



# Journal of the Senate

Number 12

Tuesday, February 16, 1982

## BILL ACTION SUMMARY

Tuesday, February 16, 1982

H 0182 Substituted for SB 180; Passed  
 S 0004 Passed  
 S 0025 Motion to reconsider abandoned  
 S 0061 C/S passed as amended  
 S 0068 Passed as amended  
 S 0069 C/S passed as amended  
 S 0140 Reconsidered; C/S passed as amended; Immediately certified  
 S 0164 Reconsidered; C/S passed as amended; Immediately certified  
 S 0168 C/S passed as amended  
 S 0180 Iden./Sim. House Bill substituted, passed; refer to HB 182  
 S 0202 C/S passed as amended  
 S 0254 Passed  
 S 0335 C/S passed as amended  
 S 0383 Reconsidered; Passed as amended  
 S 0418 C/S passed as amended; Immediately certified  
 S 0462 Passed  
 S 0474 Passed as amended  
 S 0509 Failed to pass; Motion to reconsider  
 S 0639 Amendment pending

Yet, for corporate America, we dispense exquisite china, for a table already graced with special concessions.

We turn away the stranger who seeks rescue and refuge at our gate. We blind the eye, deafen the ear, and harden the heart toward our wives, our mothers, our daughters who are our future. By delaying their march toward equal rights, we deny them the justice due their personhood, which is your image within them.

Lord, let your Holy Spirit descend on us once again. Let us hear the voice of your prophet, who cries out to us, saying, "seek justice, relieve the oppressed, judge the fatherless, plead for the widow."

Though our hearts be as stone, let your word transform them, moving us to courageous action, so that the sweet waters of care and compassion may flow forth with healing among the people of our state. Amen.

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

By permission the following certificates were received:

SUPREME COURT OF FLORIDA

No. 61,524

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

Excused: Senator Barron after Reports of Committees until 4:45 p.m., for the purpose of working on apportionment.

Prayer by Stanley J. Garfein, Rabbi, Temple Israel, Tallahassee:

O God of our fathers and our mothers, God of Abraham, Isaac and Jacob; Sarah, Rebecca, and Rachel: you have created man in your image. Male and female you created us, endowing our special being with an awareness of growth and decay, as well as a consciousness of choice.

You brought up Israel out of the land of Egypt, and the Philistines from Caphtor, and Aram from Kir; for you are a liberating God, who desires that all humankind be free to rise to the heights of our potential.

You have taught us to act lovingly toward our neighbors, recognizing that they, like ourselves, are blessed with your divine image. But we have chosen to defy your instruction. We squander our precious resources on the manufacture and merchandising of weapons of death, throwing ourselves down to worship at the feet of idols whose only deliverance is unto the destruction of the human race.

As we shuffle paper and people between Washington and Tallahassee, we ignore the poor who tumble through the holes in the "social safety net" that was supposed to keep them from disaster.

IN RE: CERTIFICATE OF JUDICIAL MANPOWER FOR DISTRICT COURTS OF APPEAL, CIRCUIT COURTS AND COUNTY COURTS, AS REQUIRED BY ARTICLE V, SECTION 9, FLORIDA CONSTITUTION.

[December 23, 1981]

PER CURIAM.

In accordance with the constitutional responsibility of this Court to review and certify to the Legislature the need for additional judgeships as provided in Article V, Section 9 of the Florida Constitution, and for the reasons set forth below, this Court certifies the need for the following new judicial positions, effective July 1, 1982, for the continued, effective operation of the courts of this State.

	District Court	Circuit Court	County Court
Second Appellate District	1		
First Judicial Circuit		1	
Fifth Judicial Circuit		1	
Sixth Judicial Circuit		1	
Seventh Judicial Circuit			1 (Volusia)
Ninth Judicial Circuit		1	
Twelfth Judicial Circuit			1 (Sarasota)
Thirteenth Judicial Circuit			1 (Hillsborough)
Fifteenth Judicial Circuit		1	
Sixteenth Judicial Circuit		1	
Seventeenth Judicial Circuit		2	2 (Broward)
Twentieth Judicial Circuit		1	
<b>TOTALS</b>	<b>1</b>	<b>9</b>	<b>5</b>

On March 13, 1981, this Court issued its certification decision in Case No. 60,359 which addressed the needs of the Judiciary for Fiscal Year 1981-82 and, also, identified certain needs which it then felt would exist during Fiscal Year 1982-83. Of the circuit judgeships now being certified, five were previously certified for Fiscal Year 1982-83 and one was certified for

Fiscal Year 1981-82 which was not authorized by the Legislature. Regarding the new county court judgeships, all five judgeships which are now being certified were previously certified for Fiscal Year 1981-82, but were not authorized by the Legislature. Thus, of the new judgeships now being certified, only four represent needs which were not previously identified for the 1981-83 biennium.

The certification process began in September, 1981 when the State Courts Administrator provided caseload and population statistics to the Chief Judges in each District Court of Appeal as well as each of the State's twenty Judicial Circuits. Requests were submitted by the Chief Judges to the Chief Justice in October. These requests included three additional judgeships for the District Courts of Appeal, twenty-four additional judgeships for the Circuit Courts and eleven additional judgeships for the County Courts. During November, the Chief Justice and State Courts Administrator traveled primarily to those areas which have not previously submitted requests for additional judgeships. Participating in these meetings were representatives from the offices of various state attorneys, public defenders, county commissions, local Bar representatives, and legislative members and staff. The several criteria used by the Court in this process and identified in our March, 1981 certification decision, were again utilized.

#### FINDINGS DISTRICT COURTS OF APPEAL

*Second Appellate District.* The Second District currently has nine judges. The need for an additional judge during Fiscal Year 1982-83 is certified.

Some of the factors upon which this certification is based are that the Second District continues to have the highest total population as well as the highest population per judge of any Appellate District. In addition, case filings are now exceeding dispositions, resulting in a growing case inventory.

#### CIRCUIT AND COUNTY COURTS

*First Judicial Circuit* (Escambia, Santa Rosa, Okaloosa, and Walton Counties). There are currently fourteen circuit judges in the First Circuit. Our most recent certification decision indicated the likelihood that additional judicial manpower would be required in this circuit before the expiration of the biennium. Furthermore, we indicated that a criteria which would be important in the Court's consideration of an additional judge for Fiscal Year 1982-83 would be the continued heavy usage of retired judges during Fiscal Year 1981-82. In fact, the first Circuit has continued to rely very heavily on retired judges in order to assist with their caseload. There has been a 31% increase in filings between 1979 and 1981 and it has now been five years since a circuit judgeship was approved for the First Circuit. For these reasons, the need for one additional circuit judgeship is certified.

*Fifth Judicial Circuit* (Marion, Lake, Sumter, Hernando, and Citrus Counties). The Fifth Circuit currently has nine circuit judgeships. The need for one additional circuit judgeship is certified based upon the very high filing per judge ratio which exists in the circuit, the 32% increase in filings between 1979 and 1981, a very high rate of growth of population in the circuit, the existence of numerous state facilities within the circuit, and the very large geographic size of the circuit. In addition, four of the seven county court judges in the Fifth Circuit are non-lawyers who cannot assist with the duties of the circuit bench. The Fifth Circuit made no request last year, hence, this need was not earlier identified by the Court.

