to be funded from state university system capital improvement trust fund fees or building fees must be approved by the president of the university for which the project is proposed and by the student government association of that university; providing that such approval is binding upon the student government; requiring approval by such university president and student government association of any substantial change in the scope of the facilities prior to contract award; providing an effective date.

—was read the second time by title.

Senators Poole and Peterson offered the following amendments which were moved by Senator Poole and adopted:

Amendment 1—On page 2, strike line 9 and insert: Section 2. Section 240.277, Florida Statutes, is amended to read:

240.277 *(1) Additional appropriation.—All moneys received by the institutions under the management of the State Board of Regents, other than from state and federal sources and from vending machine collections,* are hereby appropriated to the use of the State Board of Regents, for the respective institutions collecting same, to be expended as the State Board of Regents may direct; however, said funds shall not be expended except in pursuance of detailed budgets filed with and approved by the Executive Office of the Governor and shall not be expended for the construction or reconstruction of buildings except as provided under s. 240.141.

(2) All moneys received from vending machine collections by the institutions under the management of the State Board of Regents shall not be expended except in pursuance of the approval of detailed budgets submitted to the Commissioner of Education, reviewed by the State Board of Education, and approved by the Executive Office of the Governor after consultation with the legislative appropriations committees. The budgets shall be submitted in the form and manner and at such time, but not later than November 1 of each year, as may be prescribed by the commissioner. The commissioner shall assure that all the items in the budget will serve an educational purpose and be in the best interest of the state. The commissioner may approve, amend, or disapprove each budget or any item within prior to its being submitted to the Executive Office of the Governor. The Executive Office of the Governor after consultation with the legislative appropriations committees shall approve, amend, or disapprove each budget or any item therein.

Section 3. This act shall take effect July 1, 1981.

Amendment 2—In title on page 1, line 15, after the semicolon (;) strike the word "providing" and insert: amending 240.-277 providing for the budgeting of vending machine collections; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote SB 51 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 26—A bill to be entitled An act relating to the security of the governor; amending s. 14.071(1)-(3), Florida Statutes; requiring the Department of Law Enforcement to provide security for the governor, his immediate family, and the governor's mansion; requiring the executive director to assign personnel to provide such security; providing an effective date.

—was read the first time by title and SB 26 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for SB 26 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—33

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

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

By the Committee on Governmental Operations and Senator Stuart—

CS for SB 290—A bill to be entitled An act relating to housing authorities; amending s. 421.091(1), Florida Statutes; prescribing times for making a financial accounting and audit of housing authorities; requiring that a copy of the audit be filed with the Legislative Auditing Committee; adding s. 11.45 (1)(f), Florida Statutes, 1980 Supplement; providing a definition; providing an effective date.

—was read the first time by title and SB 290 was laid on the table.

On motion by Senator Stuart, by two-thirds vote CS for SB 290 was read the second time by title.

Senator McClain moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 28 and 29 insert: Section 1. Section 421.535, Florida Statutes, is created to read:

421.535 Any meeting of a housing authority at which official action is to be taken is a public meeting and is subject to the provisions of s. 286.011, Florida Statutes.

Amendment 2—In title on page 1, line 9, after the word "definition;" insert: creating s. 421.535, Florida Statutes; providing that certain meetings of housing authorities are public meetings for certain purposes; providing penalties;

On motion by Senator Stuart, by two-thirds vote CS for SB 290 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Childers, D.	Hair	Jenkins
Beard	Frank	Henderson	Jenne
Carlucci	Grizzle	Hill	Jennings

Johnston	McClain	Renick	Tobiassen
Langley	McKnight	Scott	Trask
Lewis	Neal	Stevens	Vogt
Margolis	Peterson	Stuart	Ware
Maxwell	Rehm	Thomas	Winn

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick, Poole

SB 288—A bill to be entitled An act relating to voting methods and procedure; amending s. 101.35, Florida Statutes, to modify provisions relating to preparation and sealing of voting machines prior to an election and relating to provision of notice with respect thereto; 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 Jennings:

Amendment 1—On page 2, strike all of lines 6-31 and on page 3, lines 1-6 and insert: where the machines will be sealed *and available for testing.*~~,~~ At *such* ~~which~~ time, *representatives* ~~one representative~~ of each political party or opposing side and each candidate or his *representatives may test the voting machines pursuant to subsection (1) of this section* ~~representative shall be afforded an opportunity~~ to see that the machines are in proper condition *and proper working order.* Each *such* representative shall have written authorization from the candidate, group, or party that he represents and shall not interfere or assume any of the deputy custodian's duties.

