



Journal of the Senate

Number 20

Wednesday, March 3, 1982

BILL ACTION SUMMARY

Wednesday, March 3, 1982

- H 69 Substituted for SB 167; Passed
- H 192 Substituted for C/S SB 376; Passed
- H 421 Substituted for C/S SB 350; Passed as amended
- H 522 Substituted for SM 563; Adopted as amended
- H 751 Substituted for SB 924; Passed
- S 10 C/S passed
- S 49 Passed as amended
- S 149 Passed as amended
- S 167 Iden./Sim. House Bill substituted; passed, refer to HB 69
- S 187 Amendment pending
- S 201 C/S passed as amended
- S 235 Passed as amended
- S 245 Passed as amended
- S 278 C/S passed
- S 350 Reconsidered; Iden./Sim. House Bill substituted; refer to C/S HB 421
- S 376 Iden./Sim. House Bill substituted, passed; refer to C/S HB 192
- S 417 Passed as amended
- S 479 Amendment pending
- S 563 Iden./Sim. House Bill substituted; refer to HM 522
- S 581 Passed
- S 639 Amendment pending
- S 649 C/S passed as amended
- S 686 C/S passed as amended
- S 832 Passed as amended
- S 852 Passed as amended
- S 868 C/S passed, Immediately certified
- S 871 Passed as amended
- S 876 C/S passed as amended
- S 879 Passed as amended, Immediately certified
- S 914 C/S passed
- S 924 Iden./Sim. House Bill substituted, passed; refer to HB 751

sessing of costs thereof, in whole or in part against adjoining property; giving the board of county commissioners full power and authority therefor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Henderson—

SB 1022—A bill to be entitled An act relating to the East Charlotte Drainage District in Charlotte County; providing alternative residency requirements for district supervisors; providing an effective date.

Proof of publication of the required notice was attached.

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

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 CS for CS for HB 607 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Insurance—

CS for CS for HB 607—A bill to be entitled An act relating to insurance and matters connected therewith; providing that chapters 624 through 632, Florida Statutes, and Part I of chapter 641, Florida Statutes, shall constitute the "Florida Insurance Code"; amending and revising chapters 624, relating to administration and general provisions, 625, relating to accounting, investments and deposits, 626, relating to field representatives and operations, 627, relating to rates and contracts, 628, relating to the organization and procedures of stock and mutual insurers, 629, relating to reciprocal insurers, 630, relating to alien insurers and the trustee assets and domestication thereof, 631, relating to insurer insolvency and the guaranty of payment, and 632, relating to fraternal benefit societies, all Florida Statutes, which comprise the current "Florida Insurance Code"; amending and revising Part I of chapter 634, Florida Statutes, relating to automobile inspection and warranty associations, amending s. 637.427, Florida Statutes, relating to preexisting dental service plan corporations; amending and revising chapter 641, Florida Statutes, relating to hospital and medical service plans, and health maintenance organizations; repealing Chapter 649, Florida Statutes, relating to automobile clubs; creating s. 624.21, Florida Statutes, relating to automobile services which are to be exempt from the code; amending and revising s. 768.54 (2) and (3), Florida Statutes, relating to the limitation of liability for negligence and the Florida Patient's Compensation Fund; adding paragraph (d) to s. 95.11(5), Florida Statutes, relating to the statute of limitations on actions against any guaranty association; amending various provisions of Florida Statutes, to correct cross references, and to otherwise conform to the provisions of this act; providing for a Joint Committee; providing for continuation, review, and repeal in accordance with the Regulatory Sunset Act and otherwise; providing effective dates.

—was referred to the Committee on Commerce.

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

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.

By Senator Neal—

SB 1018—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending subsection (b) of section 3 of chapter 77-651, Laws of Florida; providing for an additional member of the authority; providing for dissolution of the authority board and a special election to elect new members of the board; providing for a referendum; providing an effective date.