*Sixth Judicial Circuit* (Pinellas and Pasco Counties). The Sixth Circuit currently has twenty-seven circuit judgeships, and the need for one additional circuit judgeship is certified. This judgeship was certified for the second year of the biennium in our March, 1981 certification decision. We have looked again at the factors which went into our previous determination of need for the Sixth Circuit, and find that this need continues to exist.

*Seventh Judicial Circuit* (St. Johns, Flagler, Putnam, and Volusia Counties). Volusia County currently has five county court judgeships, and one additional county court judgeship is certified. This particular county court judgeship was certified previously, but was not authorized. The very high filing per judge ratio existing in the county court in Volusia County, as

well as the high population growth and nature of the population existing in Volusia County, reconfirms the need for this additional county court judgeship.

*Ninth Judicial Circuit* (Orange and Osceola Counties). The Ninth Circuit has seventeen circuit judgeships, and the need for an additional circuit judgeship is certified. This need was certified in our March, 1981 decision, but the additional judgeship was not authorized by the Legislature. The Court has again reviewed the criteria upon which the determination of need was made previously, and finds that the need continued to exist. The very high population growth and nature of the population existing in the Ninth Circuit, the high number of attorneys in the area, and the continued rapid development in the area indicate that this need for an additional judgeship continues to exist.

*Twelfth Judicial Circuit* (Manatee, DeSoto, and Sarasota Counties). Sarasota county currently has three county court judgeships, and the need for one additional county court judgeship is certified. This need was certified previously, but the additional judgeship was not authorized by the Legislature. The Court has reviewed the criteria which it considered in its March, 1981 decision, and based upon those criteria as well as updated statistics finds that this need continues to exist.

*Thirteenth Judicial Circuit* (Hillsborough County). Hillsborough County currently has nine county court judgeships, and the need for one additional county court judgeship is certified. This Court has previously certified the need for two additional county court judgeships, but an additional circuit judgeship was approved by the Legislature in 1981 in lieu of the county court judgeships certified. There have been no county court judgeships authorized since 1973. Hillsborough County continues to have a high filing per judge ratio, and a very high population per county court judge compared with other counties in the State.

*Fifteenth Judicial Circuit* (Palm Beach County). The Fifteenth Circuit currently has nineteen circuit judgeships, and the need for one additional circuit judgeship is certified. This need was previously certified for the second year of the biennium. This Court has reviewed the criteria upon which this certification was based and finds that the need continues to exist. Total filings have increased 33% in the circuit since 1979, and there is a 51% projected population increase between 1975 and 1985. The Fifteenth Circuit ranks second in the State in the combined factors of filings, attorneys and population per judge. These factors confirm the continued need for an additional circuit judgeship.

*Sixteenth Judicial Circuit* (Monroe County). The Sixteenth Circuit has three circuit judgeships, and the need for one additional circuit judgeship is certified. The Sixteenth Circuit made no request last year, hence, this need was not earlier identified by the Court. While the filing per judge ratio is low in the Sixteenth Circuit, a number of other factors must be considered in this determination of need. The Sixteenth Circuit currently has the fewest number of circuit judgeships in the State. No additional circuit judgeship has been authorized since 1975. While population growth has been small, the nature of the population existing in the Sixteenth Circuit, as well as the considerable amount of travel time required for the three current judges, are the primary factors considered in this determination of need. The circuit judges regularly are required to travel between Key West and Marathon, a distance of 48 miles, and Key West and Plantation Key, a distance of 88 miles, using a two-lane highway which makes such travel very difficult and time-consuming. The additional judgeship would allow one judge to sit in the Middle or Upper Keys and handle the growing caseload originating from those areas and, thus, lessen the amount of travel which must be done by the other circuit judges. Furthermore, the placement of a judge in the Middle or Upper Keys will greatly expand the access of litigants in that area to the court, especially in connection with hearing emergency matters.

*Seventeenth Judicial Circuit* (Broward County). The Seventeenth Circuit currently has 39 circuit judgeships and 15 county court judgeships. The need for two additional circuit judgeships, and two additional county court judgeships is certified. The need for two circuit judgeships in the second year of the biennium was previously certified. We certified last year the need for two county court judgeships for Fiscal year 1981-82, but none were authorized. While the Seventeenth Circuit did receive three circuit judgeships last year, one more than

was certified, this Court feels that a 31% increase in circuit court filings between 1979 and 1981, the very high rate of growth in the population, as well as the nature of that population, and the extensive use of retired judges indicate the continued need for additional circuit judgeships in the Seventeenth Circuit. Broward County ranks highest in the State in county court filings per judge ratio, and this Court concludes that the previously certified need for additional county court judges continues to exist.

*Twentieth Judicial Circuit* (Collier, Hendry, Glades, Charlotte, and Lee Counties). The Twentieth Circuit currently has nine circuit judgeships, and the need for one additional circuit judgeship is certified. This need was recognized in our previous certification decision, and based upon the continued high ratio of filings per judge, and the 68.9% projected population increase between 1975 and 1985, as well as the fact that three of the nine county court judges in the Twentieth Circuit are non-lawyers, the continued need for this additional judgeship is confirmed.

#### CERTIFICATION

Therefore, in accordance with Article V, Section 9, Florida Constitution, we certify the need for the additional District, Circuit and County Court judgeships indicated above. This Court certifies that these judicial officers are necessary and we recommend that they be made permanent by law and funded by the State.

SUNDBERG, C. J., ADKINS, BOYD, OVERTON, ALDERMAN, McDONALD AND EHRLICH, JJ., Concur

#### SUPREME COURT OF FLORIDA

No. 61,524

IN RE: AMENDMENT ONE TO  
CERTIFICATE FILED DECEMBER 23, 1981

CERTIFICATE OF JUDICIAL MANPOWER  
FOR DISTRICT COURTS OF APPEAL,  
CIRCUIT COURTS AND COUNTY COURTS,  
AS REQUIRED BY ARTICLE V,  
SECTION 9, FLORIDA CONSTITUTION.

[February 12, 1982]

PER CURIAM.

On December 23, 1981, this Court published its Certificate of Judicial Manpower setting forth recommendations on the number of additional judges needed during Fiscal Year 1982-1983. Subsequent to that date additional information was received from the Eleventh Judicial Circuit regarding an asserted need for 2 additional judgeships in that Circuit. In response to that request, the Chief Justice and State Courts Administrator visited the Eleventh Judicial Circuit on January 29 and 30 for the purpose of evaluating the needs of that Circuit, and heard from judges and other leading members of the community about those needs. Based upon that request and the information received this Court hereby revises and amends its Certification dated December 23, 1981 to additionally recommend that the Legislature make available to the Eleventh Judicial Circuit two additional Circuit Court judgeships for Fiscal Year 1982-1983, with sufficient resources specifically for this purpose.

