



# Journal of the Senate

Number 21

Thursday, May 28, 1981

## BILL ACTION SUMMARY

Thursday, May 28, 1981

- H 109 Substituted for SB 432; Passed
- H 992 Substituted for SB 829; Passed
- H 1036 Substituted for SB 727; Passed
- H 1037 Substituted for SB 728; Passed
- H 1038 Substituted for SB 729; Passed
- H 1039 Substituted for SB 726; Passed
- H 1040 Substituted for SB 723; Passed
- H 1142 Substituted for C/S SB 1010; Passed; Reconsidered; Passed
- H 1200 Conference Committee appointed—Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiasen, Grizzle, McKnight, Maxwell—Alternates Kirkpatrick, McClain, Stuart and/or Vogt
- S 7 C/S passed as amended; Immediately certified
- S 111 Passed as amended; Immediately certified
- S 136 Passed as amended; Immediately certified
- S 148 Amendments adopted; pending
- S 252 C/S passed; Reconsidered; C/S passed as amended; Immediately certified
- S 317 Concurred; Passed as further amended
- S 343 C/S passed as amended; Immediately certified
- S 432 Iden./Sim. House Bill substituted; passed; refer to HB 109
- S 590 Passed as amended; Immediately certified
- S 592 Passed as amended; Immediately certified
- S 593 C/S passed; Immediately certified
- S 654 C/S passed as amended; Immediately certified
- S 709 Passed as amended; Immediately certified
- S 720 Passed; Immediately certified
- S 723 Iden./Sim. House Bill substituted; passed; refer to HB 1040
- S 726 Iden./Sim. House Bill substituted; passed; refer to HB 1039
- S 727 Iden./Sim. House Bill substituted; passed; refer to HB 1036
- S 728 Iden./Sim. House Bill substituted; passed; refer to HB 1037
- S 729 Iden./Sim. House Bill substituted; passed; refer to HB 1038
- S 730 Passed as amended
- S 738 Passed as amended; Immediately certified
- S 754 Passed as amended; Immediately certified
- S 829 Iden./Sim. House Bill substituted; passed; refer to HB 992
- S 845 Passed as amended
- S 846 Passed
- S 847 Amendment pending
- S 891 Passed as amended; Immediately certified
- S 906 C/S passed as amended; Immediately certified
- S 1010 Iden./Sim. House Bill substituted; passed; refer to HB 1142
- S 1024 Passed as amended; Immediately certified
- S 1068 Adopted
- S 1104 Passed as amended; Immediately certified

The Senate convened at 9 a.m. and recessed at 3:04 p.m.

## 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 644, CS for HB 859, HB 790, HB 420, CS for HB 537, HB 14, HB 660, HB 1165 and CS for HB 277 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gallagher—

HB 644—A bill to be entitled An act relating to consumer collection practices; amending ss. 559.72 and 559.78, Florida Statutes, relating to prohibited practices and judicial enforcement; repealing ss. 559.55(4)-(10), 559.56-559.71, 559.73-559.76, and 559.77(2) and (3), Florida Statutes, relating to regulation of consumer collection practices; providing for refund of unused fees; abolishing certain positions; providing for disposition of unexpended funds; repealing s. 3(4)(ii) of Chapter 76-168, Laws of Florida, as amended, repealing the future repeal of part V of Chapter 559; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By the Committee on Natural Resources and Representative McEwan and others—

CS for HB 859—A bill to be entitled An act relating to state preserves; creating s. 258.082, Florida Statutes; designating certain lands in Orange County, Florida, now owned by the state, as the William Beardall-Tosohatchee State Preserve; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representatives Easley and A. E. Johnson—

HB 790—A bill to be entitled An act relating to state employment; creating s. 110.2075, Florida Statutes, requiring the Department of Administration to create and develop class specifications for a transitional class of career positions in the uniform classification plan to allow for entry of nonprofessional employees into professional positions; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Allen—

HB 420—A bill to be entitled An act relating to motor vehicles; adding subsection (4) to s. 316.1945, Florida Statutes, 1980 Supplement, and amending s. 715.07(2)(a), Florida Statutes; providing that when an illegally parked motor vehicle is removed by a law enforcement officer or when a motor vehicle parked on private property without permission is caused to be removed by the property owner, the vehicle owner shall be notified by mail; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Retirement, Personnel and Collective Bargaining and Representative C. Hall and others—

CS for HB 537—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (5) to s. 121.0515, Florida Statutes, providing certain members of the special

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

The following bills are offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

risk class of the system with retirement credit for prior service with an employer under the provisions of chapter 122, Florida Statutes; providing that certain service counted towards attainment of the normal retirement date under the special risk class; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Davis and others—

HB 14—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.05, Florida Statutes, requiring positive proof of identification as a prerequisite to inspection of registration records; requiring the Department of Highway Safety and Motor Vehicles to keep certain records for a specified period of time; providing that certain firms, institutions, and agencies may obtain information by means of telecommunications; providing an effective date.

—was referred to the Committees on Transportation and Governmental Operations.

By Representative Morgan—

HB 660—A bill to be entitled An act relating to the investment of state funds; amending s. 18.10(2) and (4), Florida Statutes, 1980 Supplement, specifying types of short-term investments; specifying funds to which earnings from certain investments are to be credited; amending ss. 215.44(1) and (2), and 215.49, Florida Statutes, specifying funds to be invested by the State Board of Administration and to be made available for investment by such board; creating s. 215.535, Florida Statutes, specifying funds to be invested by the State Treasurer and to be made available for investment by the State Treasurer; prescribing procedures for such investments; providing for the adoption of rules; amending ss. 18.15, 121.031, 121.151, 211.31(6), 409.504(1), 420.203, 420.404(1), 601.28(5), Florida Statutes, and ss. 215.32(2)(c), 240.257(3), 288.605, 601.10(9), Florida Statutes, 1980 Supplement, conforming language; requiring the State Board of Administration to transfer to the State Treasurer, upon maturity, certain funds invested by such board; requiring the State Board of Administration to transfer to the State Treasurer outstanding investments as of a certain date; providing an appropriation; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Governmental Operations—

HB 1165—A bill to be entitled An act relating to governmental reports; specifying that reports required to be made to the Legislature shall be transmitted to certain offices; providing a restriction; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Retirement, Personnel and Collective Bargaining and Representative T. McPherson and others—

CS for HB 277—A bill to be entitled An act relating to state officers and employees; amending s. 112.061(5)(b), (6) and (7)(d), Florida Statutes, and adding paragraphs (2)(n) and (3)(f) thereto; defining and authorizing reimbursement for foreign travel; revising travel times on which meal allowances are based and reimbursement rates for certain travel within the state; providing for increases in per diem, meal, and mileage allowances; amending s. 14.071(4), Florida Statutes; correcting a cross reference and revising travel allowances; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1081 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Select Committee on Mining & Reclamation and Representative Easley—

HB 1081—A bill to be entitled An act relating to tax on severance of solid minerals; amending s. 211.30(1), (5), (6) and (8); Florida Statutes, and adding subsections (9)-(19) thereto; redefining "value" and "point of severance"; providing

additional definitions; amending s. 211.31(1), Florida Statutes, and repealing subsections (2)-(4) thereof; providing for distribution of the proceeds of the tax on severance of solid minerals other than phosphate rock and heavy minerals; creating ss. 211.324, 211.325, and 211.326, Florida Statutes; providing exemptions; providing for a tax on the severance of phosphate rock and heavy minerals; providing a base rate for 1981; providing for adjustment of the base rate annually thereafter; providing for distribution of the proceeds; amending s. 211.33, Florida Statutes, 1980 Supplement; providing for administration of the tax; requiring producers to keep records for 3 years; providing for inspection and audit; providing for correction of overpayments or deficiencies; providing for application of confidentiality provisions; authorizing the Department of Revenue to promulgate rules; amending s. 253.023(2)(c) and (d), Florida Statutes, 1980 Supplement; revising cross references in provisions relating to credit of certain severance tax proceeds to the Conservation and Recreation Lands Trust Fund; repealing s. 211.32(1) and (2), Florida Statutes, relating to credit for ad valorem taxes paid and to exemptions; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 198, HB 664 and HB 1215 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Lippman and D. L. Jones—

HB 198—A bill to be entitled An act relating to rehabilitation of drug dependents; amending s. 397.20, Florida Statutes; increasing the amount of reimbursement to residential rehabilitation centers and nonresidential day care centers for referred participants in drug rehabilitation programs; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Appropriations.

By Representative Moore—

HB 664—A bill to be entitled An act relating to public accounting; amending s. 473.317(5), Florida Statutes; authorizing governing bodies of municipalities to negotiate simultaneously with more than one public accountant with respect to audit engagements; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Finance and Taxation—

HB 1215—A bill to be entitled An act relating to ad valorem taxation; designating parts I-VIII of chapter 197, Florida Statutes; transferring and renumbering various sections; amending ss. 190.024, 193.1145(10)(a), 197.013(5), and 197.116(9), Florida Statutes, 1980 Supplement, and ss. 336.59(2), 582.44, and 197.226(1), Florida Statutes; correcting cross references; repealing s. 197.356, Florida Statutes, relating to implementation of revisions of chapter 197; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 646 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Moore—

HB 646—A bill to be entitled An act relating to apprentices; repealing s. 446.101, Florida Statutes, relating to labor standards for ratios of apprentices or trainees to journeymen on state, county, or municipal contracts; amending s. 446.031(2), Florida Statutes, relating to standards of the Division of Labor;

amending s. 446.091, Florida Statutes, relating to on-the-job training; providing an effective date.

—was referred to the Committees on Commerce and Governmental Operations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 379 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism and Economic Development and Representative Lehman—

CS for HB 379—A bill to be entitled An act relating to acupuncture; amending s. 468.323, Florida Statutes, 1980 Supplement; modifying educational and examination requirements for certification; authorizing the Department of Professional Regulation to approve programs of apprenticeship under certain conditions; deleting the requirement that the written examination be in a foreign language under certain circumstances; amending s. 468.324(2), Florida Statutes, 1980 Supplement; revising requirements for failure to renew certificates; creating s. 468.3245, Florida Statutes; providing for an Identification of Apprenticeship; providing for fees; amending s. 468.325, Florida Statutes, 1980 Supplement; providing grounds and procedures for disciplinary actions by the department; amending s. 468.327, Florida Statutes, 1980 Supplement; authorizing the department to adopt guidelines for apprenticeship programs; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Commerce.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 144 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Batchelor and others—

HB 144—A bill to be entitled An act relating to the Florida Human Rights Act; amending s. 23.167(8)(b), Florida Statutes; prohibiting involuntary retirement for reasons other than ability to perform a job; providing that certain rejection or termination of employment shall not be unlawful; providing an effective date.

—was referred to the Committee on Commerce.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1070 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations—

HB 1070—A bill to be entitled An act relating to archives, history and records management; amending s. 267.031(1), (3) and (4), Florida Statutes, providing that the Division of Archives, History and Records Management may employ a chief to administer each bureau and may prescribe the qualifications of each such chief; eliminating reference to various bureaus; amending s. 267.041(1), Florida Statutes, relating to the office of the director; creating s. 267.042, Florida Statutes, relating to the duties and responsibilities of the Division of Archives, History and Records Management; authorizing any agencies to turn certain records over to the division; providing for vesting of title; providing for copies; providing for a Florida State Photographic Collection; amending s. 267.051, Florida Statutes, eliminating reference to the Bureau of Archives and Records Management; providing a procedure for the destruction of certain records; authorizing the Florida State Records Center to charge certain fees; amending s. 267.061,

Florida Statutes, eliminating reference to the Bureau of Historic Sites and Properties; amending s. 267.071, Florida Statutes, eliminating reference to the Bureau of Historical Museums; authorizing the division to promote and encourage the teaching of Florida's history and heritage in Florida schools; amending s. 267.072, Florida Statutes, 1980 Supplement, eliminating reference to the Bureau of Historical Museums; amending s. 267.081, Florida Statutes, eliminating reference to the Bureau of Publications; amending s. 267.13, Florida Statutes, providing for administrative procedures and fines with respect to certain persons who, without written permission from the division, explore for or excavate objects having historical value; providing for injunctive relief; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1226 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Finance and Taxation—

HB 1226—A bill to be entitled An act relating to public health; creating ss. 154.401-154.421, Florida Statutes, the State Health Facilities Authority Law; creating a governing board of the authority; providing for the powers of the authority with respect to assisting certain regional hospitals and research centers in the acquisition, construction, financing, and refinancing of projects; providing for lease agreements, construction contracts and the issuance of negotiable notes and revenue bonds; providing for the use of revenues for the payment of indebtedness; providing a tax exemption for the authority and certain projects; providing that bonds of the authority are legal investments; providing an effective date.