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

By Senator Langley—

SB 1019—A bill to be entitled An act relating to Lake County, Florida; amending section 1 of chapter 63-1505, Laws of Florida, as amended by chapter 69-1208, Laws of Florida, and sections 2 and 3 of chapter 63-1505, Laws of Florida; providing for paving certain streets and highways in Lake County, on the board of county commissioner's own motion and without petition to the board of county commissioners; providing for the as-

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	Tobiasen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware

Excused: Senator Gordon, periodically, for the purpose of working on the Appropriations Bill.

Prayer by Dr. Edwin R. Hartz, Chaplain and Professor of Religion, Florida State University, Tallahassee:

Eternal and infinite God, in whom our forefathers put their trust and imprinted their trusting affirmation on the currency of our nation, it is with assurance, faith and confidence, in this historic legislative center this morning that we invoke thy continued blessings upon our beloved land with its priceless freedoms and institutions of education, health, welfare, government and public service.

Thou, O Lord our God, who governs the world in righteousness and whose judgments are just and true, grant that those elected to formulate and establish laws, to create and bring about changes through legislation may be of one mind in their endeavors to establish with fairness and equity, honor and justness the well-being of all.

With thy wisdom and strength guide the President of our nation, the Governor of this state, the members of this Senate, and others in public service to the end that we may have a good government, a sound economy, and a spirit of brotherhood among our people happy to do thy will. Amen.

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: CS for SB 17, SB 894, HB 294

The Committee on Corrections, Probation and Parole recommends the following pass: HB 193

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 80, SB 627, SB 409 with 5 amendments

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

The Committee on Commerce recommends the following pass: SB 54 with 1 amendment, SB 266, SB 496

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

The Committee on Judiciary-Criminal recommends the following pass: SB 941 with 2 amendments

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

The Committee on Judiciary-Criminal recommends the following pass: SB 572 with 2 amendments

The Committee on Commerce recommends the following pass: CS for SB 199

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce recommends the following pass: SB 759

The Committee on Corrections, Probation and Parole recommends the following pass: HB 430 with 2 amendments

The Committee on Economic, Community and Consumer Affairs recommends the following pass: CS for House Bills 28 and 51, HB 146 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: HB 497 with 2 amendments, CS for House Bills 235 and 351 with 1 amendment, HB 92 with 2 amendments, CS for HB 156 with 2 amendments, HB 60 with 5 amendments

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

The Committee on Agriculture recommends a committee substitute for the following: SB 902

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 107, Senate Bills 767 and 592

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

Bills Referred to Subcommittee

The following have been referred to Appropriations Subcommittee C which will report to the full committee within 16 days: CS for SB 472, SB 693, SB 731, CS for SB 736

REQUESTS FOR EXTENSION OF TIME

March 2, 1982

The Committee on Commerce requests an extension of 15 days for consideration of the following: SB 753, SB 759, SB 935, SB 974, HB 294

March 3, 1982

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 360

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: SB 331, SB 521, SJR 536, SB 568, CS for SB 666, SB 957, HB 229

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: SB 903, SB 920

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Frank, the rules were waived and the Committee on Education was granted permission to consider SB 429 on March 4.

Senator Johnston announced cancellation of the meeting of the Committee on Finance, Taxation and Claims on March 5.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 183, CS for SB 630 and CS for SB's 678, 970 and 483 were withdrawn from the Committee on Appropriations.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 673 was withdrawn from the Committee on Appropriations and Appropriations Subcommittee A.

On motions by Senator Jenkins, the rules were waived and by two-thirds vote SB 393 was withdrawn from the committees 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 concurred in Senate Amendments 1 and 2 and passed HB 407, as amended.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 100, 462, 150, CS for SB 547 and CS for SB 418.

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

SPECIAL ORDER

By the Committee on Commerce and Senator Henderson—

CS for SB 10—A bill to be entitled An act relating to used oil recycling; providing a short title; providing definitions; providing prohibitions; providing for the establishment of a public education program; providing for the registration of certain used oil transporters, collection facilities, and recycling facilities; providing for registration fees; providing for an annual report by the Department of Environmental Regulation; providing for enforcement; providing civil penalties; providing an appropriation; repealing s. 526.01(2), Florida Statutes, relating to labeling of containers of previously used lubricants; providing severability; providing an effective date.