The Court is aware of the dramatic increase in criminal filings which has occurred in the Eleventh Circuit since 1979, and the administrative actions which the Chief Judge has taken to partially deal with this increased caseload. In addition, projections for 1982 and 1983 indicate a continued significant increase in criminal case filings, with a major portion of such filings continuing to consist of major crimes requiring considerable judicial time and involvement. Increased law enforcement and prosecutorial resources committed by state and local governments in the past year will continue to affect judicial caseloads in Fiscal Year 1982-1983. A very high number of civil jury trials precludes the further administrative transfer of judges from the civil to criminal divisions. Furthermore, the transient nature and unpredictable growth patterns of population in the Eleventh Judicial Circuit creates unique problems for the criminal justice system in Dade County.

While recently authorized judgeships, approved by the Legislature in 1981, and administrative actions taken by the Chief

Judge will greatly enhance this Circuit's ability to deal with the extraordinary circumstances which now exist, this Court finds that two additional Circuit judgeships are required during Fiscal Year 1982-1983 to deal with the developing caseloads now being foreseen by judges, prosecutors, and defense attorneys, as well as community leaders, and confirmed in statistical projections by the State Courts' Administrator. Finally, we also note that additional resources for the State Attorney and Public Defender in the Eleventh Judicial Circuit must be made available in order for these two additional judgeships to be of full benefit in dealing with criminal caseloads, and we are confident that the Legislature will remain cognizant of these associated needs of the criminal justice system, as they have been in the past.

This Court would like to take particular note of the active involvement in this process and meaningful contribution which has been made by leading members of the community who are dedicated to solving problems and reducing the crime rate now existing in the Eleventh Judicial Circuit. We are informed that a substantial increase of 1200 law enforcement officers over the next two years is being sought, and that there is a broad-based recognition of the need for additional resources for the State Attorney and Public Defender. Due to the interrelationship of all elements in the Criminal Justice System, the ripple effect of these additional commitments to other segments of the criminal justice community will impact on the number of judges necessary in the Eleventh Circuit. While our Certification cannot be based upon eventualities beyond our control, but rather must be based upon historical data and the facts as they now appear, immediate commitment of substantial additional resources in other areas of the criminal justice system could certainly override this Certification and require legislative approval of a greater number of additional judgeships for the Eleventh Circuit.

#### CERTIFICATION

Therefore, in accordance with Article V, Section 9, Florida Constitution and in addition to this Court's prior Certification dated December 23, 1981, we amend that prior Certification by adding two new circuit judgeships for the Eleventh Judicial Circuit. We certify that these judicial officers are necessary and we recommend that they be made permanent by law and funded by the State.

SUNDBERG, C. J., ADKINS, BOYD, OVERTON, ALDERMAN, McDONALD and EHRLICH, JJ., Concur

Original Proceeding—Certificate of Judicial Manpower

#### Special Guests

Senator Henderson introduced to the Senate the Sarasota Girls Choir; their director, Julie Rohr; and accompanists Joanne McQueen, pianist, and Rodney Altamore, drummer. The Choir performed for the Senate.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, February 16, Wednesday, February 17, and Thursday, February 18, 1982: SB 4, SB 68, SB 509, CS for SB 335, CS for SB 61, CS for CS for CS for SB 69, CS for SB 202, SB 474, SB 180, SB 462, CS for SB 168, SB 713, CS for SB 418, SB 639, SB 792, SB 305, CS for SB 547, SB 254, SB 780, CS for SB 298, SB 15, SB 303, CS for SB 636, SB 672, CS for SB 814, SB 26, SB 66, SB 150, SB 276, SB 317, SB 322, SB 386, SB 27, SB 46, SB 87, SB 104, SB 120, SB 121, CS for SB 134, SB 153, SB 156, CS for SB 123, CS for SB 124, SB 355, SB 411

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 71

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

The Committee on Apportionment recommends the following pass: SJR 460 with 2 amendments

The Committee on Appropriations recommends the following pass: SB 417 with 1 amendment, SB 778

The Committee on Finance, Taxation and Claims recommends the following pass: SB 92, CS for SB 106, SB 167, CS for SB 207 with 1 amendment, SB 340, SB 486 with 3 amendments, SB 615 with 3 amendments, SB 802, SB 855, HB 425, HB 426

The Committee on Rules and Calendar recommends the following pass: SJR 9 with 3 amendments, SJR 41 with 2 amendments, SB 282, SB 539

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

The Committee on Education recommends committee substitutes for the following: SB 354, SB 546

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 263, SB 526, SB 669, SB 737

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 578

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 Transportation recommends a committee substitute for the following: Senate Bills 776 and 806

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 652

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 974

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

The Committee on Commerce recommends a committee substitute for the following: SB 594

The Committee on Education recommends a committee substitute for the following: SB 860

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 284

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

The Committee on Rules and Calendar recommends that the following bill be introduced notwithstanding the final day for introduction of bills had passed:

By Senator Beard—

**SB 1016**—A bill to be entitled An act relating to the records of the Department of Highway Safety and Motor Vehicles; amending s. 20.24, Florida Statutes; providing fees for personnel records; adding s. 319.25(5)(e), Florida Statutes; providing fee for manual; amending s. 320.865, Florida Statutes; providing fees to be charged for certain records of the Division of Motor Vehicles; amending s. 321.23(1), Florida Statutes, and adding new subsections (2) and (3) to said section; providing fees to be charged for certain records of the Division of the Florida Highway Patrol; amending s. 322.20, Florida Statutes; conforming language; providing for fees to be charged for driver records; providing for photography and destruction of such records; providing for admission of photocopies and reproductions of certain records into evidence; providing an effective date.

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

## REQUESTS FOR EXTENSION OF TIME

February 11, 1982

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: SB 50, SB 52, SB 78, SB 97, SB 131, SB 251, SB 269, SB 316, SB 343, SB 400, SB 405, SB 410, SB 415, SB 433, SB 461, SB 480, SB 668, SB 687, SB 710, SB 779, SB 786, SB 881, SB 885

February 12, 1982

The Committee on Appropriations requests an extension of 15 days for consideration of the following: CS for SB 10, SB 11, CS for SB 18, CS for SB 22, SJR 40, CS for SB 51, SB 59, SB 74, CS for SB 89, SB 95, SB 98, SB 119, SB 122, SB 128, SB 155, SB 160, SB 165, CS for SB 166, SB 169, SB 172, SB 178, CS for SB 183, CS for SB 184, SB 195, CS for SB 201, SB 224, SB 225, SB 229, SB 230, SB 233, SB 235, SB 237, SB 245, SB 246, SB 247, SB 248, SB 249, SB 250, SB 256, SB 258, SB 259, CS for SB 263, CS for SB's 278 and 333, SB 279, SB 283, CS for SB 289, SB 290, SB 296, CS for SB 300, SB 307, SB 319, SB 323, CS for SB 336, SB 337, CS for SB 338, SB 365, SB 368, SB 371, CS for SB 376, CS for SB 379, SB 385, SB 394, SB 402, SB 417, SB 423, SB 436, SJR 449, SB 454, SB 476, SB 522, CS for SB 526, SB 530, SB 531, SB 543, CS for SB 548, SB 557, CS for SB 578, SB 589, SJR 596, SB 607, SB 609, SB 614, SB 631, SB 667, CS for SB 669, SB 670, SB 694, SB 714, SB 715, SB 716, CS for SB 737, SB 777, SB 778, SB 803, SB 811, SB 824, SB 848, SB 853, SB 889, SB 890, SB 893, SB 904, SB 910, SB 913, SB 953