—was referred to the Committees on Appropriations and Health and Rehabilitative Services.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 309 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representatives Crady and G. Hodges—

CS for HB 309—A bill to be entitled An act relating to salt-water fisheries; amending s. 370.15(2)(a), Florida Statutes, limiting the unlawful taking of small shrimp or prawn to within state waters; excluding shrimp caught legitimately under a live bait license and fishing camps which sell bait shrimp for recreational purposes; providing for sales tax to be collected on bait shrimp sold; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 648 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Bankhead and A. E. Johnson—

HB 648—A bill to be entitled An act relating to real estate brokers, salesmen, and schools; amending s. 475.182(1), Florida Statutes, 1980 Supplement, requiring the Board of Real Estate to substitute certain courses for purposes of continuing education requirements for renewal of broker and salesmen licenses; amending s. 475.183(3), Florida Statutes, requiring such substitution with respect to continuing education requirements for reactivation of inactive licenses; providing for repeal and review in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Commerce.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 734 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Patterson—

HB 734—A bill to be entitled An act relating to regulation of oil and gas resources; amending s. 377.242(1), Florida Statutes, 1980 Supplement, specifying that certain limitations shall apply to structures, permit applications, and activities associated with state drilling leases issued on or after April 26, 1972; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 479 and HB 1049 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hazouri—

HB 479—A bill to be entitled An act relating to the regulation of boats; adding a subsection to s. 371.021, Florida Statutes, defining "racing shell," "rowing scull," and "racing kayak"; amending s. 371.57(8), Florida Statutes, exempting such vessels from carrying certain lifesaving devices; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Criminal Justice—

HB 1049—A bill to be entitled An act relating to sheriffs; amending s. 145.071(2)(a), Florida Statutes, 1980 Supplement; providing a special qualification salary for sheriffs who meet requirements established by the Department of Law Enforcement; repealing s. 943.21(2), Florida Statutes, 1980 Supplement, relating to salary incentive for sheriffs; providing an effective date.

—was referred to the Committee on Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 701 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education, Higher and Representative Carpenter—

CS for HB 701—A bill to be entitled An act relating to postsecondary education; adding paragraph (o) to s. 229.053(2), Florida Statutes; authorizing the State Board of Education to contract with certain independent institutions to provide certain programs and facilities; creating ss. 240.145 and 240.147, Florida Statutes; creating the Postsecondary Education Planning Commission and providing for its membership; providing for an executive director; providing for travel expenses; providing powers and duties of the commission; providing for a master plan for postsecondary education; repealing s. 240.209(3)(i), Florida Statutes, relating to power of Board of Regents to contract with independent institutions for provision of programs to meet needs unfulfilled by the State University System; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

—was referred to the Committees on Education and Governmental Operations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 266, HB 400 and CS for HB 437 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Ethics and Elections—

CS for HB 266—A bill to be entitled An act relating to elections; amending s. 100.111(3)(a) and (b), Florida Statutes, and adding a new paragraph (c) thereto, providing for filling vacancies in nomination or election; amending s. 101.252(1), Florida Statutes, relating to the nomination of unopposed candidates; amending and renumbering s. 101.253(3), Florida Statutes, and adding a new subsection (3), providing requirements with respect to withdrawal; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Easley and Nuckolls—

HB 400—A bill to be entitled An act relating to the Housing Authorities Law; amending s. 421.27(3), Florida Statutes; prohibiting the exercise by a county housing authority of any authority or power outside the territorial limits of the county unless requested by the governing body having jurisdiction; requiring the county housing authority and governing body to enter into an interlocal agreement; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Ethics and Elections and Representatives O'Malley and Cox—

CS for HB 437—A bill to be entitled An act relating to elections; amending ss. 101.64 and 101.65, Florida Statutes; revising the voter's certificate for absentee electors; removing the requirement that the certificate be witnessed by a notary; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 547 and HB 792 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Nergard and Myers—

HB 547—A bill to be entitled An act relating to insurance; amending s. 112.08(1), (2), Florida Statutes; authorizing local governmental units to provide group health, accident, and hospitalization insurance for certain students; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Education.

By Representative D. L. Jones—

HB 792—A bill to be entitled An act relating to postsecondary education; creating ss. 240.262 and 240.326, Florida Statutes, providing for the prohibition of hazing by universities and community colleges in this state; providing for enforcement; providing for penalties; providing for filing of antihazing policies, rules, and penalties with the Board of Regents or the State Board of Education, as appropriate; providing for approval of same; providing for distribution of same to students; requiring incorporation of such rules in university and community college organization bylaws; providing for filing and approval of amendments to antihazing policies, rules, or penalties; providing an effective date.

—was referred to the Committee on Education.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 513, HB 532 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Myers—

**HB 513**—A bill to be entitled An act relating to vital statistics; amending s. 382.17(1), Florida Statutes; authorizing certified copies of birth certificates to be issued to a parent or guardian of a minor; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Representative Allen—

**HB 532**—A bill to be entitled An act relating to abandoned property; amending s. 705.16(3) and (4), Florida Statutes, and adding new subsection (5) thereto; providing that the owner of an abandoned motor vehicle or boat is liable to the local government for costs of removal and destruction; providing for notice; providing that such person shall not be entitled to register another vehicle or boat, as applicable, until such costs are paid; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 691, CS for HB 707, HB 780 and CS for HB 801 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Finance and Taxation and Insurance—

**CS for HB 691**—A bill to be entitled An act relating to insurance premium taxes; amending s. 624.509(1) and (3)(b), Florida Statutes, 1980 Supplement, eliminating certain premiums or considerations from the tax; clarifying existing language; eliminating the 1 percent tax on gross receipts on annuity policies or contracts; providing penalties for underpayment of taxes; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Retirement, Personnel and Collective Bargaining and Representative Young—

**CS for HB 707**—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (5) to s. 121.0515, Florida Statutes; providing for the purchase of special risk retirement credit for certain past service; amending s. 121.052(1)(c), Florida Statutes, 1980 Supplement, adding a paragraph to said subsection, and adding a paragraph to subsection (4) of said section; authorizing legislators who have withdrawn from the Florida Retirement System to rejoin said system and providing for the purchase of prior service credit; providing for optional participation in the Elected State Officers' Class for county elected officers; providing a time limit upon exercise of the option to participate; providing for retention of retirement credit; providing for contributions; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Representative Mitchell—

**HB 780**—A bill to be entitled An act relating to education; amending s. 230.23(4)(n), Florida Statutes, 1980 Supplement; providing for operation of the educational programs of the Arthur Dozier School for Boys and the Marianna Sunland Center by the Department of Education; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Criminal Justice and Representative Bankhead—

**CS for HB 801**—A bill to be entitled An act relating to retail theft; adding a paragraph to s. 812.015(1), Florida Statutes, 1980 Supplement, and amending subsection (3), providing a definition; providing that the activation of antishopping or inventory control devices which operate to detect the removal of merchandise constitutes probable cause for purposes of detention; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 240, HB 284, HB 956, HB 413 and CS for HB 927 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance and Representative Kelly—

**CS for HB 240**—A bill to be entitled An act relating to warranty associations; amending s. 634.405(1)(a), Florida Statutes, changing the amount of the required deposit for new service warranty associations and those with \$300,000 of gross written premiums or less; providing for review and repeal pursuant to s. 11.61, Florida Statutes; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Clements—

**HB 284**—A bill to be entitled An act relating to county fine and forfeiture funds; amending s. 142.01, Florida Statutes, authorizing the expenditure of county fine and forfeiture funds for expenses of the medical examiner; amending s. 129.02(3), Florida Statutes, conforming provisions relating to the county fine and forfeiture fund budget; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Appropriations.

By Representative S. McPherson and others—

**HB 956**—A bill to be entitled An act relating to the merchandising of animals; amending s. 877.14, Florida Statutes, relating to the merchandising of dogs; providing for applicability to certain animals sold or intended to be sold as pets; modifying recordkeeping requirements; providing exceptions; providing for maintenance and inspection of records; increasing the penalty for violation; amending ss. 372.921(6), Florida Statutes, relating to rabies immunization of animals; prohibiting certain animals from being immunized; providing an effective date.

—was referred to the Committee on Agriculture.

By Representatives Burnsed and Evans-Jones—

**HB 413**—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20-19(3)(c) and (4)(f), Florida Statutes, 1980 Supplement, renaming the Mental Health Program Office of the department; requiring alcohol and drug abuse programs at the district level; amending s. 393.11(2), Florida Statutes, 1980 Supplement; providing that the hearing given upon reaching majority to a child involuntarily admitted to residential services of the retardation program shall be to determine the continued appropriateness of his involuntary admission; amending s. 394.4674(2)(e), Florida Statutes, 1980 Supplement, and s. 394.67(5), Florida Statutes, to conform; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Natural Resources and Representatives G. Hodges and Thompson—

**CS for HB 927**—A bill to be entitled An act relating to salt-water fisheries; creating s. 370.158, Florida Statutes, establishing an advisory committee in Citrus County to make recommendations to the Department of Natural Resources for the promulgation of rules closing or opening certain areas to shrimp-

ing and crabbing; providing restrictions on actions of the department with respect to such recommendations; creating s. 370.159, Florida Statutes, establishing boundary lines closing certain areas in waters adjacent to Wakulla County to shrimping and certain areas to crabbing; providing exception for tunnel boats and small bay trawlers to shrimp in certain areas closed to shrimping; providing a penalty; providing for repeal and review in accordance with the Sundown Act; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1075, HB 1085, HB 1107, HB 1112, HB 1116, HB 1140, CS for HB 873, HB 1164, HB 1166, HB 1171 and HB 1211 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education, K-12—

HB 1075—A bill to be entitled An act relating to the Education Practices Commission; amending s. 231.261(5) and (9), Florida Statutes, 1980 Supplement, and adding new subsections thereto; defining the powers and duties of the commission and the Department of Education; providing for expenditures by the commission; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources—

HB 1085—A bill to be entitled An act relating to water resources; amending s. 373.507, Florida Statutes; providing that the Auditor General shall conduct audits of the accounts of water management districts, basins and authorities; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Insurance—

HB 1107—A bill to be entitled An act relating to workers' compensation; amending s. 440.51(1)(a), Florida Statutes, 1980 Supplement, modifying the current method of deriving administrative costs; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Governmental Operations—

HB 1112—A bill to be entitled An act relating to planning and budgeting; amending s. 216.182, Florida Statutes; providing that the Executive Office of the Governor shall have the authority to approve the program plan for fixed capital outlay projects; providing exemptions; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Insurance—

HB 1116—A bill to be entitled An act relating to fire prevention and control; amending s. 633.061(1), (2), (3) and (8), Florida Statutes, and renumbering said section as s. 633.50; revising license and permit fees for organizations and individuals servicing, repairing, recharging, testing, inspecting or installing fire extinguishers; requiring a license or permit to service, repair, install or inspect pre-engineered systems, and providing fees and requiring insurance coverage; providing a penalty for late renewal application; providing a limitation on required insurance coverage; revising examination requirements with respect to license and permit applicants; providing fees for filing application for examination; requiring that regulated activities in connection with fire extinguishers and pre-engineered systems be in compliance with rules of the State Fire Marshal; amending s. 633.065(1), Florida Statutes, 1980 Supplement; correcting a cross reference; amending s. 633.163, Florida Statutes; providing administrative fine for violation of chapter 633, of rules adopted pursuant thereto, or of a

cease and desist order; designating parts I and II of chapter 633; providing for review and repeal of ss. 633.50, 633.521, 633.524, 633.527, 633.531, 633.534, 633.537, 633.541, 633.547, 633.549, 633.551, 633.554, and 633.557, Florida Statutes; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Retirement, Personnel and Collective Bargaining—

HB 1140—A bill to be entitled An act relating to pensions for Florida highway patrolmen; adding paragraph (d) to s. 121.021(19), Florida Statutes, 1980 Supplement; providing prior service credit under the Florida Retirement System for time spent in service in highway patrol training schools by certain highway patrolmen; adding paragraph (e) to s. 121.081(2), Florida Statutes, 1980 Supplement; specifying contributions for the purchase of such prior service credit; amending s. 321.17(1), Florida Statutes, and adding a new subsection (5); converting the highway patrol pension plan to a noncontributory system; providing service credit under the highway patrol pension plan for time spent in service in highway patrol training schools by certain highway patrolmen and specifying contributions for the purchase of such service credit; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committee on Appropriations and Representative Sheldon—

CS for HB 873—A bill to be entitled An act relating to state-owned lands; creating s. 258.51, Florida Statutes, directing the Department of Natural Resources to establish a program to develop and manage a system of natural areas and sanctuaries throughout the state; authorizing the dedication of land; authorizing the department to consult or participate with local, state and federal entities; authorizing the department to enter into contracts and accept aid to carry out the purposes of the act; requiring Memorandums of Understanding for National Estuarine Sanctuaries; providing contents; creating three positions within the Division of Resource Management of the Department of Natural Resources; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation and Appropriations.