—was read the first time by title and SB 10 was laid on the table.

On motions by Senator Henderson, by two-thirds vote CS for SB 10 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—39

Table with 4 columns: Mr. President, Anderson, Barron, Beard, Carlucci, Childers, D., Dunn, Frank, Gersten, Grizzle; Hair, Henderson, Hill, Jenkins, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Lewis; Margolis, Maxwell, McClain, McKnight, Neal, Peterson, Poole, Rehms, Renick, Scott; Skinner, Steinberg, Stevens, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware

Nays—None

Vote after roll call:

Yea—Gordon

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

CS for SB 201—A bill to be entitled An act relating to water conservation; creating the Water Conservation Act; creating s. 381.2612, Florida Statutes; providing that, after a specified date, no new building or addition to or renovation of an existing building may be built if it contains certain plumbing equipment; providing exceptions; providing an effective date.

—was read the first time by title and SB 201 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 201 was read the second time by title.

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

Amendment 1—On page 2, between lines 27 and 28, insert: (d) The provisions of this act shall be included in the state plumbing code.

On motion by Senator Dunn, by two-thirds vote CS for SB 201 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

Table with 4 columns: Mr. President, Anderson, Beard, Carlucci, Childers, D., Dunn, Frank, Gersten, Gordon; Grizzle, Hair, Hill, Jenkins, Jenne, Jennings, Johnston, Kirkpatrick, Margolis; Maxwell, McClain, McKnight, Peterson, Poole, Rehms, Renick, Scott, Skinner; Steinberg, Stuart, Thomas, Tobiassen, Vogt, Ware

Nays—4

Table with 4 columns: Barron, Neal, Stevens, Trask

Vote after roll call:

Yea—Langley, Lewis

By the Committee on Agriculture and Senators Skinner, Kirkpatrick, and Stuart—

CS for SB's 278 and 333—A bill to be entitled An act relating to fire control; amending s. 125.27(1), Florida Statutes; limiting uses of fire control assessments received by the Division of Forestry of the Department of Agriculture and Consumer Services; providing an effective date.

—was read the first time by title and Senate Bills 278 and 333 were laid on the table.

On motions by Senator Kirkpatrick, by two-thirds vote CS for SB's 278 and 333 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—40

Table with 4 columns: Mr. President, Anderson, Barron, Beard, Carlucci, Childers, D., Dunn, Frank, Gersten, Gordon; Grizzle, Hair, Henderson, Hill, Jenkins, Jenne, Jennings, Johnston, Kirkpatrick, Langley; Lewis, Margolis, Maxwell, McClain, McKnight, Neal, Peterson, Poole, Rehms, Renick; Scott, Skinner, Steinberg, Stevens, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware

Nays—None

SB 876—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.6645, Florida Statutes; providing definitions; authorizing the Game and Fresh Water Fish Commission to issue permits and make rules for selling crocodilian products; providing a permit fee to be deposited in the State Game Trust Fund; prohibiting sale of stuffed baby alligators or similar species; prohibiting sale of products manufactured from the hide of any crocodilian species which have been declared by the Game and Fresh Water Fish Commission to be endangered; providing penalties; 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 Barron and adopted:

Amendment 1—On page 3, strike lines 1-6, and insert:

(6) No person shall engage in the sale ~~retail sales~~ of any product manufactured from the hide of any crocodilian, crocodile, alligator, or other reptilian species which has been declared to be endangered by the United States Fish and Wildlife Service or the Game and Fresh Water Fish Commission.

On motion by Senator Barron, by two-thirds vote SB 876 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	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

On motion by Senator Dunn—

HM 522—A memorial to the Congress of the United States, urging Congress to reenact the Clean Air Act in its present form.

—a companion measure was substituted for SM 563 and read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 1, lines 21-29 and on page 2, lines 1-4, strike all of said lines and insert:

WHEREAS, the people of Florida and of the United States are entitled to a clean and healthy environment and to enjoy life, liberty, and the pursuit of happiness in a healthy economy, and

WHEREAS, the people are desirous of balancing the protection of Florida's unique and fragile environment with continued economic stability and growth, NOW, THEREFORE,

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

That the Congress of the United States is urged to reenact the Clean Air Act in a manner that is consistent with the future health, safety, and well-being of the citizens of Florida and the nation.