Appropriations Subcommittee A requests an extension of 15 days for consideration of the following: SB 408

The Committee on Commerce requests an extension of 15 days for consideration of the following: SB 3, SB 6, SB 21, SB 30, SB 31, SB 32, SB 33, SB 45, SB 54, SB 64, SB 108, SB 135, SB 157, SB 252, SB 264, SB 266, SB 270, SB 292, SB 370, SB 398, SB 406, SB 413, SB 421, SB 431, SB 437, SB 446, SB 463, SB 464, SB 465, SB 466, SB 485, SB 666, SB 677, SB 744, SB 754, SB 766, SB 769, SB 782, SB 796, SB 807, SB 817, SB 822, SB 827, SB 831, SB 832, SB 837, SB 840, SB 841, SB 856, SB 862, SB 864

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: SB 70, SB 147, SB 170, SB 206, SB 211, SB 222, SB 236, SB 342, SB 375, SB 393, SB 397, SB 443, SB 444, SB 458, SB 587, SB 633, SB 637, SB 646, SB 703, SB 718, SB 741, SB 749, SB 753, SB 767, SB 787, SB 783, SB 784, SB 794, SB 795, SB 801, SB 813, SB 819, SB 834, SB 836, SB 847, SB 852, SB 868, SB 401, SB 878, SB 879, SB 894

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: SB 29, SB 71, SB 90, SB 92, SB 99, CS for SB 106, SB 107, SB 111, SB 112, SB 113, SB 115, SB 137, SB 163, SB 167, SB 186, SB 193, SB 197, SB 198, CS for SB 207, SB 238, CS for SB 280, SB 288, SB 340, SB 369, SB 392, SB 403, SB 441, SB 486, SB 513, SB 554, SB 592, CS for SB 593, SB 615, SB 624, SB 644, SB 645, SB 651, SB 654, SB 689, CS for SB 704, SB 706, SB 730, SB 739, SB 770, SB 802, SB 808, SB 829, SB 839, SB 843, SB 855, SB 858, SB 861, SB 883, SB 884, SB 887, SB 888, SB 938, SB 980, SB 987, SB 989, HB 23, HB 93, HB 393, HB 424, HB 425, HB 426

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: SB 500, SB 559, SB 565, SB 138, SB 262, SB 625, SB 632, SB 642, SB 649

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: SB 84, SB 86, SB 243, SB 374, SB 404, SB 420, SB 484, SB 582, SB 877, SB 952

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: SB 1, SB 24, SJR 102, SJR 125, SJR 133, SB 151, SJR 176, SR 196, SM 203, SM 205, SM 220, SM 378, SM 132, SB 38, SB 324, SB 358, SB 388, SB 396, SB 422, SB 456

February 15, 1982

The Committee on Agriculture requests an extension of 15 days for consideration of the following: SB 28, SB 191, SB 382,

SB 533, SB 555, SB 616, SB 674, SB 681, SB 729, SB 830, SB 838, SB 891

The Committee on Apportionment requests an extension of 15 days for consideration of the following: SB 854

The Committee on Education requests an extension of 15 days for consideration of the following: SB 23, SB 37, SB 85, SB 139, SB 148, SB 179, SB 218, SB 286, SJR 287, SB 304, SB 311, SB 321, SB 348, SB 372, SB 391

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: SB 5, SB 48, SB 72, SB 81, SB 174, SB 212, SB 231, SB 234, SB 272, SB 308, SB 326, SB 347, SB 380, SB 399, SB 416, SB 457, SB 472, SB 490

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: CS for SB 105, SB 209, SB 470, SM 475, SB 492, SM 700, SJR 719, SCR 761, SB 850, HM 94

The Committee on Transportation requests an extension of 15 days for consideration of the following: SB 664, SB 673, SB 676, SB 692, SB 733, SB 751, SB 815, SB 820, SB 844, SB 846, SB 859, SB 863, SB 871, SB 886

February 16, 1982

The Committee on Education requests an extension of 15 days for consideration of the following: SB 414, SB 427, SB 428, SB 429, SB 430, SB 442, SB 445, SB 451, SB 678, SB 698, SB 701, SB 705, SB 709, SB 711, SB 712, SB 752, SB 768, SB 800, SB 805, SB 818, SB 823, SCR 845, SB 865, SB 866, SB 867

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: SB 679, SB 683, SB 684, SB 693, SB 723, SB 725, SB 731, SB 736, SB 743, SB 746, SB 756, SB 758, SB 759, SB 760, SB 789, SB 790, SB 825, SB 851, SB 869

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 740

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, by two-thirds vote SB 384 and CS for SB 294 were removed from the calendar and re-committed to the Committee on Appropriations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 256, 337, 279 and 319 were withdrawn from the Committee on Appropriations.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 128, 522, 607 and 990 were referred to the Committee on Finance, Taxation and Claims as the first committee of reference.

On motions by Senator Poole, the rules were waived and by two-thirds vote SB 880 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Carlucci, the rules were waived and by two-thirds vote SB 295 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Thomas, the rules were waived and by two-thirds vote SB 891 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Rehm, the rules were waived and by two-thirds vote SB 649 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dunn, the rules were waived and all committees in group 1 were permitted to meet from 3:00 p. m.

until 5:00 p. m. February 17 and all committees in group 2 were permitted to meet from 2:00 p. m. until 5:00 p. m. February 18.

On motion by Senator Dunn, Rule 2.6 relating to two publications of agendas in the calendar was waived for the purpose of committee meetings on February 17 and 18.

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

##### Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointee</i>	<i>For Term Ending</i>
Board of Architecture, Member Rowe, H. Dean, Tampa	12/17/85
Board of Engineers, Member Bechamps, Eugene N., Coral Gables	12/20/85
Board of Massage, Member Harris, Susan F., Miami	1/1/86
Board of Medical Examiners, Member Lutz, H. Roger, Holmes Beach	8/1/85

[Referred to the Committee on Executive Business.]

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message containing SJR 460 with House amendments was referred to the Committee on Apportionment.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed SB 103.

*Allen Morris, Clerk*

The bill contained in the above message was ordered enrolled.

#### MATTERS ON RECONSIDERATION

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

CS for SB 164—A bill to be entitled An act relating to public records; adding s. 119.07(3)(1), Florida Statutes; providing that certain personnel and internal investigation information of law enforcement agencies shall be exempt from public disclosure requirements until after determination of probable cause; providing an effective date.