By the Committee on Governmental Operations—

HB 1164—A bill to be entitled An Act relating to fire prevention and control; amending s. 633.081(2), Florida Statutes; providing for renewal of fire safety inspector certificates; amending s. 633.34(2), (5), Florida Statutes; providing qualifications for employment as a firefighter; amending s. 633.35(1), (2), Florida Statutes; prescribing the minimum number of hours for the firefighter training program; limiting the period of time during which an uncertified person may be employed; creating s. 633.351, Florida Statutes; providing circumstances for voiding of a certificate; creating s. 633.353, Florida Statutes; prohibiting falsification of qualifications of employees; providing penalties; repealing ss. 633.36, 633.38(3), Florida Statutes, relating to reimbursement of certain costs; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Governmental Operations—

HB 1166—A bill to be entitled An act relating to governmental reports; repealing certain provisions which require state agency reports; providing for legislative review of certain reports; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Finance and Taxation—

HB 1171—A bill to be entitled An act relating to civil procedures in certain tax controversies; amending s. 26.012(2)(e), Florida Statutes, 1980 Supplement, providing original jurisdiction in the circuit courts for actions relating to the legality of certain tax assessments; amending ss. 199.062(5)(b), 201.17(3), 212.12(5), and 214.40(1), Florida Statutes; amending s. 206.44

(1), Florida Statutes, and adding subsection (3) thereto; amending s. 206.94(1), Florida Statutes, and adding subsection (3) thereto; adding subsection (7) to s. 214.43, Florida Statutes; amending s. 199.052(9)(d), Florida Statutes, 1980 Supplement, and adding paragraph (e) thereto; amending ss. 198.18, 211.33 (3)(f) and 624.509(3)(e), Florida Statutes, 1980 Supplement; creating s. 203.07, Florida Statutes; authorizing the Department of Revenue to settle or compromise certain taxes, penalties, and interest; creating s. 213.19, Florida Statutes, relating to the jurisdiction of circuit courts in specific tax matters, administrative hearings and appeals, the time for commencing actions, parties and deposits; creating s. 213.20, Florida Statutes, providing for certain tax actions in circuit court and under the Administrative Procedure Act; creating s. 213.21, Florida Statutes, relating to informal conferences and compromises with respect to certain tax matters; creating s. 213.22, Florida Statutes, providing for technical assistance advisements issued by the Department of Revenue; repealing s. 198.10, Florida Statutes, relating to suits by or against the department and special counsel with respect to estate taxes; repealing s. 198.27, Florida Statutes, 1980 Supplement, relating to agreements with respect to the amount of estate taxes due; repealing s. 199.243, Florida Statutes, relating to actions involving the legality of an intangible personal property tax or penalty; repealing s. 212.15(5), Florida Statutes, relating to the legality of certain sales taxes; repealing s. 214.24, Florida Statutes, relating to closing agreements; repealing s. 214.26, Florida Statutes, relating to actions involving the legality of certain taxes or penalties; providing for the application of the act; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Judiciary-Civil.

By the Committee on Appropriations—

HB 1211—A bill to be entitled An act relating to public printing; amending s. 283.01, Florida Statutes, to provide that the Game and Fresh Water Fish Commission may print certain materials in-house and need not let such printing to the lowest bidder; providing an effective date.

—was referred to the Committee on Governmental Operations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 107, HB 204, HB 366 and CS for HB 482 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fontana—

HB 107—A bill to be entitled An act relating to pari-mutuel facilities; amending s. 550.361(3), Florida Statutes, providing for the reduction of a suspension from pari-mutuel facilities to a period of 2 years; providing for reinstatement by the Director of the Division of Pari-mutuel Wagering; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Martinez—

HB 204—A bill to be entitled An act relating to schools; exempting public or nonprofit schools from certain requirements concerning food service at school carnivals which are operated for 3 days or less; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Representative Woodburn—

HB 366—A bill to be entitled An act relating to criminal procedure; amending s. 932.48, Florida Statutes, authorizing a circuit court clerk to issue a capias for an arrest whenever an indictment is published; specifies to whom a capias is to be issued when an information is filed or indictment published; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

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

CS for HB 482—A bill to be entitled An act relating to the practice of optometry; amending s. 463.002(4), Florida Statutes, redefining the term "optometry" to prohibit practitioners from using certain drugs in practice; providing exceptions; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Commerce.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 932, CS for HB 941, HB 1047 and HB 1064 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Crady—

HB 932—A bill to be entitled An act relating to tax on special fuels; amending s. 206.91(1), Florida Statutes; revising the information required to be included in monthly reports by special fuel dealers to the Department of Revenue; amending s. 213.053(7), Florida Statutes, 1980 Supplement; authorizing the department to provide information relative to chapter 377, Florida Statutes, to the proper state agency; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Natural Resources and Representative B. L. Johnson—

CS for HB 941—A bill to be entitled An act relating to hazardous materials emergencies; adding subsection (3) to s. 252.35, Florida Statutes; directing the Department of Veteran and Community Affairs through the Bureau of Disaster Preparedness to be the primary coordinating agency during such emergencies, except for the discharge of pollutants as defined by chapter 376; creating an Interagency Hazardous Materials Task Force; providing for rules; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Governmental Operations—

HB 1047—A bill to be entitled An act relating to government reorganization; amending ss. 13.01(2), 23.0112(2), 23.133(2), 110.113, 112.3145(1)(b), 163.3164(17), 215.37(2), 216.023, 216.031(4), (5) and (6), 216.013(2), 216.044, 216.091(1), 216.102, 216.121, 216.262(2), 253.783(2)(h), 259.035, and 287.083(2)(a) and (3)(a), Florida Statutes, and amending ss. 14.22(1)(a), 119.07(1)(b), 380.031(13) and (16), 400.063(1) and 443.131(5)(a), Florida Statutes, 1980 Supplement, updating and conforming various provisions to the reorganization of various executive functions involving the Executive Office of the Governor, the Department of Administration, and the Department of Veteran and Community Affairs; amending section 36 of chapter 79-190, Laws of Florida, correcting an erroneous crossreference for purposes of legislative review; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Rules and Calendar—

HB 1064—A bill to be entitled An act relating to the Legislature; adding a new subsection (8) to s. 11.242, Florida Statutes, requiring the Division of Statutory Revision of the Joint Legislative Management Committee to make an annual report relating to sections of the Florida Statutes which are scheduled to expire or be repealed; providing an effective date.

—was referred to the Committee on Rules and Calendar.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 216 and HB 1214 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations and Representative D. L. Jones—

CS for HB 216—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54(3) and (11)(b), Florida Statutes, 1980 Supplement, providing that certain materials must be considered by an agency and made a part of the record of rulemaking proceedings; requiring the inclusion of an agency's reasons for rejecting pertinent material in the adoption of a rule; amending s. 120.53(1)(b), Florida Statutes; requiring that certain forms be filed with the Department of State; requiring the department to send a copy of such forms to the Joint Administrative Procedures Committee; providing when forms may become effective; amending s. 120.55(1)(a), (b), Florida Statutes, 1980 Supplement; providing that forms shall not be published in the Florida Administrative Code or the Florida Administrative Weekly, but shall be included in rules by reference; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Finance and Taxation—

HB 1214—A bill to be entitled An act relating to the severance tax; amending s. 253.023(2), Florida Statutes, 1980 Supplement; providing a limit to amounts credited to the Conservation and Recreation Lands Trust Fund each fiscal year; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 25, HB 86 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Pajcic and others—

HB 25—A bill to be entitled An act relating to cruelty to animals; amending s. 828.122, Florida Statutes; prohibiting any person using animals to train greyhounds from baiting or using any animal for the purpose of fighting or baiting any other animal, from owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal, from promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals, and from attending the fighting or baiting of animals; providing penalties; providing for seizure and disposition of animals involved in such violations; providing an effective date.

—was referred to the Committees on Agriculture and Commerce.

By Representative Watt—

HB 86—A bill to be entitled An act relating to the regulation of boats; amending s. 371.59, Florida Statutes; providing that the act shall not be deemed to prohibit local governmental authorities from enacting or enforcing certain regulations with respect to live-aboard vessels; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1133 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary and Representative Richmond—

HB 1133—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.111(2), Florida Statutes, 1980 Supplement, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; amending s. 718.123-1), Florida Statutes, deleting provision requiring that all common elements, common areas, and recreational facilities be reserved exclusively for the use of unit owners and their guests; amending s. 718.202(1) and (6), Florida Statutes, 1980 Supplement, providing that the division of Florida Land Sales and Condominiums may approve assurances in lieu of certain escrow requirements; providing for additional requirements for the establishment of a reservation program; amending s. 718.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a certified audit for all association funds; amending s. 718.401(6)(a), (b) and (d) and (8)(a), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes; amending s. 718.501, Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of condominium associations; limiting the authority of the condominium advisory board; amending s. 718.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; adding subsection (6) to s. 719.104, Florida Statutes, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; providing powers of an association; amending s. 719.106(1)(1), Florida Statutes, relating to the vote required to adopt budgets having no or inadequate reserves; amending s. 719.109(1), Florida Statutes, deleting provision requiring that all common elements, common areas, and recreational facilities be reserved exclusively for the use of unit owners and their guests; amending s. 719.202(1) and (6), Florida Statutes, providing that the division may approve assurances in lieu of certain escrow requirements; providing for additional requirements for the establishment of a reservation program; amending s. 719.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a certified audit for all association funds; amending s. 719.401(6)(a), (b) and (d) and (8), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes; amending s. 719.501, Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of cooperative associations; limiting the authority of the cooperative advisory board; amending s. 719.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

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

Excused: Senator Langley for the afternoon session and May 29; Senator Gordon, periodically, for the purpose of conferences with the Speaker of the House relative to HB 1200

Prayer by the Rev. Larry Bennett, Associate Pastor, Southside Assembly of God Church, Jacksonville:

Father God, we are thankful for the privilege which is given to us to be alive and living here in these United States. We are thankful for your Son Christ Jesus who gave himself a ransom for our freedom and justice.

We ask you today to bless our nation. Bless our President of the United States and all those who perpetuate the bells of freedom through government.

Father, we ask you today to release the mental, spiritual, and physical levels of our lives to perform and function as you would have. Reach out and touch this Senate and those who will play the role of decision-making here in Tallahassee.

May the spirit of God stimulate those processes in order that our decisions will be honorable and righteous. Grant unto us today the privilege of showing forth your love and mercy in our attitudes and actions in order that those we affect by our decisions will see Christ reigning within us. This we pray. Amen.

Senator Henderson moved that a committee be appointed to escort the Honorable C. W. (Bill) Young to the rostrum. The motion was adopted and the President appointed Senators Henderson, Grizzle, Ware and Rehm. Congressman Young addressed the Senate.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 28, 1981: CS for SB 906, SB 1104, SB 592, CS for SB 593, CS for CS for SB 343, SB 754, SB 738, CS for SB 654, CS for CS for SB 252, SB 891, CS for SB 1010, SB 709, SB 1024, CS for SB 148, SB 111, SB 590, SB 720, CS for SB 7, SB 829, SB 136, CS for SB 432, SB 554, CS for SB 337, SB 923, SB 442, SB 443, SB 892, SB 760, HB 299, SB 925, CS for SB 761, CS for HB 251, CS for SB 512.

Respectfully submitted,  
Edgar M. Dunn, Jr., Chairman

The Committee on Rules and Calendar recommends the following pass: SJR 845 with 2 amendments, SB 846, HB 190

The bills were placed on the calendar.

The Committee on Rules and Calendar recommends the following not pass: SCR 305

The bill was laid on the table.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1044

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 60, SB 529, SB 733, SB 1018

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 Health and Rehabilitative Services recommends a committee substitute for the following: SB 793

The bill was placed on the calendar on motion of Senator Hair on May 27.

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 17, SB 921, SB 162, SB 1017

The bills with committee substitutes attached were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends committee substitutes for the following: SB 1016, SB 1027

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 106, SB 459, SB 944, SB 948

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 588, SB 1033

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

**REQUESTS FOR EXTENSION OF TIME**

May 28, 1981

The Special Master-Claims requests an extension of 15 days for consideration of the following: SB 431

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 808 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Winn, the rules were waived and by two-thirds vote SB 751 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 1070 was withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote SB 939 was withdrawn from the committee of reference and indefinitely postponed.

**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 CS for SB 339 and SB 672.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

*The Honorable W. D. Childers, President*

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

By Senator McKnight and others—

SB 317—A bill to be entitled An act relating to community redevelopment; amending s. 163.340(8), Florida Statutes; redefining the term "blighted area" for purposes of the Community Redevelopment Act of 1969; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

House Amendment 1—On page 2, line 9, insert flush language: *Provided, however, for purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" shall mean an area described in paragraph (a).*

On motion by Senator McKnight, the Senate concurred in the House amendment.

SB 317 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Jennings	Peterson	Tobiasen
Anderson	Johnston	Poole	Trask
Carlucci	Kirkpatrick	Rehm	Vogt
Dunn	Lewis	Renick	Ware
Frank	Margolis	Scott	Winn
Gordon	Maxwell	Steinberg	
Henderson	McKnight	Stevens	
Jenne	Neal	Thomas	

Nays—None

Vote after roll call:

Yea—Barron, Hair, Hill, McClain, Stuart

The bill was ordered engrossed and then enrolled.