The vote was:

Yeas—23

Mr. President	Hill	McClain	Stevens
Anderson	Jenkins	Neal	Thomas
Barron	Jennings	Poole	Tobiassen
Beard	Langley	Rehm	Trask
Carlucci	Lewis	Scott	Ware
Childers, D.	Maxwell	Skinner	

Nays—15

Dunn	Grizzle	Kirkpatrick	Steinberg
Frank	Henderson	Margolis	Stuart
Gersten	Jenne	McKnight	Vogt
Gordon	Johnston	Renick	

HM 522 as amended was read in full, adopted and certified to the House. The vote on adoption was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair, Peterson

SM 563 was laid on the table.

Consideration of HB 180 was deferred.

SB 49—A bill to be entitled An act relating to retail installment sales; amending s. 520.03(3), Florida Statutes; increasing license fees for retail installment sellers of motor vehicles; amending s. 520.05(1), Florida Statutes; increasing fees for investigation and examination of a motor vehicle sales finance company; amending s. 520.07(5), Florida Statutes; removing the lower limit on the maximum allowable delinquency and collection charges on installments in default; amending s. 520.32(1), Florida Statutes; increasing the license fee for conducting retail installment sales business; amending s. 520.37, Florida Statutes; removing the lower limit on the maximum allowable delinquency charges on installments in default; amending s. 520.55(1), Florida Statutes; increasing expense fees for the examination of a sales finance company; amending s. 520.65(4), (5), Florida Statutes; increasing license fees for home improvement finance agencies and home improvement contractors; increasing fees for additional offices; amending s. 520.85 Florida Statutes; removing the lower limit on the maximum allowable delinquency and collection charges on installments in default for home improvement contracts; amending s. 520.96(2), Florida Statutes; increasing fees for the examination of home improvement finance agencies; deleting provision relating to deposit of expenses; providing an effective date.

—was read the second time by title.

Senators Gordon and Margolis offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 4, line 2, after "installment" insert: or \$5—whichever is less

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 4, lines 26 and 27, insert: reinstate stricken language

On motion by Senator Steinberg, by two-thirds vote SB 49 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Grizzle	Poole	Scott
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Vote after roll call:

Yea—Hair

SB 245—A bill to be entitled An act relating to the Florida Administrative Code and the Florida Administrative Weekly; amending s. 120.55(3), Florida Statutes; providing that the Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly without charge and upon request to certain libraries; 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 Stuart and adopted:

Amendment 1—On page 1, line 22, strike “each state university library; the State Library;” and insert: ~~each state university library; the State Library;~~

Senator Stuart presiding

Senators Steinberg and Gordon offered the following amendment which was moved by Senator Steinberg and adopted:

Amendment 2—On page 1, strike lines 20-25, and insert: jurisdiction over the residents of the state; ~~each Florida senator, congressman, and state legislator;~~ the Legislative Library; each state university library, the State Library; ~~each depository library designated pursuant to s. 257.05;~~ and each standing committee of the Senate and House of Representatives; ~~and each state legislator upon request of the President's or Speaker's Office.~~

On motion by Senator Steinberg, by two-thirds vote SB 245 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

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

Nays—None

Vote after roll call:

Yea—Hill, Jenne, Peterson

Consideration of SB 340 was deferred.

SB 417—A bill to be entitled An act relating to the Department of Commerce; authorizing participation by the department with the City of Miami and Dade County to host the 1982 American Society of Travel Agents World Travel Congress; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator McKnight and adopted:

Amendment 1—On page 2, line 25, after the word “advance” insert: these

On motion by Senator McKnight, by two-thirds vote SB 417 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Thomas

By the Committee on Commerce and Senator Margolis—

CS for SB 686—A bill to be entitled An act relating to public lodging and public food service establishments; adding s. 509.-261(5), Florida Statutes; providing that a new license may not be issued except in the discretion of the Director of the Division of Hotels and Restaurants where any public lodging establishment or public food service establishment premises are the subject of suspension or revocation proceedings based on any gambling, narcotics, or prostitution related offenses; providing an effective date.