—as amended passed February 11.

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

Amendment 3—On page 2, line 14, after the period (.) insert: However, this exemption shall not apply to a request from the Criminal Justice Standards and Training Commission for any record pertaining to a person who is the subject of a proceeding pursuant to section 943.145, Florida Statutes.

CS for SB 164 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Carlucci	Gersten	Hill
Anderson	Childers, D.	Grizzle	Jenkins
Beard	Frank	Henderson	Jenne

Jennings	Margolis	Peterson	Thomas
Johnston	Maxwell	Renick	Tobiassen
Kirkpatrick	McClain	Skinner	Trask
Langley	McKnight	Steinberg	Vogt
Lewis	Neal	Stevens	Ware

Nays—1

Dunn

Vote after roll call:

Yea—Hair, Rehm

On motion by Senator Tobiassen, the rules were waived and CS for SB 164 after being engrossed was ordered immediately certified to the House.

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

CS for SB 140—A bill to be entitled An act relating to railroads and other common carriers; reviving and readopting, notwithstanding the Regulatory Sunset Act, various provisions of chapters 351 and 354, Florida Statutes, as amended; amending s. 351.03, Florida Statutes; providing for the erection and maintenance of warning signs; providing for the sounding of horn or whistle warnings; requiring motorists and railroad companies to exercise reasonable care at railway-highway crossings; providing for the placing of visual warning devices during certain hours; amending s. 351.08, Florida Statutes; providing for reinstatement of certain employees; amending s. 338.21, Florida Statutes; providing procedures for repair of specified crossings; providing for enforcement of lien; providing for attorney's fees; amending s. 354.01, Florida Statutes; requiring special officers to be certified; amending s. 354.05, Florida Statutes; requiring revocation of commission of a special officer who is decertified; amending s. 354.07, Florida Statutes; providing that action on bond of special officer is not exclusive remedy; providing for exercise of right of eminent domain by railroad companies; amending ss. 351.001, 351.003, 351.009, Florida Statutes; providing legislative intent; providing powers of the Florida Public Service Commission; providing for certain application fees; providing for repeal and review of ss. 351.001, 351.003, 351.009, Florida Statutes, relating to certain powers and fees of the Florida Public Service Commission; allowing to stand repealed as scheduled by the Regulatory Sunset Act ss. 351.002, 351.004-351.008, 351.01, 351.031-351.033, 351.035-351.07, 351.09-351.30, Florida Statutes, relating to regulation and duties of railroad companies, and s. 354.06, Florida Statutes, relating to fees paid to sheriff; providing for legislative review; providing an effective date.

—as amended passed February 11.

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

Amendment 7—On page 10, lines 13, 14 strike "October 1, 1982" and insert: upon becoming law.

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

Amendment 8—On page 7, line 17, after the period insert: The right of eminent domain for the purpose of securing terminal facilities on any waters of any river, lake, bay, gulf, or ocean, including a sufficient amount of land and space on shore for depots, yards, switches, shops, and storehouses, and such area in and over the waters to the limit of the channel, natural or artificial, of rivers, lakes, bays, gulf, or ocean sufficient for ample room for docks, wharves, elevators, berths for ships, warehouses and storehouses, tracks, switches, and all required facilities for the reception, retention, transfer and forwarding of commerce, shall be subordinate to the right of the governmental entity wherein the property is located to condemn said property through the exercise of its power of eminent domain for a public purpose.

CS for SB 140 as amended was read by title, passed, ordered engrossed and then certified to the House.

The vote on passage was:

Yeas—36

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

Nays—3

Anderson McKnight Steinberg

On motion by Senator Peterson, the rules were waived and CS for SB 140 after being engrossed was ordered immediately certified to the House.

The motion by Senator Dunn to reconsider the vote by which SB 25 passed on February 11, was not taken up and was therefore considered abandoned.

SPECIAL ORDER

SB 4—A bill to be entitled An act relating to comprehensive health education; amending s. 233.067(4)(b), Florida Statutes; requiring demonstrations of and instruction in cardiopulmonary resuscitation for certain students; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 4 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Langley Neal

SB 68—A bill to be entitled An act relating to public education; amending s. 228.121, Florida Statutes, to provide that students who are nonresidents, or whose guardians are nonresidents, of Florida may be admitted to the public schools according to certain criteria; requiring a nonresident tuition fee computed according to district expenditures, and providing exceptions; providing for verification of residency and guardianship; providing for the collection, remittance, and use of tuition fees; exempting certain nonresident students from inclusion in Florida Education Finance Program computations and from requirements for regular school attendance; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 7, insert: (f) Students whose natural or legal guardians or one of them is employees of the State of Florida, or whose natural or legal guardians or one of them is duly enrolled in a college or university in the State of Florida.

The Committee on Education recommended the following amendment to Amendment 1 which was moved by Senator Jennings:

Amendment 1A—On page 1, line 4, after the word "enrolled" insert: as a full-time student

Senator Jennings moved the following substitute amendment which was adopted:

**Amendment 2**—On page 3, line 7, insert:

(f) Students whose natural or legal guardians or one of them is an employee of the State of Florida.

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

**Amendment 3**—On page 2, line 9, after the word "district's" and insert: prior year

Senator Jennings moved the following amendments which were adopted:

**Amendment 4**—On page 2, lines 24 and 25, strike "United States Department of State" and insert: International Communications Agency

**Amendment 5**—On page 2, between lines 22 and 23, insert:

(c) Students whose natural or legal guardians hold, or they themselves hold, alien registration cards classified by the Immigration and Naturalization Service of the Department of Justice as "refugee" or "entrant, status pending."

(Reletter subsequent paragraphs.)

**Amendment 6**—On page 3, line 7, insert:

(g) Students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services and who receive their education under s. 230.23(4)(n).

Senator Gordon moved the following amendment which was adopted:

**Amendment 7**—On page 2, line 14, strike the period "." and insert: : In the event that the student enrolls after the start of the school year, the tuition charged shall be a pro rata share of the calculated tuition based on the number of days the student is to be enrolled. In the event that the student withdraws prior to the end of the school year, the local school district shall refund that portion of the collected tuition for which the student will not be enrolled.

Senator Gordon moved the following amendment which failed:

**Amendment 8**—On page 3, line 13, insert: (6) Notwithstanding the provisions of this section, no student shall be denied enrollment in the public schools as a result of the inability of the student's parents or legal guardian to afford the calculated tuition, as determined pursuant to rule of the State Board of Education.

(Renumber subsequent subsections.)

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

Yeas—37

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

Nays—1

Gordon

Vote after roll call:

Yea—Neal

**SB 509**—A bill to be entitled An act relating to pupil and student records; amending s. 228.093(3), Florida Statutes; granting certain pupils and students the right of access to their academic records; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 509 was read the third time by title, and failed to pass. The vote was:

Yeas—18

Mr. President	Hair	Margolis	Stuart
Frank	Henderson	Maxwell	Vogt
Gersten	Jenne	Rehm	Ware
Gordon	Jennings	Renick	
Grizzle	Lewis	Skinner	

Nays—18

Anderson	Hill	McKnight	Stevens
Beard	Jenkins	Neal	Tobiassen
Carlucci	Johnston	Peterson	Trask
Childers, D.	Langley	Scott	
Dunn	McClain	Steinberg	

Consideration of SB 335 was deferred.