## SPECIAL ORDER

By the Committee on Judiciary-Criminal and Senator Jenne—

CS for SB 906—A bill to be entitled An act relating to the Florida RICO Act; amending ss. 943.461, 943.464(2), Florida Statutes; creating ss. 943.466, 943.467, 943.468, Florida Statutes; providing definitions; providing procedures for forfeiture of certain property to the state; specifying when title vests in the state; providing circumstances for forfeiture of fair market value of such property; providing for filing of a RICO lien notice; specifying effect of the notice; specifying powers of investigative agencies; specifying duties and liability of trustees; providing penalties; providing exceptions; specifying term of the notice; providing for release from the notice; requiring alien corporations to file certain information; providing for costs and attorney's fees; providing severability; providing an appropriation; providing an effective date.

—was read the first time by title and SB 906 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 906 was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 19, line 30, strike "(5)" and insert: (3)

On motion by Senator Jenne, by two-thirds vote CS for SB 906 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

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

Nays—None

Vote after roll call:

Yea—Renick, Thomas

SB 1104—A bill to be entitled An act relating to the Florida Mutual Aid Act; amending s. 23.121, Florida Statutes; providing policy; creating s. 23.1225, Florida Statutes; providing for mutual aid agreements among law enforcement agencies; creating s. 253.1226, Florida Statutes; creating the Florida Mutual Aid Plan; providing for administration of such plan by the Division of Local Law Enforcement Assistance of the Department of Law Enforcement; providing that the director of the plan shall be the Executive Director of the department; authorizing the director to do certain things in performing duties under the act; authorizing the division to do things necessary for the implementation of the act; amending s. 23.127(1), (2), Florida Statutes; providing that employees of any law enforcement agency rendering aid outside of its jurisdiction shall have certain powers, duties, rights, privileges and immunities; providing that certain potential liabilities or expenses of political subdivisions may be covered by agreements among such subdivision; creating s. 23.129, Florida Statutes; limiting access to certain information and exempting such information from provisions of law concerning public records; amending s. 943.03(1), Florida Statutes; conforming language; repealing s. 23.122, Florida Statutes, relating to definitions; repealing s. 23.124, Florida Statutes, relating to organizational structure; repealing s. 23.125, Florida Statutes, relating to local operations of law enforcement agencies; repealing s. 23.126, Florida Statutes, relating to operational area law enforcement coordination; repealing s. 23.128, Florida Statutes, relating to penalties; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 4, line 8, strike "an emergency" and insert: a disaster

Amendment 2—On page 5, line 13, strike "Organize, direct, and supervise" and insert: Coordinate the organization and direction of

Amendment 3—On page 5, line 17, strike "enforcemnt" and insert: enforcement

Amendment 4—On page 6, line 16, after the word "resources", insert: , and the resources of the Florida National Guard.

Amendment 5—On page 6, line 22, strike "23.1225" and insert: 23.1225(1) and (2), and for the filing of agreements entered into under s. 23.1225(3)

On motion by Senator Dunn, by two-thirds vote SB 1104 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	Jennings	Neal	Tobiassen
Beard	Johnston	Peterson	Trask
Carlucci	Kirkpatrick	Poole	Vogt
Childers, D.	Langley	Rehm	Ware
Dunn	Lewis	Skinner	Winn
Frank	Margolis	Steinberg	
Grizzle	Maxwell	Stevens	
Hair	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Hill, Jenne, Renick

SB 592—A bill to be entitled An act relating to organized crime; amending ss. 27.37, 27.36(2), Florida Statutes; changing the name of the Council for the Prosecution of Organized Crime; increasing the membership of the council; providing powers and duties; limiting attendance at statewide grand jury sessions and certain council meetings; requiring an annual report; conforming language; 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 Jenne and adopted:

Amendment 1—On page 1, line 26, after the word "one", insert: *state attorney*

Amendment 2—On page 3, lines 1 and 3, strike the words "for the Prosecution of" and insert: *on for the Prosecution of*

Amendment 3—On page 1, line 16, strike the words "for the prosecution of" and insert: *on for the prosecution of*

On motion by Senator Jenne, by two-thirds vote SB 592 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	Frank	Johnston	McKnight
Anderson	Grizzle	Kirkpatrick	Neal
Beard	Hair	Langley	Peterson
Carlucci	Henderson	Lewis	Poole
Childers, D.	Jenne	Margolis	Renick
Dunn	Jennings	Maxwell	Scott

Skinner	Stuart	Trask	Ware
Steinberg	Thomas	Vogt	Winn
Stevens	Tobiassen		

Nays—None

Vote after roll call:

Yea—Hill, McClain, Rehm

By the Committee on Judiciary-Criminal and Senator Jenne—

CS for SB 593—A bill to be entitled An act relating to controlled substances; creating s. 893.105, Florida Statutes; providing for testing, weighing, and photographing of seized controlled substances; authorizing destruction of seized substances; providing an effective date.

—was read the first time by title and SB 593 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for SB 593 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	Maxwell	Steinberg
Anderson	Henderson	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Frank	Langley	Renick	Vogt
Gordon	Lewis	Scott	Winn
Grizzle	Margolis	Skinner	

Nays—None

Vote after roll call:

Yea—McClain

By the Committee on Appropriations and Senators Beard, Dunn, Poole, Scott, Thomas, Lewis, Carlucci, Stevens, Jenkins, Jennings, Neal, Trask, Skinner, Barron, Rehm, Peterson, Steinberg, McClain, Kirkpatrick, Hill and Langley—

CS for CS for SB 343 and for CS for SB 58—A bill to be entitled An act relating to juveniles; amending s. 39.01(21), (34), Florida Statutes, 1980 Supplement; providing definitions; amending s. 39.02(1), Florida Statutes, 1980 Supplement; providing jurisdiction; amending s. 39.03(1)(c), (2), Florida Statutes, 1980 Supplement; providing criteria and procedures for taking a child into custody and releasing such child; amending s. 39.032, Florida Statutes, 1980 Supplement; providing procedures and criteria for detention; providing time limits for detention; amending s. 39.04(2), Florida Statutes, 1980 Supplement; providing intake procedures; specifying powers and duties of state attorney; amending s. 39.05(6), Florida Statutes, 1980 Supplement providing for extension of time for filing of petition; amending s. 39.06(6), Florida Statutes; requiring inquiry as to parents or custodians; amending s. 39.09(3)(e), Florida Statutes, 1980 Supplement; specifying powers of court over commitment; amending s. 39.10(2), Florida Statutes, 1980 Supplement; providing conditions for community control programs; amending s. 39.11(1)(a), (h), (3), Florida Statutes, 1980 Supplement; specifying powers of the court over disposition; providing that creation of advisory councils is discretionary; amending s. 39.112, Florida Statutes; providing that escape from a halfway house is escape; amending s. 39.12, Florida Statutes, 1980 Supplement; providing for retention and destruction of records; providing for release of names and addresses of certain children by law enforcement agencies; adding s. 39.401(1)(f), Florida Statutes; providing circumstances for the taking of a child into custody by a law enforcement officer; amending s. 316.630, Florida Statutes, 1980 Supplement; providing jurisdiction over juvenile traffic offenses; providing exceptions; amending s. 959.15(1), Florida Statutes, 1980 Supplement; limiting time for detention without court order; providing an effective date.

—was read the first time by title and Senate Bills 343 and 58 and CS for SB 58, CS for SB 343 and for CS for SB 58 were laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for CS for SB 343 and CS for SB 58 was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 16 and 17, insert: (37) "Halfway house" means a community based residential program for 12 or more committed delinquents that is operated by the department.

Amendment 2—On page 2, line 19, after "amended" insert: , and subsection (37) is added to said section

Amendment 3—On page 14, strike lines 10-13 and insert: department, the department shall furnish the court in order of the department's preference a list of not less than 3 options for programs in which the child may be placed. The court shall rank the options presented by the department in order of the court's preference. The

Amendment 4—On page 7, strike line 2 and insert: A child who is detained in a secure detention facility

Amendment 5—On page 8, line 10, strike "detention care" and insert: a secure detention facility

Amendment 6—On page 5, strike line 20 and insert: a child in

Amendment 7—On page 6, strike line 23 and insert: committed two or more violations of law or delinquent acts;

Amendment 8—On page 6, line 26, strike "(f)" and insert: 6.

Amendment 9—On page 6, line 29, strike "(g)" and insert: 7.

Amendment 10—On page 6, line 11, after the semicolon insert: or

Amendment 11—On page 9, line 10, strike "21" and insert: 15

Amendment 12—In title on page 1, line 4, after "Supplement" insert: and adding subsection (37) to said section

On motion by Senator Jenne, by two-thirds vote CS for CS for SB 343 and for CS for SB 58 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 754—A bill to be entitled An act relating to death benefits for law enforcement officers and firefighters; creating the "Florida Law Enforcement Officers and Firefighters Death Benefit Act"; providing for payment by the state of death benefits to the beneficiary, family, or estate of law enforcement officers or firefighters who are unlawfully killed or murdered; providing for the payment by the state of certain educational costs for the children of such officers or firefighters; authorizing the procurement of insurance to secure the payment of such benefits; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

**Amendment 1**—On page 1, lines 22 and 23, strike “, of a county, or of a municipality,” and insert: or any political sub-division of the state,

**Amendment 2**—On page 1, line 23, before word “whose” insert: including any correctional officer

**Amendment 3**—On page 2, lines 13 and 14, strike “in lieu of any death benefit payable under s. 112.19, Florida Statutes, but shall be”

**Amendment 4**—On page 2, line 31, after the period “.” insert: The provisions of this subsection shall apply to the child or children of any law enforcement officer who was killed on or after January 1, 1980.

**Amendment 5**—On page 4, lines 1 and 2, strike “in lieu of any death benefit payable under s. 112.19, Florida Statutes, but shall be”

**Amendment 6**—In title on page 1, line 9, before word “providing” insert: providing for presumption of eligibility;

**Amendment 7**—In title on page 1, line 5, before word “providing” insert: defining law enforcement officer to include correctional officers;

On motion by Senator Dunn, by two-thirds vote SB 754 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

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

Nays—None

**SB 738**—A bill to be entitled An act relating to state employment; providing a short title; providing definitions; authorizing state agencies to provide for the protection of employees and certain others from terrorist acts while present in foreign countries on state business; providing for payment of certain moneys to such persons damaged by terrorist acts; requiring the Administration Commission to adopt rules for the payment of specified expenses of such persons; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Dunn and adopted:

**Amendment 1**—On page 2, lines 1-3, strike “by a hostile foreign government that is in direct contravention of traditional due process as observed in this state” and insert: that unjustly deprives a state employee or authorized person of his liberty by or under the authority of any foreign government.

Senator Dunn moved the following amendment which was adopted:

**Amendment 2**—On page 3, line 6, strike “\$50,000” and insert: \$20,000

On motion by Senator Dunn, by two-thirds vote SB 738 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Grizzle

Vote after roll call:

Yea—Jenne, Thomas, Vogt

On motion by Senator Dunn, 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 refused to concur in Senate Amendments 1 & 2 to HB 1200 and requests the Senate to recede and in the event the Senate refuses to recede, requests a Conference Committee.

*Allen Morris, Clerk*

On motions by Senator Dunn, the Senate refused to recede from Senate amendments to HB 1200 and acceded to the request for a conference committee. The President appointed Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiassen, Grizzle, McKnight, Maxwell; alternates: Senators Kirkpatrick, McClain and Stuart and/or Vogt. The action of the Senate was certified to the House.

**SPECIAL ORDER, continued**

By the Committee on Judiciary-Civil—

**CS for SB 654**—A bill to be entitled An act relating to court appointed attorneys in criminal cases; amending s. 27.52(2)(d), Florida Statutes, 1980 Supplement; providing that a nonindigent parent or legal guardian of a dependent minor shall furnish such minor with legal services and costs in certain instances; providing that when the court appoints an attorney to represent a minor the parents or the legal guardian shall be liable for the costs of such representation not to exceed \$1,250; providing the court shall determine the amount of the obligation; amending s. 27.53, Florida Statutes, 1980 Supplement; providing for procedure for appointment of court appointed attorneys; providing method of determining compensation for such attorneys; amending s. 925.035, Florida Statutes; providing for appointment of and compensation for court appointed attorneys in capital cases; amending s. 925.036, Florida Statutes, 1980 Supplement; providing attorney's fees and maximum in fees a court appointed attorney shall be compensated in criminal cases; providing an effective date.

—was read the first time by title and SB 654 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 654 was read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 3, strike lines 30 and 31 and on page 4, strike lines 1-3 and insert: interest, it shall be his duty to ~~move certify such fact to the court, and the court to shall appoint other counsel.~~ *The court may appoint either:*

(a) One or more members of The Florida Bar, who are in no way affiliated with the public defender, *in his capacity as such, or in his private practice,* to represent those accused; or

(b) *Appoint a public defender from another circuit. Such public defender shall be provided office space, utilities, telephone*

services, and custodial services as may be necessary for the proper and efficient function of the office, by the county in which the trial is held.