—was read the first time by title and SB 686 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 686 was read the second time by title.

Senators Margolis and Maxwell offered the following amendment which was moved by Senator Margolis:

Amendment 1—On page 1, strike lines 28 and 29 and insert: Section 2. Subsection (3) of section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(3) The director's basic role is to develop and blend together an educational program, designated the Hospitality Education Program, offered for the entire industry with proper emphasis on each of the types of educational programs required. Such programs shall include:

(a) Vocational training.

(b) Community college programs for supervisors and department heads.

(c) Degree programs in management for top administrative positions.

(d) Inservice continuing education programs.

All public lodging establishments and all public food service establishments licensed under this chapter shall pay an additional fee of \$3 \$4 which shall be deposited in the Hotel and Restaurant Trust Fund established under s. 509.072 s. 509.071, and money collected pursuant to such fees shall be used for the sole purpose of funding the Hospitality Education Program.

Section 3. This act shall take effect July 1, 1982.

Senator Tobiassen moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 15, strike “\$3” and insert: \$1.50

Amendment 1 as amended was adopted.

Senators Margolis and Maxwell offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 2—In title on page 1, line 12, after the semicolon (;) insert: amending s. 509.302(3), Florida Statutes; increasing the annual fee for funding the Hospitality Education Program; correcting a cross-reference;

On motion by Senator Margolis, by two-thirds vote CS for SB 686 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

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

Stuart
ThomasTobiassen
Trask

Vogt

Ware

Nays—None

SB 832—A bill to be entitled An act relating to the Division of Pari-mutuel Wagering; adding s. 550.02(9), Florida Statutes; authorizing the Division of Pari-mutuel Wagering to exclude from all pari-mutuel facilities in this state any person who has been excluded from pari-mutuel facilities in this state or in any other state by such other state's official regulatory agency having jurisdiction over such pari-mutuel facilities; amending s. 550.10(3)(b), Florida Statutes; authorizing the division to file administrative charges for violations occurring while a person held an occupational license; authorizing the division to exclude any person who has been denied an occupational license or whose occupational license has been suspended or revoked by the division from attending any pari-mutuel facility; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 7, after the word "state", strike all of lines 7-10 and insert: *The division may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or other states to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; provided, however, that this subsection shall not be construed to abrogate the common law right of a pari-mutuel permitholder to absolutely exclude a patron in this state.*

Senator Anderson moved the following amendment which was adopted:

Amendment 2—On page 2, strike lines 11-14 and insert:

Section 2. Paragraph (e) is added to subsection (1) of section 550.10, and paragraph (b) of subsection (3) of said section is amended to read:

550.10 Occupational license tax to be paid by employees; denial and revocation of license; fines.—

(1) All persons connected with racetracks shall purchase from the Division of Pari-mutuel Wagering an annual occupational license for each specified job performed, which license shall be valid for 1 year. The division shall deposit collections for occupational licenses into the Pari-mutuel Tax Collection Trust Fund. The license shall expire on July 1 of each year. In the event the division shall determine that it is in the best interest of the division and persons connected with racetracks, the division may issue a license valid for one season at one racetrack, but may not make that determination apply to any person who objects to such determination. In any event, the season license fee shall be equal to the annual occupational license fee. Any person who has been licensed by the division for a period of 5 years or more may, at his option and pursuant to the rules promulgated by the division, purchase an annual occupational license valid for a period of 3 years, provided the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3-year license is requested. The occupational license shall be valid during its specified term at any pari-mutuel facility. The scheduled license fees are as follows:

(e) *Any person who individually, or as an agent for another, purchases or sells horses on the grounds of a pari-mutuel permitholder, \$25.00. This license fee shall not be required of any person licensed under paragraphs (a)-(d) of this subsection.*

Senator Henderson moved the following amendment which was adopted:

Amendment 3—On page 3, strike lines 21-22 and insert:

Section 2. Subsection (6) of section 550.241, Florida Statutes, is amended to read:

Section 550.241 Racing of Animals under certain conditions prohibited; penalties.—

(6) The Division of Pari-Mutuel Wagering shall adopt and enforce rules to implement this section. As an exception to this section, if the Division first determines that the use of furosemide or phenylbutazone or both in horses is in the best interest of racing, the Division may promulgate rules allowing such use. Any rules allowing the use of furosemide or phenylbutazone in racing shall set the conditions for such use. Under no circumstances may a rule be promulgated which allows the administration of furosemide within 3 hours of the officially scheduled post time for the race. Under no circumstances may a rule be promulgated which allows the administration of phenylbutazone within 24 hours of the officially scheduled post time for the race. If a rule is adopted which allows the use of phenylbutazone in horses, a companion rule shall be adopted which disallows the presence of phenylbutazone in excess of 165 micrograms per milliliter of urine or its equivalent in other bodily fluids as shown by tests conducted on bodily fluid specimens taken immediately prior to or immediately subsequent to a race.

Section 3. In the event the amendment to section 550.241(6), Florida Statutes, by this Act is determined to be unconstitutional, the amendment is to be regarded as severable from the remainder of section 550.241, Florida Statutes.

Section 4. This act shall take effect upon becoming a law.

Senator Anderson moved the following amendment which was adopted:

Amendment 4—In title on page 1, line 10, after the word "facilities;" insert: adding s. 550.10(1)(e), Florida Statutes; requiring the licensing of persons selling or purchasing horses on the grounds of a pari-mutuel permitholder; providing a fee; providing exceptions;

Senator Henderson moved the following amendment which was adopted:

Amendment 5—In title on page 1, strike all of lines 19-20 following the semi-colon, and insert: amending Section 550.241-(6), Florida Statutes, authorizing the Division to permit use of certain medications by rule; providing an effective date.

On motion by Senator Anderson, by two-thirds vote SB 832 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

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

Nays—None

Vote after roll call:

Yea—Hair, Thomas, Hill

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 59 was withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

SB 852—A bill to be entitled An act relating to building construction; requiring certain building inspectors on certain construction projects; providing requirements for certain building permits; providing for qualifications and duties of such inspectors; providing certain duties of certain project engineering personnel; requiring plans and specifications on certain projects to be sealed by certain engineers; requiring the Board of

Professional Engineers to establish certain qualifications and standards; requiring the Construction Industry Licensing Board to establish certain qualifications and standards; requiring certain personnel to be present at certain construction projects; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Vogt:

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

Section 1. There is hereby created a Committee for the Study of the Construction Industry, which shall encompass all professions and businesses integral to the construction industry.

Section 2. The membership shall include, but not be limited to, design professionals, contractors and subcontractors, material suppliers, building inspectors, representatives of local government, the bonding industry, institutional and conventional lenders, testing laboratories, and legal professionals specializing in construction law. The committee shall be appointed by the President of the Senate and the Speaker of the House of Representatives. The President of the Senate shall appoint two members of the Senate and the Speaker of the House of Representatives shall appoint two members of the House. The committee shall elect a chairman from among its legislator members and a vice-chairman and such other officers as it deems necessary. Members of the committee shall serve without compensation, but shall be reimbursed for all necessary expenses in the performance of their duties, including travel. The committee shall continue in existence until its duties are terminated, but not later than June 30, 1983. The committee shall prepare and submit to the Governor and Legislature not later than February 1, 1983, a report containing the findings, conclusions and recommendations of the committee.

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

Senator Vogt moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike everything after the enacting clause and insert: **Section 1.** There is hereby created a Committee for the Study of the Construction Industry which shall encompass professions and businesses integral to the construction industry. The purpose of the committee shall be to research, review, and analyze conditions, standards and practices in commercial and multi-unit residential construction in Florida, to identify those conditions, standards or practices which present a risk of personal injury or property damage, or are otherwise detrimental to the public health, safety and welfare, and to recommend measures to correct or alleviate such conditions, standards or practices.