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

**SB 383**—A bill to be entitled An act relating to powers of the Public Employees Relations Commission concerning mediation; amending s. 447.207(5), Florida Statutes; deleting mediators from the positions for which the commission establishes qualifications and maintains a list of qualified persons; providing an effective date.

—as amended passed February 11.

Senator Hill moved the following amendment which was adopted:

**Amendment 2**—In title on page 1, strike lines 5-8 and insert: Statutes; deleting the prohibition against using as mediators persons employed by the commission; providing that special masters shall not be employees of the commission; providing an effective date.

**SB 383** 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	Steinberg
Anderson	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Thomas
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Skinner	

Nays—None

By the Committee on Education and Senators Gordon, Rehm, Tobiassen, Margolis, Steinberg, Peterson, Anderson, Dunn, Kirkpatrick and Henderson—

**CS for SB 61**—A bill to be entitled An act relating to schools; providing for instruction in writing skills; providing a formula for allocating funds for such instruction; providing school district eligibility requirements; requiring the Department of Education to establish criteria for determining if teaching writing is a primary emphasis; providing an effective date.

—was read the first time by title and SB 61 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 61 was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

**Amendment 1**—On page 3, strike lines 4-6 and insert: to .05 times the average number of students enrolled in such writing classes per day during survey weeks times the basic 10-12 program weight used in the Florida Education Finance Program times

On motion by Senator Gordon, by two-thirds vote CS for SB 61 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

By the Committee on Appropriations and Senators Jenne, Skinner, Langley, Jenkins, Lewis, D. Childers, Beard, Poole, Frank, Stuart, Johnston and Trask—

**CS for CS for CS for SB's 69, 432, 312, 351, 39 and 285**—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.066(4), Florida Statutes; excluding chemical test results from the confidentiality of accident reports; amending s. 316.193, Florida Statutes; providing minimum penalties; clarifying language; requiring attendance at a substance abuse education course; providing for substance abuse evaluation and treatment programs; defining "substance abuse"; amending s. 322.12(2), Florida Statutes; requiring examination of license applicants on certain subjects; amending s. 322.261, Florida Statutes; providing in certain circumstances for a urine test to detect controlled substances; providing criteria for administering a urine test; authorizing suspension of a driver's license for certain periods under certain circumstances; providing that refusal to submit to tests shall be admissible in criminal proceedings; providing procedures for such suspension; providing for consent to a blood test under certain circumstances; providing for validity of test results; authorizing the withdrawal of blood for certain purposes; providing certain persons with immunity from liability under certain circumstances; authorizing a law enforcement officer to direct that a breath or urine test be administered; limiting the admissibility of test results; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; providing for enforcement of such requirement; providing for certain criminal charges to be tried concurrently; authorizing the withdrawal of blood by certain persons; providing such persons with immunity from liability under certain circumstances; limiting the admissibility of test results; amending s. 322.262, Florida Statutes; providing for admissibility of test results under certain circumstances; providing a right to a trial by jury; amending s. 322.271(2), Florida Statutes; requiring proof of attendance at a substance abuse education course; amending s. 322.28(1), (2)(a), (d), (e), Florida Statutes; conforming certain language; providing for a temporary driving permit in specified circumstances; providing for the issuance and display of temporary driver permit tags; increasing length of revocation of driver's license; amending s. 322.281, Florida Statutes; providing for mandatory adjudication of persons for certain offenses; providing for minimum periods of imprisonment and fines for certain persons who are granted probation; providing for imprisonment for certain persons during certain time periods; amending ss. 322.291, 371.51, Florida Statutes; conforming certain language; amending s. 860.01, Florida Statutes; providing minimum penalties; providing for admissibility of certain test results in certain actions; requiring the Division of Statutory Revision to make certain changes; providing an effective date.

—was read the first time by title and CS for CS for SB's 69, 432, 312, 351, 39 and 285 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for CS for CS for SB's 69, 432, 312, 351, 39 and 285 was read the second time by title.

Senator Lewis moved the following amendment which failed:

**Amendment 1**—On page 4, strike lines 17 and 18 and insert: conviction thereof, by imprisonment, *in the discretion of the court*, for not more than 6 months and ~~or~~ by a fine of not less than

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

**Amendment 2**—On page 4, line 17, strike "72" and insert: 48

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

**Amendment 3**—On page 5, line 10, strike "48" and insert: 24

Senators Jenne, Dunn and Skinner offered the following amendment which was moved by Senator Jenne and adopted:

**Amendment 4**—On page 29, between lines 13 and 14, insert:

Section 13. Subsection (3) is added to section 316.660, Florida Statutes, to read:

316.660 Disposition of fines and forfeitures collected for violations.—

(3) *The county governing body shall annually, from the county fine and forfeiture fund, reimburse the officer having authority over county jails for the cost of incarcerating persons convicted of violations of s. 316.193 or s. 860.01. The amount of such reimbursement shall be equal to \$25 per offender per day.*

(Renumber subsequent sections.)

Senator McClain moved the following amendment:

**Amendment 5**—On page 26, lines 17-19, strike subsection (5)

Senator Langley moved the following substitute amendment which was adopted:

**Amendment 6**—On page 26, line 19, strike the "(.)" and insert: for the mandatory period of confinement.

Senator Scott moved the following amendments which failed:

**Amendment 7**—On page 26, lines 5, 6 and 7, on line 5 strike "0.10 ~~to 20~~ percent or more" and all of lines 6 and 7 and insert: 0.15 ~~to 20~~ percent of more.

**Amendment 8**—On page 17, lines 5-8, strike "The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test." and on line 9 strike "physical pain,"

**Amendment 9**—On page 5, strike all of lines 9-13 inclusively and insert: (a) For first conviction thereof, by imprisonment for not less than 48 hours nor more than 90 days and ~~or~~ by a fine of not less than \$250 nor more than \$500 ~~or~~ by each fine and imprisonment. *Provided however that it shall not be mandatory for a judge to impose the minimum sentence of imprisonment provided for in this section for driving under the influence of alcohol unless a breath or blood test was administered the results of which showed a blood alcohol content by weight of 0.15 percent or more.*

Senator Jenne moved the following amendment which was adopted:

**Amendment 10**—In title on page 3, line 3, after the semicolon insert: adding s. 316.660(3), Florida Statutes; requiring reimbursement from the county fine and forfeiture fund for certain costs of county jails;

On motion by Senator Skinner, by two-thirds vote CS for CS for CS for SB's 69, 432, 312, 351, 39 and 285 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	McClain	Stevens
Anderson	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Langley	Renick	
Gersten	Lewis	Skinner	
Hair	Maxwell	Steinberg	

**Nays—5**

Gordon	Margolis	Scott	Ware
Grizzle			

Vote after roll call:

Yea—Kirkpatrick

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator McKnight, the rules were waived and by two-thirds vote SB 725 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Dunn, the rules were waived and by two-thirds vote CS for SB 117 and SJR 116 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Dunn, the rules were waived and by two-thirds vote HM 522 and SM 563 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Frank, the rules were waived and by two-thirds vote SB 896 was withdrawn from the Committee on Education.