However, the trial court shall

**Amendment 2**—On page 3, lines 30 and 31, strike “certify such fact to the court, and the court shall” and insert: *move the court to certify such fact to the court, and the court shall*

**Amendment 3**—On page 4, lines 28 and 29, strike “certify such fact to the court, and the court shall” and insert: *move the court to*

**Amendment 4**—In title on page 1, line 16, after the semicolon “(;)” insert: providing for the appointment of a public defender;

On motions by Senator Hair, by two-thirds vote CS for SB 654 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Grizzle	Margolis	Stevens
Anderson	Hair	McClain	Stuart
Beard	Henderson	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Johnston	Peterson	Trask
Dunn	Langley	Poole	Ware
Frank	Lewis	Rehm	Winn

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Renick, Skinner, Vogt

By the Committee on Commerce and Senator Poole—

CS for CS for SB 252—A bill to be entitled An act relating to the solicitation of contributions; revising part II of chapter 496, Florida Statutes; regulating the solicitation of contributions by persons or groups which hold themselves out to be solicited by the use of a name which implies affiliation with or organized for the benefit of certain law enforcement officers, correctional officers, firefighters, or emergency medical service employees; prescribing powers and duties of the Department of State; requiring registration with the department by such persons and groups and by professional solicitors; requiring certain statements to be filed with and approved by the department prior to soliciting contributions; specifying application and registration fees; requiring a bond from professional solicitors; providing exemptions from registration requirements; requiring certain records to be maintained and open for inspection; prohibiting certain conduct and requiring certain conduct in the solicitation of contributions; providing criminal penalties; providing for suspension or revocation of registration; authorizing the Department of Legal Affairs to seek imposition of civil penalties and other remedies when contributions are unlawfully solicited; providing for the disposition of civil penalties, court costs, and attorneys’ fees recovered; providing an effective date.

—was read the first time by title and SB 252 and CS for SB 252 were laid on the table.

On motions by Senator Poole, by two-thirds vote CS for CS for SB 252 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—31

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

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick, Thomas, Trask, Vogt

SB 891—A bill to be entitled An act relating to victims of crime; creating the Florida Crime Victims’ Bill of Rights and Recovery Act; granting certain crime victims the right to appear and be heard in criminal proceedings; prescribing duties of state attorneys with respect to victims; providing a statutory cause of action whereby persons who suffer personal injury or property damage as a result of certain crimes, and the personal representative of such persons on behalf of survivors and the estate, may recover damages, punitive damages, and certain costs and attorneys’ fees; providing that directors and officers of corporations are liable under certain circumstances; prescribing venue and burden of proof in such actions; precluding certain defenses; providing that a judgment in favor of the state in a criminal proceeding estops the defendant in a civil action with respect to certain matters; providing that victims have a right to establish a lien against the proceeds derived from the commission of certain crimes; providing for injunctions and prescribing remedies available; providing for representation of state agencies; authorizing certain criminal discovery information to be made available; prescribing the statute of limitations for such civil actions and providing for suspension of the statute of limitations; providing that remedies are supplemental; providing for offset of other awards; 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 Dunn and adopted:

**Amendment 1**—On page 3, line 20, after the word “merits” insert: , provided any testimony of the victim is otherwise admissible

**Amendment 2**—On page 6, strike line 13 and insert: (n) Any felony described in sections 812.014, 812.019, or 812.13, Florida

**Amendment 3**—On page 6, strike all of lines 26 and 27 and insert: (s) Any felony described in Chapter 832, Florida Statutes, relating to issuance of worthless checks and drafts, if the offense involves an amount of \$2,500 or greater.

**Amendment 4**—On page 8, strike all of lines 19 and 20 and renumber subsequent subsections

**Amendment 5**—On page 8, strike all of lines 21 and 22 and insert: (4) The

**Amendment 6**—On page 10, after line 31, insert: This section shall not be construed to require disclosure of an attorney’s work product.

Senator Dunn moved the following amendments which were adopted:

**Amendment 7**—On page 4, strike line 31 and on page 5, strike lines 1-8, and insert: or accessory,

**Amendment 8**—On page 8, line 11, after the word “survivors” insert: pursuant to ss. 768.16-768.27, Florida Statutes, the Florida Wrongful Death Act,

**Amendment 9**—On page 8, strike all of lines 24-27 and insert: fact by the greater weight of the evidence.

Senator Langley moved the following amendment which was adopted:

**Amendment 10**—On page 5, line 25, strike “and vehicular homicide” and insert: but excluding ss. 782.071.

On motion by Senator Dunn, by two-thirds vote SB 891 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
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gordon	Lewis	Scott	Winn
Grizzle	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

## Nays—None

SB 709—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.23, Florida Statutes, providing supplemental pay to qualified personnel of the Florida National Guard; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Steinberg and adopted:

Amendment 1—On page 2, lines 5-7, strike “, and who do not continue to receive their normal or regular civilian employment compensation”

On motion by Senator Steinberg, by two-thirds vote SB 709 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

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

## Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick

On motion by Senator Anderson the rules were waived and the Senate immediately reconsidered the vote by which—

CS for CS for SB 252—A bill to be entitled An act relating to the solicitation of contributions; revising part II of chapter 496, Florida Statutes; regulating the solicitation of contributions by persons or groups which hold themselves out to be solicited by the use of a name which implies affiliation with or organized for the benefit of certain law enforcement officers, correctional officers, firefighters, or emergency medical service employees; prescribing powers and duties of the Department of State; requiring registration with the department by such persons and groups and by professional solicitors; requiring certain statements to be filed with and approved by the department prior to soliciting contributions; specifying application and registration fees; requiring a bond from professional solicitors; providing exemptions from registration requirements; requiring certain records to be maintained and open for inspection; prohibiting certain conduct and requiring certain conduct in the solicitation of contributions; providing criminal penalties; providing for suspension or revocation of registration; authorizing the Department of Legal Affairs to seek imposition of civil penalties and other remedies when contributions are unlawfully solicited; providing for the disposition of civil penalties, court costs, and attorneys' fees recovered; providing an effective date.

—passed this day.

Senator Kirkpatrick moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 8, strike all of lines 10-14 and insert: *Accountancy.*

CS for CS for SB 252 as amended was read 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	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenkins	Peterson	Tobiassen
Carlucci	Jenne	Poole	Trask
Childers, D.	Jennings	Rehm	Vogt
Dunn	Johnston	Renick	Ware
Frank	Kirkpatrick	Scott	Winn
Gordon	Langley	Skinner	
Grizzle	Lewis	Steinberg	

## Nays—None

Vote after roll call:

Yea—Neal

On motion by Senator Stuart, 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 CS for HB's 1142 and 334 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Retirement, Personnel and Collective Bargaining and Representative Hollingsworth—

CS for HB's 1142 and 334—A bill to be entitled An act relating to state attorneys and public defenders; amending s. 27.25(1) and (2), Florida Statutes, and s. 27.53(1), Florida Statutes, 1980 Supplement; removing the maximum limitation on salaries that may be paid to personnel employed by a state attorney or a public defender; requiring state attorneys and public defenders to annually submit a classification and pay plan; providing that the executive director's salary shall not exceed 90 percent of the state attorney's salary; amending s. 27.181(4), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant state attorneys; amending s. 27.5301(2), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant public defenders; providing an effective date.

—was read the first time by title. On motion by Senator Stuart, the rules were waived and the bill was placed on the calendar.

## SPECIAL ORDER, continued

On motion by Senator Stuart, CS for HB's 1142 and 334, a companion measure, was substituted for CS for SB 1010. On motions by Senator Stuart, by two-thirds vote CS for HB's 1142 and 334 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

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

## Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1010 and SB 1010 were laid on the table.

On motion by Senator Gordon, the rules were waived and the Senate immediately reconsidered the vote by which CS for HB's 1142 and 334 passed.

On motion by Senator Gordon, the Senate reconsidered the vote by which CS for HB's 1142 and 334 was read the third time.

Further consideration of CS for HB's 1142 and 334 was deferred.

SB 1024—A bill to be entitled An act relating to driving under the influence; creating s. 316.665, Florida Statutes; providing for the establishment of the DWI Schools Coordination Trust Fund; providing for an assessment against persons convicted of certain traffic offenses; providing for administration and use of the fund; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, strike "\$2" and insert: §3

On motion by Senator Stuart, by two-thirds vote SB 1024 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	McKnight	Stuart
Anderson	Hill	Neal	Thomas
Beard	Jenne	Peterson	Tobiassen
Carlucci	Jennings	Poole	Trask
Childers, D.	Johnston	Renick	Vogt
Dunn	Langley	Scott	Ware
Frank	Lewis	Skinner	Winn
Grizzle	Margolis	Steinberg	
Hair	Maxwell	Stevens	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McClain, Rehm

Senator Stuart presiding

SB 111—A bill to be entitled An act relating to traffic control; amending s. 316.006(2), Florida Statutes; exempting traffic control of county roads within municipalities from jurisdiction of such municipalities; creating s. 316.0748, Florida Statutes; providing legislative intent; providing definitions; providing a phase-in period; providing a signal installation warranting procedure; assigning signal installation, operation, and maintenance responsibilities and costs; providing for written agreements; providing for a technical competence certification; providing for equipment ownership; providing for assignment and re-execution of existing agreements; amending s. 338.21(2), Florida Statutes; requiring sharing of the cost of maintenance of warning signals installed at railway-highway crossings; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Beard:

Amendment 1—On page 7, strike all of line 21 through and including line 31 and insert: (2) Every railroad company maintaining a public railway-highway crossing shall, upon reasonable demand and notice from the department, install, maintain, and operate at such crossing an automatic signals flashing light signal and ringing bell, the design of which shall be approved by the department, so that it will give to the users of such road reasonable warning of the approach of trains or cars on the tracks of said railroad company, the cost of such signals and the expense of installation to be paid from the moneys described in subsection (1). *The annual cost of maintenance*

*of all automatic signals at public railway-highway crossings shall be shared equally by the railroad company and*

The Committee on Commerce recommended the following substitute amendment which was moved by Senator Beard and adopted:

Amendment 2—On page 7, line 17, strike all of section 3 (Renumber subsequent sections.)

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

Amendment 3—In title on page 1, line 18, after "maintenance of" insert: all automatic

Amendment 4—In title on page 1, line 19, after "at" insert: public

Amendment 5—In title on page 1, lines 16-19, strike everything after semicolon

On motion by Senator Beard, by two-thirds vote SB 111 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	Henderson	McClain	Steinberg
Anderson	Hill	McKnight	Stevens
Beard	Jenkins	Neal	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiassen
Dunn	Langley	Rehm	Trask
Frank	Lewis	Renick	Vogt
Gordon	Margolis	Scott	Ware
Hair	Maxwell	Skinner	

Nays—1

Grizzle

Vote after roll call:

Yea—Jenne, Kirkpatrick

SB 590—A bill to be entitled An act relating to the district school system; amending s. 230.23(6)(d), Florida Statutes, 1980 Supplement; requiring that the code of student conduct shall contain notice that certain violations are grounds for expulsion; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 9, after "possession" insert: or sale

On motion by Senator Renick, by two-thirds vote SB 590 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	Henderson	Margolis	Skinner
Anderson	Hill	McClain	Steinberg
Beard	Jenkins	McKnight	Stevens
Carlucci	Jenne	Neal	Stuart
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Grizzle	Langley	Renick	Winn
Hair	Lewis	Scott	

Nays—None

SB 720—A bill to be entitled An act relating to recovery of stolen motor vehicles; amending s. 812.062, Florida Statutes,

1980 Supplement; providing that the law enforcement agency recovering an unlawfully taken motor vehicle shall inform the owner of record, the reporting agency, and any lienholder of record by whatever means available; providing for notification of the owner by certified mail under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 720 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

#### MOTIONS RELATING TO COMMITTEE REFERENCE

##### The President presiding

On motion by Senator Dunn, by two-thirds vote SJR 845, SB 846 and SB 847 were added to the special order calendar for consideration at 2:00 p.m. this day.

On motion by Senator Gordon, the rules were waived and the Committee on Appropriations was granted permission to consider HB 1226, SB 712 and SB 528 on May 29.

Senator Gordon announced that the Senate conferees on HB 1200 would meet upon recess and also would meet with the House conferees at 8:30 a.m., May 29, in the Senate Appropriations conference room.

On motion by Senator Trask, the rules were waived and by two-thirds vote SR 1068 was withdrawn from the Committee on Rules and Calendar.

SR 1068—A resolution honoring Florida's four living former Attorneys General for their distinguished service to the state.

—was read the second time in full. On motion by Senator Trask, SR 1068 was 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	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn

Nays—None

All senators voting in the affirmative were recorded as co-introducers of SR 1068.

On motion by Senator Dunn, the President appointed Senators Trask, Skinner and Scott as a committee to escort former Attorneys General Richard W. Ervin, James W. Kynes, Earl Faircloth and Robert Shevin to the rostrum where they were presented copies of the resolution. They were accompanied by Attorney General Jim Smith who addressed the Senate.