(1) All candidates and representatives who wish to test the machines must appear at the place and time stated by the supervisor. All such persons, by drawing lots, shall appoint one person who shall randomly select up to 5 percent of the voting machines in the county to be used in the election, or 10 of those machines, whichever is greater. The candidates and representatives may test all of the selected machines by recording and verifying test votes until satisfied. If any of the selected machines are unsatisfactory, the supervisor shall allow the candidates or representatives to test such additional number of machines as is prescribed by the rules adopted by the Division of Elections. In addition, any such representative *or candidate* may *otherwise* check *all* the voting machines to make sure *all the counters are set at zero and the ballots* ~~they~~ are in proper ~~working~~ order.

(2) At the completion of this inspection *and testing,* the machines shall be sealed *immediately,* and any ~~such~~ authorized representative may remain present and record the voting machine numbers, the protective counter numbers, and the seal numbers. The representative shall certify the number of machines and that the counters are set at zero and the numbers registered on the protective counters and on the seals. Upon completion of sealing the voting machines, the keys shall be delivered to the board of officials having charge of the election, together with a written report stating that such machines are properly prepared for the election. The machines shall be transferred to the polling place, and the local authorities shall provide protection against molestation or damage to such machines. The lantern or light fixtures shall be in good order before opening the polls. *Any unsatisfactory machine shall be repaired, sealed and available for retesting in accordance with the rules adopted by the Division of Elections, before it may be transferred to the polling place.*

(3) The Division of Elections shall by October 1, 1981, adopt rules in furtherance of the purpose of this section and may amend such rules as may be necessary.

Senator Jennings moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 12, strike everything after the enacting clause and insert: Section 1. Section 101.35, Florida Statutes, is amended to read:

101.35 Preparation of voting machines; notice of sealing *and preelection test*; instruction of members of board of election in use of voting machines.—

(1) Where a voting machine is used, it shall be in proper order for use at any election at the polling place before the time fixed for opening of the polls, and the counters shall be set at zero. The supervisor shall appoint one or more deputies to be known as deputy custodians of voting machines, who shall be competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully; they shall be instructed by the supervisor at least 30 days before the election, and shall be considered as officers of election.

(2) The supervisor of elections or the municipal elections official may at the time of qualifying give written notice of the time and location of the preelection test of the voting equipment to each candidate qualifying with that office and obtain a signed receipt to that effect. The supervisor *of elections or the municipal elections officials* shall, at least *15* ~~10~~ days prior to an election, insert a legal notice in a newspaper of general circulation in the county and, *by certified* mail, *send* written notice to the *county party* chairman ~~of the county executive committee~~ of each *political* party *and to all candidates for other than statewide office whose names appear on the ballot in the county who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and place where the machines will be sealed and available for testing.*~~,~~ ~~whose responsibility it is to notify any candidate representing such party, or,~~ If the election is to be a municipal, bond, or referendum election, or if there is no *county party* chairman ~~of any county executive committee~~, *the certified notice shall be sent* to the chairman of a local organization representing each opposing side.~~,~~ ~~stating the time and place where the machines will be sealed,~~

(3) The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be available for testing in each county and advise each such candidate to contact the county supervisor of elections as to the time and location of the pretest.