**SPECIAL ORDER, continued**

By the Committee on Education and Senator Poole—

CS for SB 335—A bill to be entitled An act relating to education; creating s. 232.46, Florida Statutes; exempting public school personnel from liability for reporting suspected drug abuse by pupils; providing an effective date.

—was read the first time by title and SB 335 was laid on the table.

On motion by Senator Poole, by two-thirds vote CS for SB 335 was read the second time by title.

Senator Poole moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 13, following “liability” strike the remainder of line 13, all of lines 14 and 15 and insert: Any school employee who in good faith reports to the parent or legal

**Amendment 2**—On page 1, lines 3 and 4, strike “public school personnel” and insert: all school employees

On motion by Senator Poole, by two-thirds vote CS for SB 335 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—38**

Mr. President	Childers, D.	Gordon	Jenkins
Anderson	Dunn	Grizzle	Jenne
Beard	Frank	Hair	Jennings
Carlucci	Gersten	Hill	Johnston

Kirkpatrick	McKnight	Scott	Tobiassen
Langley	Neal	Skinner	Trask
Lewis	Peterson	Steinberg	Vogt
Margolis	Poole	Stevens	Ware
Maxwell	Rehm	Stuart	
McClain	Renick	Thomas	

Nays—None

By the Committee on Commerce—

CS for SB 202—A bill to be entitled An act relating to the Florida Patient’s Compensation Fund; amending s. 768.54, Florida Statutes; increasing the amount for which a fund member remains liable; providing that the fund not be liable for punitive damages; eliminating the authority of the Department of Health and Rehabilitative Services to make certain determinations; increasing the authorized number of geographical areas and categories of practice on which fees are based; authorizing experience rating for individual members; eliminating the maximum fund amount; authorizing the fund to borrow from an account for another fiscal year; increasing the maximum assessment and specifying when it is due; specifying the required method of payment in the event of the fund’s liability under a judgment; eliminating the limitation on settlements; deleting obsolete language and making various technical changes; reviving and readopting s. 768.54, Florida Statutes, notwithstanding the Regulatory Sunset Act; providing for legislative review; providing an effective date.

—was read the first time by title and SB 202 was laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB 202 was read the second time by title.

Senator Hair moved the following amendment which was adopted:

**Amendment 1**—On page 4, strike lines 22-25 and insert: The

On motion by Senator Hair, by two-thirds vote CS for SB 202 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	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	
Hair	Maxwell	Steinberg	

Nays—None

SB 474—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036(17)(e), Florida Statutes; conforming state law to changes in federal law postponing coverage of alien agricultural workers; providing for retroactive application; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, line 5, strike “and shall apply retroactively to January 1, 1982” and insert: or upon the effective date of United States House Resolution 4961 or similar legislation which amends ss. 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act in a manner consistent with this act, whichever is later, and shall operate retroactively to January 1, 1982.

**Amendment 2**—In title on page 1, line 7, strike “an” and insert: a retroactive

On motion by Senator Skinner, by two-thirds vote SB 474 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	Hill	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Thomas
Dunn	Johnston	Peterson	Tobiassen
Frank	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Ware

Nays—1

Gordon

On motion by Senator Hair, the rules were waived and by two-thirds vote HB 182 was withdrawn from the Committee on Commerce.

On motion by Senator Hair—

**HB 182**—A bill to be entitled An act relating to liquefied petroleum gas; repealing s. 11.6105(1)(q), Florida Statutes, appearing in chapter 81-318, Laws of Florida, relating to Sunset review and repeal of chapter 527, Florida Statutes, scheduled October 1, 1982; repealing s. 19 of chapter 81-175, Laws of Florida, relating to Sunset review and repeal of chapter 527, Florida Statutes, scheduled July 1, 1987; providing for review and repeal of chapter 527, Florida Statutes, relating to liquefied petroleum gas, on October 1, 1987; providing an effective date.

—a companion measure, was substituted for SB 180 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 180 was laid on the table.

**SB 462**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111(1), Florida Statutes, providing for reporting for and payment of benefits by mail; providing effective and expiration dates.

—was read the second time by title. On motion by Senator Gersten, by two-thirds vote SB 462 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Grizzle	Kirkpatrick	Skinner
Anderson	Hair	Margolis	Steinberg
Beard	Henderson	McClain	Stuart
Carlucci	Hill	McKnight	Thomas
Frank	Jenne	Peterson	Vogt
Gersten	Jennings	Poole	
Gordon	Johnston	Renick	

Nays—9

Childers, D.	Neal	Stevens	Ware
Jenkins	Rehm	Trask	
Langley	Scott		

Vote after roll call:

Yea to Nay—Poole

By the Committee on Natural Resources and Conservation and Senator Gordon—

**CS for SB 168**—A bill to be entitled An act relating to the mining of certain solid minerals; prohibiting the Department of Environmental Regulation from issuing permits for any activity relating to the mining of certain solid minerals if the activity will degrade air or water quality; providing an exception; renumbering s. 403.087(7), Florida Statutes, and adding a new subsection (7) to said section; providing an effective date.

—was read the first time by title and SB 168 was laid on the table.

On motion by Senator Skinner, by two-thirds vote CS for SB 168 was read the second time by title.

Senator Skinner moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 24, after “degrade the” insert: ambient

On motion by Senator Skinner, by two-thirds vote CS for SB 168 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	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	
Grizzle	Lewis	Skinner	
Hair	Margolis	Steinberg	

Nays—None

Consideration of SB 713 was deferred.

By the Committee on Health and Rehabilitative Services and Senator Jennings—

**CS for SB 418**—A bill to be entitled An act relating to public health; amending s. 381.272(6), Florida Statutes, and adding subsections (11) and (12) to said section; directing the Department of Health and Rehabilitative Services to allow the installation of individual graywater disposal systems under certain circumstances; providing definitions; providing exemptions to certain rules; urging reduction in connection fees and regular service charges for certain water and sewage customers; providing an effective date.

—was read the first time by title and SB 418 was laid on the table.

On motion by Senator Jennings, by two-thirds vote CS for SB 418 was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike lines 30-31 and on page 2, strike lines 1-6 and insert: The Department of Health and Rehabilitative Service is authorized to approve on a limited and experimental basis the installation of individual gray-water disposal systems under the following conditions:

**Amendment 2**—On page 3, line 3, insert: (13) With respect to the installation of experimental individual sewage disposal systems the department is authorized to issue a temporary permit provided the permit holder maintains such monitoring equipment and makes and files such records and reports as

the department deems necessary to evaluate the effect of such systems on public health and receiving waters.