#### SPECIAL ORDER, continued

By the Committee on Appropriations and Senators Dunn, Steinberg, Carlucci, Vogt, Stuart and Gordon—

CS for SB 7—A bill to be entitled An act relating to mediation of disputes between citizens; authorizing the establishment of Citizen Dispute Settlement Centers; requiring appointment of a council to adopt certain rules for the administration of such a center; prohibiting such a center from making or imposing any adjudication, settlement, or penalty; providing for confidentiality of certain information; providing for referral of disputes to certain agencies; authorizing the seeking and acceptance of funds from certain sources and the expenditure of such funds; providing exemptions for certain existing centers; creating s. 90.5065, Florida Statutes; providing that Citizen Dispute Settlement Center proceeding matter or communications are privileged; providing an effective date.

—was read the first time by title and SB 7 was laid on the table.

On motion by Senator D. Childers, by two-thirds vote CS for SB 7 was read the second time by title.

Senators D. Childers, Barron and Ware offered the following amendment which was moved by Senator D. Childers and adopted:

Amendment 1—On page 1, strike all of lines 23 and 24 and insert "after consultation with": and upon the affirmative vote of a majority of the members of the board of county commissioners of a county or after consultation with and upon approval of the majority of the members of two or more boards of county commissioners of

On motion by Senator D. Childers, by two-thirds vote CS for SB 7 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gordon	Langley	Stuart
Anderson	Hair	Margolis	Thomas
Barron	Henderson	Maxwell	Tobiasen
Beard	Hill	McKnight	Trask
Carlucci	Jenne	Peterson	Vogt
Childers, D.	Jennings	Poole	Winn
Dunn	Johnston	Skinner	
Frank	Kirkpatrick	Steinberg	

Nays—8

Grizzle	McClain	Rehm	Stevens
Jenkins	Neal	Scott	Ware

Vote after roll call:

Yea—Renick

Yea to Nay—Barron

The Senate resumed consideration of—

CS for HB's 1142 and 334—A bill to be entitled An act relating to state attorneys and public defenders; amending s. 27.25(1) and (2), Florida Statutes, and s. 27.53(1), Florida Statutes, 1980 Supplement; removing the maximum limitation on salaries that may be paid to personnel employed by a state attorney or a public defender; requiring state attorneys and public defenders to annually submit a classification and pay plan; providing that the executive director's salary shall not exceed 90 percent of the state attorney's salary; amending s. 27.181(4), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant state attorneys; amending s. 27.5301(2), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant public defenders; providing an effective date.

On motion by Senator Steinberg, by two-thirds vote CS for HB's 1142 and 334 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Beard	Dunn	Grizzle
Anderson	Carlucci	Frank	Henderson
Barron	Childers, D.	Gordon	Jenkins

Jenne	Margolis	Rehm	Stuart
Jennings	Maxwell	Renick	Thomas
Johnston	McClain	Scott	Tobiassen
Kirkpatrick	McKnight	Skinner	Trask
Langley	Neal	Steinberg	Vogt
Lewis	Peterson	Stevens	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 829—A bill to be entitled An act relating to motor vehicle records; amending s. 322.201, Florida Statutes, authorizing the use of computer copies in certain court proceedings; eliminating certification by the Department of Highway Safety and Motor Vehicles of certain records; permitting access to departmental computer records under certain circumstances; providing for proof of giving of notice of cancellation, suspension, or revocation of drivers' licenses; 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. Subsection (1) of section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2) and (4) available to him but must appear before the designated official at the time and location of the scheduled hearing.

(1) Any infraction which results in an accident that causes the death or personal injury of another or property damage in excess of \$750 ~~\$250~~;

(Renumber subsequent sections.)

Amendment 2—On page 1, line 31, after "above" insert: ; however if a genuine issue as to the authenticity of said information is raised by a party or by the court, the court in its sound discretion may require that a record certified by the department be submitted for admission into evidence

Amendment 3—In title on page 1, between lines 2 and 3, insert: amending s. 318.19(1), Florida Statutes, increasing the property damage threshold for infractions for which a hearing is required;

Pending further consideration of SB 829 as amended, on motion by Senator McKnight, 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 992 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gersten—

HB 992—A bill to be entitled An act relating to motor vehicle records; amending s. 318.19(1), Florida Statutes, increasing the property damage threshold for infractions for which a hearing is required; amending s. 322.201, Florida Statutes, authorizing the use of computer copies in certain court proceedings; eliminating certification by the Department of Highway Safety and Motor Vehicles of certain records; permitting access to departmental computer records under certain circumstances; providing for proof of giving of notice of cancellation, suspension, or revocation of drivers' licenses; providing an effective date.

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

SPECIAL ORDER, continued

On motions by Senator McKnight, by two-thirds vote HB 992, a companion measure, was withdrawn from the Committee on Rules and Calendar and substituted for SB 829. On motions

by Senator McKnight, by two-thirds vote HB 992 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 829 was laid on the table.

SB 136—A bill to be entitled An act relating to public retirement systems; requiring the forfeiture of certain benefits under any such system by any officer or employee convicted of a felony involving the use of such office or employment; providing for a forfeiture hearing and for appeal from a forfeiture order; providing for the return of certain benefits; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Carlucci and adopted:

Amendment 1—On page 1, line 26, strike "wrongfully" and insert: willfully and unlawfully

On motion by Senator Carlucci, by two-thirds vote SB 136 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	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Barron	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Winn
Gordon	Lewis	Scott	
Hair	Margolis	Skinner	

Nays—None

By the Committee on Judiciary-Criminal and Senators Anderson, Renick, McKnight and Trask—

CS for SB 432—A bill to be entitled An act relating to theft; amending s. 812.015, Florida Statutes, 1980 Supplement, to include farm theft; providing definitions; including farm produce in the minimum penalties for second convictions for certain theft; authorizing farmers to detain persons for theft under certain conditions; authorizing police officers to make arrests on or off the premises of commercial or private farm lands; exempting certain individuals who cause an arrest of a person for theft from certain criminal or civil liability; prohibiting persons from resisting attempts to recover stolen property by certain authorized agents including farmers under certain circumstances; providing penalties; providing an effective date.

—was read the first time by title and SB 432 was laid on the table.

On motion by Senator Anderson, by two-thirds vote CS for SB 432 was read the second time by title.

Senator Anderson moved the following amendments which were adopted:

Amendment 1—On page 2, line 23, after the period insert: No person defined as a farm labor contractor pursuant to s. 450.28 shall be designated to act as an agent for purposes of this section.

**Amendment 2**—On page 3, line 15, after the period insert: In the case of a farmer, said taking into custody shall be effectuated only on property owned or leased by said farmer.

Pending further consideration of CS for SB 432 as amended, on motion by Senator Anderson, the rules were waived and by two-thirds vote HB 109 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Anderson—

**HB 109**—A bill to be entitled An act relating to theft; amending s. 812.015, Florida Statutes, 1980 Supplement, to include farm theft; providing definitions; including farm produce in the minimum penalties for second convictions for certain theft; authorizing farmers to detain persons for theft under certain conditions; authorizing police officers to make arrests on or off the premises of commercial or private farm lands; exempting certain individuals who cause an arrest of a person for theft from certain criminal or civil liability; prohibiting persons from resisting attempts to recover stolen property by certain authorized agents including farmers under certain circumstances; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 432 and read the second time by title.

Senator Dunn moved the following amendment which failed:

**Amendment 1**—On page 3, line 17, after "time" insert: ; provided, however, that a farmer, merchant or a merchant's employee shall not use deadly force to detain

On motion by Senator Anderson, by two-thirds vote HB 109 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Jenkins	McClain	Skinner
Beard	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Hair	Langley	Rehm	Vogt
Henderson	Lewis	Renick	Ware
Hill	Maxwell	Scott	

Nays—4

Carlucci	Gordon	Margolis	Steinberg
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Vote after roll call:

Yea—W. D. Childers, Thomas

CS for SB 432 was laid on the table.

By the Committee on Judiciary-Criminal—

**CS for SB 148**—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.193(3), (5), Florida Statutes, 1980 Supplement; decreasing the unlawful blood alcohol level; expanding alcohol education courses to provide substance abuse education; expanding alcohol treatment and evaluation to provide substance abuse evaluation and treatment; defining "substance abuse"; amending s. 322.261, Florida Statutes; providing that a person operating a motor vehicle within this state consents to a urine test for the purpose of detecting the presence of controlled substances; providing that a chemical breath and urine test may be administered if a person is arrested for any offense committed while in actual physical control of a motor vehicle; requiring the administration of a urine test in a reasonable manner; authorizing license suspension periods for refusal to submit to a chemical urine test; providing procedures for the suspension of the driving privilege for refusal to submit to such a test or tests; providing that a driver consents to a chemical blood test when the administration of a chemical breath or urine test is impractical or impossible; authorizing license suspension periods for refusal to submit to a chemical blood test; increasing the suspension periods for refusal to submit to a chemical breath test under certain circumstances; requiring substantial compliance with approved testing methods for test results to be valid;

providing that a person may request a chemical test of his urine or blood; authorizing the withdrawal of blood by a certified paramedic; providing a certified paramedic immunity from liability as a result of the proper withdrawal of blood; providing that chemical, breath, and urine tests be administered at the direction of a law enforcement officer; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; authorizing the law enforcement officer to use reasonable force to require such person to submit to a blood test; requiring the administration of the blood test in a reasonable manner; authorizing certain persons to withdraw blood; providing for approved testing methods; requiring substantial compliance with approved methods; allowing criminal charges to be tried concurrently; amending s. 322.262, Florida Statutes; providing that test results shall be admissible into evidence; requiring substantial compliance of chemical test analyses with approved methods; providing that any person charged with driving a motor vehicle while under the influence of controlled substances shall be entitled to trial by jury; amending s. 322.28(1), (2)(a), (d), (e), Florida Statutes, 1980 Supplement; providing for the suspension or revocation of a driver's license or driving privilege upon conviction for the offense of driving a motor vehicle under the influence of controlled substances; providing for education of substance abusing drivers; providing that a temporary permit is valid until a hearing is held or a determination is made that no hearing shall be held; amending s. 316.066(4), Florida Statutes, 1980 Supplement; excluding chemical test results from the confidential privilege afforded by the subsection; amending s. 322.271(1)(a), Florida Statutes; excluding persons who refuse to consent to required chemical breath, urine, and blood tests from modification of a driver's license revocation or suspension; providing an effective date.

—was read the first time by title and SB 148 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 148 was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 7, line 21, after the word "tests." insert: *Refusal to submit to such a chemical blood test shall be admissible into evidence in a criminal proceeding.*

**Amendment 2**—On page 1, line 22, after the word "test;" insert: providing that refusal to submit to chemical tests shall be admissible in criminal proceedings;

**Amendment 3**—On page 5, line 23, strike "curl or"

**Amendment 4**—On page 6, line 6, strike "or urine"

**Amendment 5**—On page 11, strike lines 18-22 and insert: (2)(a) The test determining the weight of alcohol in the defendant's blood shall be administered at the direction of the arresting officer *substantially* in accordance with rules and regulations which shall have been adopted by the *Department of Health and Rehabilitative Services* department. Such rules

**Amendment 6**—On page 16, strike lines 8 and 9 and insert: (3) Chemical analyses of the person's blood or breath for the purpose of determining the weight of alcohol in the person's blood, in order to be considered valid under the provisions

**Amendment 7**—On page 13, line 30, after the word "blood" insert: for the purpose of determining the weight of alcohol in the defendant's blood

Further consideration of CS for SB 148 was deferred.

On motion by Senator Dunn, the rules were waived and all bills passed this day, except HB 109, were ordered immediately certified to the House after being engrossed.

On motion by Senator Dunn, the rules were waived and the Senate recessed at 11:57 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—22:

Table listing members present: Mr. President, Anderson, Beard, Carlucci, Childers, D., Dunn, Frank, Hair, Jenne, Johnston, Kirkpatrick, Margolis, McKnight, Rehm, Scott, Skinner, Steinberg, Stevens, Thomas, Tobiasen, Ware, Winn.