(4) At *the* ~~which~~ time *stated in the notice, representatives* ~~one representative~~ of each political party or opposing side and each candidate or his *representatives may test the voting machines pursuant to this subsection* ~~representative shall be afforded an opportunity~~ to see that the machines are in proper condition *and proper working order.* Each *such* representative shall have written authorization from the candidate, group, or party that he represents and shall not interfere or assume any of the deputy custodian's duties. *All candidates and representatives who wish to test the machines shall appear at the place and time stated by the supervisor or municipal elections official. All such persons, by drawing lots, shall appoint one person who shall randomly select up to 5 percent of the voting machines in the county to be used in the election, or 10 of those machines, whichever is greater. The candidates and representatives may test all of the selected machines by recording and verifying test votes until satisfied. If any of the selected machines is unsatisfactory, the supervisor shall allow the candidates or representatives to test such additional number of machines as is prescribed by the rules adopted by the Division of Elections. In addition,* any such representative *or candidate* may *otherwise* check *all* the voting machines to make sure *all the counters are set at zero and the ballots* ~~they~~ are in proper ~~working~~ order.

(5) At the completion of this inspection *and testing,* the machines shall be sealed *immediately,* and any ~~such~~ authorized representative may remain present and record the voting machine numbers, the protective counter numbers, and the seal numbers. The representative shall certify the number of machines and that the counters are set at zero and the numbers registered on the protective counters and on the seals. Upon completion of sealing the voting machines, the keys shall be delivered to the board of officials having charge of the election, together with a written report stating that such machines are properly prepared for the election. The machines shall be transferred to the polling place, and the local authorities shall provide protection against molestation or damage to such machines. The lantern or light fixtures shall be in good order before opening the polls. *Any unsatisfactory machine shall be repaired, sealed, and available for retesting, in accordance with the rules adopted by the Division of Elections, before it may be transferred to the polling place.*

(6) The Division of Elections shall by October 1, 1981, adopt rules in furtherance of the purpose of this section and may amend such rules as may be necessary.

Section 2. Subsection (1) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. *The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the preelection test to each candidate qualifying with that office and obtain a signed receipt to that effect. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise said candidate to contact the county supervisor of elections as to the time and location of the pretest. The supervisor or the municipal elections officials shall, at least 15 days prior to an election, send written notice by certified mail to the county party chairman of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the preelection test of the automatic tabulating equipment.* The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press and the public. *Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.*

Section 3. This act shall take effect July 1, 1981.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Jennings:

Amendment 3—In title on page 1, line 7, after "thereto;" insert: providing for the adoption of rules by the Division of Elections of the Department of State;

Senator Jennings moved the following substitute amendment which was adopted:

Amendment 4—In title on page 1, line 7, after the semicolon (;) insert: amending s. 101.5612(1), Florida Statutes, relating to the preelection test of automatic tabulating equipment and notice with respect thereto;

On motion by Senator Jennings, by two-thirds vote SB 288 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Barron, Poole

SB 59—A bill to be entitled An act relating to the admissions tax; amending s. 212.04(2)(b), Florida Statutes, 1980 Supplement; exempting from such tax admissions to certain postseason intercollegiate football games; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Stuart and adopted:

Amendment 1—On page 2, line 11, after "game." insert: This exemption shall be retroactive to April 1, 1981.

Amendment 2—On page 2, between lines 11 and 12, insert: a new section 2 and renumber subsequent section:

Section 2. Paragraph (c) of subsection (7) of section 212.08, Florida Statutes, 1980 Supplement, is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—

The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(7) Miscellaneous exemptions.—

(c) Restrictive definitions.—The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

1. "Religious institutions" shall mean churches and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on.

2. "Educational institutions" shall mean state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and eligible for exemption. The term "educational institutions" shall include private nonprofit corporations whose purpose is to raise funds for colleges and universities located in this state. *Not-for-profit cultural organizations funded through the Division of Cultural Affairs of the Department of State are defined as "educational institutions" and eligible for exemption.*

3. "Charitable institutions" shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

4. "Veteran organizations" shall mean nationally chartered veteran organizations holding a current exemption from federal income tax under section 501(c)(19) of the Internal Revenue Code, or, in the case of the Disabled American Veterans, Department of Florida, Inc., and its auxiliaries, under section 501(c)(4) of said code.