On motion by Senator Jennings, by two-thirds vote CS for SB 418 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
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	
Hair	Margolis	Skinner	

Nays—None

On motion by Senator Jennings, the rules were waived and CS for SB 418 after being engrossed was ordered immediately certified to the House.

On motion by Senator Barron, by unanimous consent—

SB 254—A bill to be entitled An act relating to state parks; adding s. 258.014(3), Florida Statutes; exempting certain residents from admission fees for state parks; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Barron, by two-thirds vote SB 254 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 639—A bill to be entitled An act relating to environmental regulation; providing a short title; amending s. 403.081, Florida Statutes; providing that the Department of Environmental Regulation establish coordination procedures with the Game and Fresh Water Fish Commission and the Department of Natural Resources to obtain certain advisory studies and reports; amending s. 403.087(4), Florida Statutes; requiring that permitted installations not interfere with conservation of animal, plant, or aquatic life; amending s. 403.813(2)(b) and (e), Florida Statutes, and adding paragraphs (p) and (q) to said subsection; modifying permit exemptions for installation and repair of certain mooring pilings, dolphins, private docks, and piers, and for repair and restoration of seawalls, and providing exemptions for installation and removal of duck blinds and for installation and maintenance of certain structures in artificially created water bodies by commercial forestry operations; amending s. 403.817(3), Florida Statutes; providing that the department may adopt amendments to certain vegetation or soil indices without legislative approval under certain conditions; repealing s. 253.76, Florida Statutes, which authorizes the Board of Trustees of the Internal Improvement Trust Fund to hear appeals of decisions of the department under chapter 253, Florida Statutes; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, strike all of lines 19-24

Senator Vogt moved the following amendment:

Amendment 2—On page 2, line 6, strike everything after the enacting clause and insert:

Section 1. This act shall be known and may be cited as the "Florida Wildlife Preservation and Protection Act."

Section 2. Section 403.081, Florida Statutes, is amended to read:

403.081 Performance by other state agencies.—

(1) All state agencies, including the Department of Health and Rehabilitative Services, shall be available to the Department of Environmental Regulation to perform, at its direction, the duties required of the Department of Environmental Regulation under this act.

(2) The department shall establish coordination procedures by rule with the Game and Fresh Water Fish Commission to timely obtain the Commission's advisory studies and comments, if any, regarding the impact of proposed dredge or fill activities subject to department permit on the conservation of animal, plant, or aquatic life and shall establish coordination procedures by rule with the Department of Natural Resources to timely obtain its advisory studies and comments, if any, regarding the impact of proposed dredge or fill activities subject to department permit on the conservation of saltwater fisheries or other marine resources.

Section 3. Subsection (4) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(4) The department shall issue permits to construct, operate, maintain, expand, or modify an installation which may reasonably be expected to be a source of pollution only when it determines that the installation is provided or equipped with pollution control facilities that will abate or prevent pollution to the degree that will comply with the standards or rules promulgated by the department, except as provided in s. 403.088, and which will comply with the prohibitions in s. 124.41 of volume 40 of the Code of Federal Regulations, and, for dredge or fill activities subject to department permit, that the proposed activities will not interfere with the conservation of animal, plant, or aquatic life to such an extent as to be contrary to the public interest. In determining whether the proposed dredge or fill activities are not contrary to the public interest, the department shall consider such mitigation measures as may be proposed by the applicant which are designed to offset adverse impacts on animal, plant, or aquatic life under both this section and permits required by chapter 253. For the purpose of dredge or fill permit application decisions within the waters of the state, the department may consider the relative ecological value of any wetlands subject to department permit that may be affected by the proposed activities.

Section 4. Paragraphs (b) and (e) of subsection (2) of section 403.813, Florida Statutes, are amended, and paragraph (p) is added to said subsection, to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection shall relieve an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks of 500 square feet or less of over-water surface area, or 1,000 square feet or less of over-water surface area for piers used for recreational noncommercial activities, constructed on pilings so as not to involve filling or dredging other than that necessary to install the pilings. The dock shall not substantially impede the flow of water or create a navigational hazard.

(e) The repair and restoration of seawalls at their present ~~previous~~ location or upland of, or within 1 foot waterward of, their present ~~previous~~ locations, including the placement of riprap which does not impede navigation, does not extend more than 10 feet waterward of the existing seawall, and which consists of natural boulders or clean concrete rubble.

(p) The installation and removal of duck blinds temporarily constructed for a hunting season when the riparian upland owner has granted permission.

(3) The provisions of subsection (2) are superseded by general permits established pursuant to s. 403.814 which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (2) shall remain or be reestablished in full force and effect.

Section 5. Paragraph (b) of subsection (3) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; temporary permits; conditions.—

(3)

(b) If the department finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them, it shall deny the application and refuse to issue a permit. If the department finds that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them, it may issue an operation permit if it finds that such degradation is necessary or desirable under federal standards and under circumstances which are *not contrary to clearly in* the public interest.

Section 6. Subsection (11) of section 403.061, Florida Statutes, is amended, and subsection (28) is added to said section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it, and for this purpose to:

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. *The department is authorized to establish reasonable zones of mixing for discharges to waters. No mixing zones for a point source discharge shall be permitted in outstanding Florida waters except for sources which have received a permit from the department prior to April 1, 1982, or the date of designation, whichever is later, and except for blowdown from new power plants certified pursuant to the Florida Electrical Power Plant Siting Act. Nothing in this act shall be construed to invalidate any existing department rule relating to mixing zones.* The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).

(28) Adopt rules to allow for issuance of permits under chapter 403, including s. 403.087 and s. 403.088, where improvement of overall ambient water quality would result from the installation or activity permitted; provided, however, that this subsection shall not authorize the issuance of permits for installations or activities that would violate technology based treatment standards prescribed by statute or rule or which would cause water quality violations even if other sources of pollution were not present.

Section 7. Paragraph (a) of subsection (3) of section 253.123, Florida Statutes, is amended to read:

253.123 Restrictions on filling land and dredging.—

(3)(a) Works authorized under paragraphs (a) and (b) of subsection (2) shall only be undertaken after receipt of a permit from the board of trustees, which permit shall be granted after consideration of a biological or ecological study, unless waived by the affirmative vote of at least five of the seven members of the board of trustees, upon a showing *that the proposed works will not cause the adverse ecological and biological impacts described in subsection (2)(d) to such an extent as to be contrary to the public interest of the public interest which will be served by such works.*

Section 8. This act shall take effect July 1, 1982.

Senator Neal moved the following amendment to Amendment 2:

Amendment 2A—On page 2, strike all of lines 2-28 and renumber subsequent sections.

Senator McClain moved that the Senate reconsider the vote by which SB 509 failed to pass this day.

The motion was placed on the calendar for consideration.

#### ENROLLING REPORT

SB 419 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on February 15, 1982.

*Joe Brown, Secretary*

#### CO-INTRODUCERS

Senator Anderson—SB 547; Senator Poole—SJR 845; Senator Langley—SJR 116, SB 117

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 11 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to reconvene at 9:00 a.m. Wednesday, February 17.