On motions by Senator Dunn, by two-thirds vote Senate Bills 723, 726, 727, 728, 729, 730 were placed on the special order calendar and by unanimous consent taken up out of order.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 1040 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

HB 1040—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 40.03, 40.04, 40.05, 40.06, 40.061, 40.08, 40.09, 40.10, 40.101, 40.11, 40.13, 40.20, 40.22, 40.25, 40.27, 40.28, 40.36, 40.39, 40.40, 40.42, 40.43, 222.06, 232.031, 320.0806, 330.45, 330.46, 330.47, 330.48, 330.49, 330.491, 330.492, 330.50, 330.51, 330.52, 330.53, 350.07, 350.08, 350.09, 350.10, 350.11, 350.12, 350.13, 350.14, 350.15, 350.16, 350.17, 350.18, 350.19, 350.22, 350.23, 350.24, 350.28, 350.29, 350.30, 350.31, 350.32, 350.33, 350.34, 350.35, 350.36, 350.37, 350.38, 350.39, 350.42, 350.43, 350.44, 350.45, 350.46, 350.47, 350.48, 350.49, 350.50, 350.51, 350.52, 350.53, 350.54, 350.55, 350.56, 350.57, 350.58, 350.59, 350.60, 350.61, 350.62, 350.63, 350.631, 350.64, 350.641, 350.65, 350.66, 350.67, 350.76, 350.771, 350.78, 350.781, 350.79, 364.41, 364.42, 364.43, 403.710, 449.01, 449.015, 449.02, 449.021, 449.022, 449.023, 449.024, 449.025, 449.026, 449.03, 449.04, 449.05, 449.06, 449.07, 449.08, 449.09, 449.10, 449.11, 449.13, 449.14, 449.141, 449.15, 449.16, 449.17, 468.150, 468.151, 468.152, 468.153, 468.154, 469.155, 468.156, 468.157, 468.158, 468.159, 468.160, 468.161, 468.162, 468.1625, 490.12, 490.13, 490.14, 490.15, 490.16, 490.17, 490.18, 490.19, 490.20, 490.21, 490.22, 490.23, 490.24, 490.25, 490.26, 490.27, 490.28, 490.29, 490.30, 490.31, 490.33, 492.01, 492.02, 492.03, 492.04, 492.05, 492.06, 492.07, 492.08, 492.09, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 492.18, 492.19, and 492.20, Florida Statutes, all of which sections have been repealed, but none of which sections were repealed by a "current session" of the Legislature, as is required by s. 11-242(5)(b), Florida Statutes, in order for such sections to be omitted from publication in Florida Statutes 1981 without further legislative action.

—a companion measure, was substituted for SB 723 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1040 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Table listing members present for yeas: Mr. President, Anderson, Beard, Carlucci, Childers, D., Dunn, Frank, Hair, Jenne, Johnston, Kirkpatrick, Margolis, McKnight, Rehm, Scott, Skinner, Steinberg, Stevens, Thomas, Tobiasen, Ware, Winn.

Nays—None

Vote after roll call:

Yea—Hill, Peterson, Renick, Vogt
SB 723 was laid on the table.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 1039 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

HB 1039—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 120.52(1), 440.021, 440.24(1)-(3), 440.41(2), (3), 440.44(9), and 440.49(2)(i), Florida Stat-

utes, and ss. 440.15(6)(b), (7) and 440.25(4), Florida Statutes (1980 Supplement); repealing ss. 20.171(3)(b), (4), 440.02(8)(a), 440.27, Florida Statutes; conforming these sections to s. 35, ch. 79-40, Laws of Florida, which changed the title of judges of industrial claims to "deputy commissioners," and s. 46, ch. 79-40, Laws of Florida, as amended by s. 1, ch. 79-312, Laws of Florida, which abolished the Industrial Relations Commission; and deleting provisions which have terminated pursuant to s. 14, ch. 79-312, Laws of Florida, or which have served their purpose.

—a companion measure, was substituted for SB 726 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1039 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Table listing members present for yeas: Mr. President, Anderson, Beard, Carlucci, Childers, D., Dunn, Frank, Grizzle, Hair, Henderson, Hill, Jenkins, Jenne, Jennings, Johnston, Kirkpatrick, Lewis, Margolis, Maxwell, McClain, McKnight, Rehm, Scott, Skinner, Steinberg, Stevens, Thomas, Tobiasen, Ware, Winn.

Nays—None

Vote after roll call:

Yea—Peterson, Renick, Vogt
SB 726 was laid on the table.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 1036 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

HB 1036—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 23.0191(1), 23.151(1), 23.152(3)(d), 23.154(1), 163.03(1), 163.3164(18), 165.031(6), 165.052(2), 171.042(2), 189.003(2), 189.004, 189.006(1), 218.411(1)(c), 255.042(3), (4), 288.32(2), 292.05(2), 292.07(3)(b), 292.11(4), 377.703(4), 380.11, 403.504(7), (8)(c), 403.508(4)(a), 409.503(1), 409.506, 418.12(2), 420.111(8), 420.202(1), (6), 420.424(1), (2), 421.001, 422.001, 423.001, 424.001, 424.03, 424.04, 424.05, 424.06, 424.07, 424.08, 424.09(1), 424.10(1), (3), 424.12, 424.13, 424.14(1), 424.15, 424.16, 424.17, 424.18, 424.19, 424.20, 424.21, 424.22, 450.211(1), 450.261, 553.36(1), (6), 553.71(2), (4), 617.70(3), 744.421, and 943.405(1), (2), Florida Statutes; ss. 11.45(3)(a), 145.19(2), 218.32(1)(c), 218.38(3)(b), 220.03(1)(s), 220.181(2), (6), 375.021(2), 403.523(7), (8)(b), 403.524(2)(b), 403.526(1), (5), 403.527(3)(a), 403.723(7)(c), 427.012(1)(b), 553.901, and 943.25(3), (8), Florida Statutes (1980 Supplement); s. 160.003(6), Florida Statutes (1980 Supplement), enacted as s. 160.03(6) by s. 3, ch. 80-315, Laws of Florida; s. 160.02(8), Florida Statutes (1980 Supplement), enacted as s. 160.06(8) by s. 3, ch. 80-315, Laws of Florida; s. 190.009(3), Florida Statutes (1980 Supplement), enacted as s. 189.109(3) by s. 2, ch. 80-407, Laws of Florida; s. 220.182(9), Florida Statutes (1980 Supplement), enacted as s. 220.18(9) by s. 3, ch. 80-248, Laws of Florida; s. 220.183(3)(c), (f), Florida Statutes (1980 Supplement), enacted as s. 4(3), (4), ch. 80-249, Laws of Florida; s. 288.604(1), (5), Florida Statutes (1980 Supplement), enacted as s. 4(1), (5), ch. 80-250, Laws of Florida; s. 295.17(1)(a), Florida Statutes (1980 Supplement), enacted as s. 292.055(1)(a) by s. 1, ch. 80-61, Laws of Florida; s. 420.504(1), Florida Statutes (1980 Supplement), enacted as s. 420.511(1) by s. 1, ch. 80-161, Laws of Florida; and s. 420.506, Florida Statutes (1980 Supplement), enacted as s. 420.513 by s. 1, ch. 80-161, Laws of Florida; replacing references to the "Department of Community Affairs" with "Department of Veteran and Community Affairs" and references to the "Secretary of Community Affairs" with "Secretary of Veteran and Community Affairs" to conform to chapter 80-61, Laws of Florida, which changed the names of the department and its secretary, and otherwise improving clarity.

—a companion measure was substituted for SB 727 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1036 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Neal, Peterson, Renick, Vogt

SB 727 was laid on the table.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 1037 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

HB 1037—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 175.032(2)-(5), 175.061, 175.071(1)-(4), (8), 175.081(1), (3), (7)-(9), 175.091, 175.101, 175.122, 175.131, 175.162, 175.171, 175.181, 175.191, 175.201, 175.211, 175.231, 175.251, 175.261, 175.291, 175.301, 175.321, 175.351, and 175.361(2), (3), Florida Statutes, and repealing s. 175.011, Florida Statutes, all relating to municipal firefighters' pension trust funds (formerly designated as municipal firemen's pension trust funds); replacing the terms "fireman," "fireman's," "firemen," and "firemen's" with, respectively, "firefighter," "firefighter's," "firefighters," and "firefighters" in order to conform these provisions to the changes in terminology made by chs. 79-380 and 79-388, Laws of Florida; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; repealing an obsolete provision; and otherwise improving the clarity of these provisions and facilitating their correct and proper interpretation.

—a companion measure, was substituted for SB 728 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1037 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Vogt

SB 728 was laid on the table.

On motion by Senator Scott, the rules were waived and by two-thirds vote HB 1038 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

HB 1038—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 23.0113(1), 110.124(2), (4), 110.227(4), (5), 112.044(4), 215.18, 216.141(1), 216.181(1)-(3), (6), 216.182, 216.192(1), (3), (4), 216.201, 216.212(1), (3), 216.231(1), 216.262(1)(a), (b), (2), 216.292(2)-(4), 216.301(1)(a), (2), (3)(a), 240.213(3), 252.32(1)(a), (b), 252.34(4), 252.35(1), 252.36(8), (9), 252.38(3), 252.46(1), (2), 252.49, 287.083(2)(a), (3)(a), 288.503(7), 288.504(8), (9)(b), 288.509(1), (2), 288.51(2)(a), 377.608, 377.701(1), 403.507(1), 403.517(1)(c), 420.403(5), (7)-(10), 420.404(1), 420.405(1), (3), 420.406, 420.407, and 450.191(1)(g), Florida Statutes, and ss.

215.32(2)(b) and 377.703(3), Florida Statutes (1980 Supplement); conforming these sections to the reorganization of state planning and budgetary functions and the transfer of such functions among the Executive Office of the Governor, the Department of Administration, and the Department of Community Affairs by ch. 79-190, Laws of Florida; further conforming these sections to the renaming of the Department of Community Affairs as the Department of Veteran and Community Affairs by s. 2, ch. 80-61, Laws of Florida; and correcting grammatical errors in, and otherwise improving the clarity of, these sections.

—a companion measure, was substituted for SB 729 and read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1038 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Vogt

SB 729 was laid on the table.

SB 730—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.13(1)(a), 11.142, 11.148(10), 11.246(2)(f), 16.01(3), 20.14(2), 20.15(5), (6), 20.171(2), 20.19(9), 20.30(4), 23.015, 23.152(3)(a), (f), (8), 25.073(2), 25.122, 25.291, 28.2401(1)(a), 29.04(1), 30.30(1), 30.49(9), 38.07, 43.19(1), (4), 43.20(2), 43.29(3), 48.195, 61.052(1)(b), 83.802(2), 90.509, 92.141, 99.012(7), 101.692(3), 102.012(9), 106.025(1)(c), (2)(c), (g), 106.07(4)(m), 106.1405, 114.05(1)(a), (c), (e), 121.021(3), (34), 121.051(2)(b), 121.22(2), 123.05(1), (2), 123.41, 153.77, 163.01(9)(a), 163.3194(3)(a), 163.358(4), 165.031, 170.08, 171.031(11), 177.502, 189.005(1), 189.008(1), 195.087(1)-(a), 201.21, 206.055(1)(c), 206.07, 206.075(4), 206.08(1), 206.10, 206.11(2), 206.13, 206.19, 206.31, 206.35(1), 206.41(2)(b), (4)(b), 206.47(11), 206.59(2), 206.875(1), 206.88, 210.04(4)(a), 211.31, 212.05(6), 215.321, 229.512(7), 229.555(1)(b), (2), 229.814(5), 230.201, 230.23(6), 230.66(3), (4), (5), (6), 235.42(1), (2), (10), 238.01(6), (14), (15), 238.11(2)(a), 240.115(2), 240.133(3), 240.219, 240.241(3), (10), 240.243(2), 240.277, 240.307(1), 240.311(1)(b), (2), 240.313(3), (4), 240.315, 240.319(1), (3)(h), 240.343, 240.449, 240.513(3)(d), 253.023(3)(a), 253.025(5)(a), (7), 255.249(1), 258.024(2)(a), 267.0617(1), 283.04, 283.10(2), 283.28, 284.34, 284.38, 284.50(1)(d), 286.24, 288.503(13), 298.401(2), (3), 309.01(1), 310.002(3), (9), 310.011, 310.021(1), 310.131, 318.14(1), 319.22(2), 319.30(6), 320.36(1), 322.21(2), (5), 322.25(5), 325.22(1), 334.14(1), (2), 339.301(1), 348.217(7), 349.03(3), 349.04(3), 370.02(1), 372.001(11), 372.16(4), 372.5712(1), 372.73, 373.303(3), 373.309(4), 373.609, 374.761, 374.92(4), 380.05(18), 380.055(4), 382.19, 384.061, 388.43(2), 392.07(1), (2), 393.16(6), 395.0653(1), 395.507(1), 395.514, 400.021(12), 400.191(1)(e), 400.25, 400.261, 400.601(3), 401.23(14), (15), 401.35(5), 403.086(2), 403.121(2)(a), 409.506, 440.185(8), 440.37(2)(b), 440.39(1), 440.51(3), 446.011(2), 446.052(2), (3), 455.217(2), 455.221(2), 455.225(4), (7), 458.303(1), 458.307(3), 458.311(2), (3), 458.315(1), 458.317(1)(d), 458.321(3), 458.329, 458.331(2)(f), 458.333(4), 458.335(4), (5), 458.343, 458.347(6), 459.002(2), 459.009(3), 459.014, 459.0153(4), 459.0154(4), (5), 459.019, 459.022(6)(a), 460.409(3), 460.412, 460.413(2)(f), 461.008(3), 463.002(5), 463.008(3), 463.011, 463.014(2), 464.014(3), 464.017, 464.018(1)(f), (2)(e), 465.003(7), 465.012(3), 465.016(1)(k), (2)(e), 465.025(5), 465.185(2), 466.015(3), 466.017(3)(d), 466.027, 466.028(3), 468.1725(2), (3), 468.1735, 468.203(1), 470.002(19), (20), 470.016(3), 470.024(4), (9), 470.029, 471.013(2)(a), 471.019(3), 472.019(3), 472.021(1), 472.027, 473.312, 473.313(3), 473.314(4), 474.212(3), 475.181(2), 475.183(2), (3), 477.024, 481.209(2)(a), 481.315(1), 484.009(3), 486.021(4), 486.031(3)(b), 486.051(1), 486.104, 486.121, 486.172, 489.111(3)-(a), 489.129(1)(1), 489.131, 489.519(3), 489.537, 494.041, 494.072(3), 498.005(17), 498.025(4), 498.027(1)(h), 498.045(1), 498.