Senator Carlucci moved the following amendment which was adopted:

Amendment 3—On page 2, line 11, strike the period (.) and insert: , nor shall any tax be levied on the admissions to the American Football Conference championship game or the National Football Conference championship game.

The Committee on Finance, Taxation and Claims offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 4—In title on page 1, strike lines 2-6 and insert: An act relating to taxation; amending s. 212.04(2)(b), Florida Statutes, 1980 Supplement; exempting admissions to certain postseason intercollegiate football games from the admissions tax; providing for retroactive operation of such exemption; amending s. 212.08(7)(c), Florida Statutes, 1980 Supplement; amending the definition of "educational institutions" to include certain not-for-profit cultural organizations; providing an effective date.

Senator Carlucci moved the following amendment which was adopted:

Amendment 5—In title on page 1, line 5, between the words "intercollegiate" and "football" insert: and professional

On motion by Senator Stuart, by two-thirds vote SB 59 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Jenne	McKnight	Tobiassen
Carlucci	Jennings	Peterson	Trask
Childers, D.	Johnston	Rehm	Vogt
Grizzle	Kirkpatrick	Renick	Ware
Hair	Langley	Scott	Winn
Henderson	Lewis	Steinberg	
Hill	Maxwell	Stuart	
Jenkins	McClain	Thomas	

Nays—4

Beard	Frank	Margolis	Stevens

Vote after roll call:

Yea—Barron, Poole

The President presiding

SB 179—A bill to be entitled An act relating to the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; amending s. 718.501(1), Florida Statutes; correcting statute cross references; requiring the division annually to send certain opinions to condominium association presidents; 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 Margolis and adopted:

Amendment 1—On page 3, strike all of lines 19-23 and insert: effective. *The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.*

Amendment 2—In title on page 1, lines 7 and 8, strike "send certain opinions to condominium association presidents" and insert: provide summaries of formal legal opinions and declaratory statements to each association

On motion by Senator Margolis, by two-thirds vote SB 179 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Johnston	Neal	Tobiassen	Ware
Lewis			

Vote after roll call:

Yea—Barron

Nay to Yea—Ware

Disclosure pursuant to Rule 1.39

Pursuant to Rule 1.39, I should disclose a conflict in my vote on SB 179. The possibility of this bill having an effect on my direct personal interest would be extremely remote. However, because I am in the business of building residential condominiums, it will be my intent to disclose my vote on all bills relating to Chapter 718.

Patrick Neal, 24th District

On motion by Senator Anderson, the rules were waived and by two-thirds vote HB 279 was withdrawn from the Committee on Commerce.

On motion by Senator Anderson—

HB 279—A bill to be entitled An act relating to certain casualty insurance and medical malpractice insurance; amending s. 627.351(7)(a), (b), (d), and (g), Florida Statutes, 1980 Supplement, relating to the temporary joint underwriting association and the temporary joint underwriting plan to eliminate their temporary nature; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for CS for SB 607 and read the second time by title. On motion by Senator Anderson, by two-thirds vote HB 279 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SB 607 and CS for SB 607 were laid on the table.

SB 427—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; amending s. 316.003(64), Florida Statutes, 1980 Supplement; excluding wind-powered sandsailers from the definition of vehicle; providing an effective date.

—was read the second time by title. On motion by Senator Jenkins, by two-thirds vote SB 427 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 822 at the meeting scheduled for Wednesday, April 29.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Stuart, the rules were waived and by two-thirds vote SB 857 was also referred to the Committee on Governmental Operations as the first committee of reference.

On motion by Senator Stuart, the rules were waived and by two-thirds vote the original references on SB 916 were changed to read: Economic, Community and Consumer Affairs; Commerce; and Finance, Taxation and Claims.

Senator Vogt announced cancellation of the Natural Resources and Conservation Committee meeting scheduled for Friday, May 1.

CO-INTRODUCERS

Senator Winn—SB 643; Senators Lewis, Hill, Vogt, Hair and McClain—SB 1024

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 27 and 24 were corrected and approved.

On motion by Senator Barron, the Senate adjourned at 11:22 a.m. to convene at 9:00 a.m., Thursday, April 30.