055, 500.1515, 504.012(2), 509.221(6), 509.241(1), 517.011, 517-101(1), 517.161(1)(g), 517.171, 517.191(1), (3), 517.302, 517-311(3), 517.32, 534.081(1), 550.03(2)(b), 550.164(3), 564.06(8), 581.186(1), 585.155(3), 601.159(3)(e), 607.111(6), 623.01, 624-507, 627.356(1)(b), 627.679(2), 627.826(2), 631.715(1), 631-718(2)(a), 631.724, 679.402(3)(c), 679.403(4), 687.12(1), 713.56, 713.57, 713.58(1), 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, 713.65, 713.66, 713.67, 713.68, 713.70, 717.19, 718.501(1), 719-501(1), 741.30, 767.05, 775.011(2), 817.234(1)(a), (2), 827.07(1), (2)(b), (h), (l), (10)(g), (12), (14), (15)(a), (e), (17), 849.093(3), 893.13(3)(b), 917.012(1)(b), 925.035(4), 940.05, 945.12(1), 947.165, 951.21(3), 951.23(3), (4)(a), and 959.011(1), (4), (5), (8), Florida Statutes, and ss. 11.6115(3)(a), 23.055(1), 25.251(1), 26.012(1), (2)(f), 39.02(1), 39.12(4), 55.03, 90-6063(7), 95.031, 98.081(1), 98.211(1), 101.21(2), 106.141(5)(b), (6), 111.07, 120.57(1)(a), 161.052(10), 161.053(12), 166.051, 170.09, 171.0413(5), 190.012(3)(b), 190.015, 190.023(4), 190.037, 190.041, 196.012(13), (14)(b), 206.974(2), 206.975(2)(b), 206-979(2), 206.985(1), 206.995, 208.001(2)(a), 208.002, 208.004(2), (5), 208.005, 212.04(2)(b), 212.08(5)(c), 212.15(2)(a), 215.431-1), 215.47(1), 218.23(1), 218.385(5), 220.03(1)(i), (m), (p), 220.183(5)(c), 228.062, 231.261(6)(b), (9), 233.063(1), 233-0677(2), 233.25(3)(b), 240.296(6)(a), 240.402(1)(b), 240.515-2)(a), 244.07(2), 250.482, 253.034(2), (4), 287.042(8), 288-03(23), (25), 288.606(1), 316.525(1), 316.545(6), (8)(b), 316-630(4)(a), 316.650(2), 318.18(2), (3), 320.77(3), 320.865, 351-005(1), 364.05(1), (3), 364.17, 365.05(1), 366.11(1), 367.123, 370.021(4), 370.10(2), 373.073(1), 373.536(1), 381.493(3)(s), 381.494(1)(c), 381.495(4), 394.4674(1), 400.23(3)(b), (d), (g), 400.419(1)(a), (6), 400.422(9), 403.523(11), 403.531(3), 403-703(24), 403.723(5), 409.266(7)(g), (9), 410.0241(5), (6), 421-05(1), 427.013(11)(b), 440.15(1)(e), (2)(b), 440.20(12)(b), 440.271, 443.036(16)(c), 443.141(2)(b), 455.219, 459.015(2)(f), 461.014(3), (5), 468.323(2), 468.329, 474.214, 477.019(1)(b), 481.329(5), 489.105(3)(f), (g), (i), (11), 493.301(1)(h), 500-1516, 501.1375(3), 502.055, 516.20(2), 517.301, 520.02(8), 527-02(1), (2), 527.062(1), 550.13(1)(b), 550.162(2), 551.06(5), 559.408(1), 559.43(2), 559.441(3)(b), (e), 559.482(4), 562.11-1)(b), 581.131, 586.14, 626.99(3)(f), (h), (4)(a), (6), 627-066(11)(a), 627.215(9)(a), 627.667(5), 627.674(2)(a), (3)(d), (j), 629.401(6)(b)10., 55., 633.521(6), 651.026(7)(b), 655.016, 655.037(6), 655.049, 655.057(5), 657.027(1)(c), 657.043(4)(e), 657.064(4), 658.12(4), (7), (11), (13), (14), (15), (17), (20), 658.14(6), (7), 658.19(1)(d), 658.22(1), 658.32, 658.46(5), 658-661.46, 661.48(2), (3), 663.06(2), 663.11, 664.07(1)(b), (c), (d), 665.012(17), 665.028(1)(c), 665.0701(2)(b), 713.585(2), 718.612(4)(b), 719.612(4)(b), 768.135, 806.14(2), 810.13(6), 893.135(1)(d), 943.0525, 943.43(1), 959.12, 960.03, and 960-06(1)(a), Florida Statutes (1980 Supplement); repealing ss. 11.242(5)(1), 20.01, 20.33, 28.091, 28.222(6), 34.023, 73.171, 153.95, 212.091, 212.141, 215.22(12), (13), (14), (15), (19), 229.805(4), 240.373, 240.415(3), 240.437(4), (5), 270.12, 270.13, 270.14, 270.15, 310.135, 320.8255(4), 344.25, 350.01(3), 364.44, 373.073(3), 373.074, 373.543(1), 401.33(2), 402.07(2), (6), (7), (8), 403.045, 403.414(1), 403.711, 489.107(7), 601.159(13), 658-051, 659.561, 659.562, 659.563, 659.564, 659.565, 947.135(5), 947.172(4)(c), and 959.06(1), Florida Statutes, and ss. 661.55(4) and 960.08, Florida Statutes (1980 Supplement); adding s. 319.23(10), Florida Statutes; and reenacting ss. 120.63(2)(a), 215.195(4), 475.452, and 475.4835, Florida Statutes, and ss. 474.215, 489.127(1), and 627.736(4), Florida Statutes (1980 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; confirming a duplicate publication and the restoration of provisions inadvertently omitted from republication in the amendatory process and of provisions inadvertently repealed through neglect to nullify prior repeals in the regulatory review process; and deleting language stricken from the laws of Florida pursuant to court order.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Scott and adopted:

**Amendment 1**—On page 76, strike all of lines 1 through 26, and renumber subsequent sections.

**Amendment 2**—On pages 192-194, strike all of section 198, including the note, and renumber subsequent sections.

**Amendment 3**—On pages 432-441, strike all of sections 477 through 479 and renumber subsequent section and strike all of sections 481 through 491 and renumber subsequent sections

**Amendment 4**—In title on page 3, lines 19-22, strike "713.56, 713.57, 713.58(1), 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, 713.65, 713.66, 713.67, 713.68, 713.70,"

**Amendment 5**—In title on page 4, line 3, strike "190.012-3)(b),"

**Amendment 6**—In title on page 6, line 5, strike the words "adding s. 319.23(10), Florida Statutes;" and on lines 22 and 23, strike the words "a duplicate publication and"

On motion by Senator Scott, by two-thirds vote SB 730 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

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

Nays—None

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 222, 541, 542, CS for SB 616, SB 618, SB 683, CS for SB 697, CS for SB 1089, SB 1095, HB 327, and CS for SB 798 were withdrawn from the Committee on Appropriations.

On motion by Senator Ware, the rules were waived and by two-thirds vote SB 1019 was withdrawn from the Committee on Judiciary-Civil.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Morgan, Mann, Bell, Easley, Gardner, Kutun, Gallagher, Mills and Burnsed; Alternates: Carlton and Pajcic as Conferees on the part of the House on HB 1200.

*Allen Morris, Clerk*

**SPECIAL ORDER, continued**

**Senator Ware presiding**

**SJR 845**—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution relating to local correctional facilities, to allow state full faith and credit bonds to be issued to finance local correctional facilities.

—was read the second time.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Carlucci and adopted:

Amendment 1—On page 2, line 4, strike "of" (following the word county) and insert: or

Amendment 2—On page 2, strike lines 13-17 and insert: county or other local government authority to reimburse the cost incurred in the construction or renovation of local correctional facilities whose construction and renovation were completed subsequent to July 1, 1975.

On motion by Senator Carlucci, by two-thirds vote SJR 845 as amended was read the third time in full as follows:

SJR 845—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution relating to local correctional facilities, to allow state full faith and credit bonds to be issued to finance local correctional facilities.

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to the State Constitution, consisting of the addition of Section 17 to Article VII, is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1982 or at a special election to be called and held for that purpose, and that the amendment shall take effect upon approval by the electors:

ARTICLE VII

FINANCE AND TAXATION

Section 17. State bonds for local correctional facilities.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state and other revenues that may be legally available as fixed by law may be issued without a vote of the electors to finance or refinance all or a part of the construction and renovation of local correctional facilities.

(b) Local correctional facilities financed with the proceeds of the state bonds shall be owned by, or leased to and operated by the county or other appropriate local governmental authority. If authorized by law, either as a ratable portion of the total cost of the project or as a percentage of annual debt service on the state bonds issued, the state may require a matching contribution from the revenues of the county or appropriate local governmental authority as a condition of the financing of the local correctional facility.

(c) To the extent other legally available revenues are insufficient, moneys sufficient to pay debt service on the state bonds as the same becomes due shall be appropriated by law.

(d) If authorized by law, the state may provide from the proceeds of the state bonds grants to the appropriate county or other local government authority to reimburse the cost incurred in the construction or renovation of local correctional facilities whose construction and renovation were completed subsequent to July 1, 1975.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 17

STATE BONDS FOR LOCAL JAILS.—Proposing an amendment to the State Constitution, to provide for the financing and construction of local jails through the use of state full faith and credit bonds.

—and as amended passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Barron

Vote after roll call:

Yea—W. D. Childers

SB 846—A bill to be entitled An act relating to a special election for the approval or rejection by the electors of a joint resolution relating to local correctional facilities; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 846 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Barron

Vote after roll call:

Yea—W. D. Childers

By the Committee on Corrections, Probation and Parole and Senators Carlucci, Vogt, Tobiassen, Ware, Poole, Stuart, Jenkins, Lewis, Henderson, Margolis, Skinner, Frank, McClain, Renick, Stevens, Jennings, Neal, Thomas, Peterson, Dunn, Grizzle, Johnston, Gordon, Rehm, Steinberg, Hill, Kirkpatrick, Hair and Jenne—

CS for SB 847—A bill to be entitled An act relating to the issuance of state full faith and credit bonds for financing local correctional facilities; creating ss. 215.601-215.616, Florida Statutes; providing definitions; providing for the issuance of state full faith and credit bonds for the construction or renovation of local correctional facilities upon approval of an amendment to the State Constitution for that purpose; creating the Florida Local Correctional Facilities Advisory Committee; providing for membership; providing for duties, powers and responsibilities; directing the committee to establish a list of proposed local correctional facilities; providing for criteria for the determination of priorities for such list; providing that the committee shall recommend to the Administration Commission the adoption of certain rules; providing for priority to be given to facilities which will serve more than one local government; providing requirements for staffing and administration; directing the Department of General Services to cause the construction and renovation of certain local correctional facilities; providing for the title of such facilities to be transferred to the local government under certain circumstances; providing that the department may enter into lease purchase or sales agreements with local governments or other appropriate authorities; providing for the confidentiality of certain records; requiring the cooperation of the state and its entities; authorizing the reimbursement to local governments of 80 percent of the cost of certain facilities; authorizing local governments to pledge revenue sharing entitlement funds as the local government's share of required participation; providing that rent payable or payable under lease-purchase or sale agreements shall equal 20 percent of that portion of the principal and interest on the bonds for any such facility; providing that any local government may elect to pay the local share in a lump sum; requiring county recipients to select and designate a site for a state correctional facility; providing legislative intent; providing severability; providing an effective date.

—was read the first time by title and SB 847 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 847 was read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

Amendment 1—On page 6, line 11, strike "\$390" and insert: \$350

Amendment 2—On page 13, line 6, before the word "principal" insert: annual

Amendment 3—On page 13, line 31, strike the word "the" at the end of the line and on page 14, line 1, strike the words "derived from these bonds"

The President presiding

Senator Lewis moved the following amendment:

Amendment 4—On page 13, lines 5 and 13 strike "20" and insert: 40

CO-INTRODUCERS

Senator Poole—SB 476; Senator Trask—CS for SB 512

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 27 was corrected and approved.

On motion by Senator Dunn, the Senate recessed at 3:04 p.m. to convene at 2:00 p.m. Monday, June 1, 1981.