Section 2. The committee shall consist of 15 members, 13 of whom shall be appointed by the Governor, including two construction contractors and one from each of the following endeavors: architects, design engineers, construction subcontractors, material suppliers, building inspectors, local governmental officials, the bonding industry, that portion of the insurance industry insuring construction risks, conventional or institutional lenders, testing laboratory professionals, and attorneys specializing in construction law. The President of the Senate shall appoint one member of the Senate, and the Speaker of the House of Representatives shall appoint one member of the House. The legislative members shall serve only while in Legislative office. The committee shall select a chairman from among its legislative members and a vice-chairman.

Section 3. The Committee shall meet at the call of the chairman. The committee shall direct its primary attention to buildings with concrete work where the design is based on a compressive strength in excess of 3,000 pounds per square inch, buildings with an area greater than 5,000 square feet, buildings more than 20 feet in height, buildings and structures of unusual design or methods of construction, and buildings where complexity of special electrical, plumbing, mechanical, or other systems require continuing control during construction. The committee's study shall include, but not be limited to: (1) conditions, standards and practices relating to the licensing and competency of build-

ing inspectors, construction subcontractors, general contractors and structural engineers, or other individuals having responsibility in the design, construction or inspection process, (2) conditions, standards and practices relating to the design, permitting, construction, alteration and inspection of buildings, and (3) conditions, standards and practices relating to insurable risks, liability, and insurance coverage.

Section 4. The committee shall continue in existence until its duties are terminated, but not later than June 30, 1983. The committee shall prepare and submit to the Governor and Legislature, not later than February 1, 1983, a report containing its findings, conclusions and recommendations.

Section 5. Members of the committee shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061.

Section 6. For administrative purposes, the committee shall be attached to the Bureau of Housing and Community Development in the Division of Local Resource Management of the Department of Veteran and Community Affairs.

Section 7. The sum of \$15,000 is appropriated from the General Revenue Fund to the Department of Veteran and Community Affairs for the purpose of paying administrative costs, per diem, and travel expenses necessary to carry out the provisions of this act.

Section 8. This act shall take effect upon becoming a law.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Vogt:

Amendment 3—In title on page 1, strike lines 3-17 and insert: creating a Committee for the Study of the Construction Industry; providing for members; providing for reimbursement of expenses; providing for a committee report to the Governor and the 1983 Legislature; providing an effective date.

Senator Vogt moved the following substitute amendment which was adopted:

Amendment 4—In title on page 1, strike lines 3-17 and insert: creating a Committee for the Study of the Construction Industry; providing for members; providing for reimbursement of expenses; providing for a committee report to the Governor and the 1983 Legislature; providing an appropriation; providing an effective date.

On motion by Senator Vogt, by two-thirds vote SB 852 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

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

Nays—None

Vote after roll call:

Yea—Maxwell

Consideration of CS for SB 868 and CS for SB 879 was deferred.

Senator McKnight presiding

By the Committee on Appropriations and Senator Kirkpatrick—

CS for SB 914—A bill to be entitled An act relating to the Florida Housing Finance Agency; providing an appropriation

to the agency; specifying uses of appropriated funds; requiring repayment to the General Revenue Fund; providing an effective date.

—was read the first time by title and SB 914 was laid on the table.

On motions by Senator Kirkpatrick, by two-thirds vote CS for SB 914 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

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

Nays—1

Stuart

Vote after roll call:

Yea—Anderson, Hair

Nay to Yea—Stuart

SB 924—A bill to be entitled An act relating to interest rates; amending s. 687.01, Florida Statutes, to increase the legal rate of interest which is applicable in the absence of a rate set by contract; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 14, strike “10” and insert: 12

On motion by Senator Poole, by two-thirds vote SB 924 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Hill	McClain	Skinner
Beard	Jenkins	McKnight	Steinberg
Dunn	Jenne	Neal	Stevens
Gersten	Jennings	Peterson	Stuart
Gordon	Johnston	Poole	Thomas
Grizzle	Kirkpatrick	Rehm	Tobiassen
Hair	Lewis	Renick	Vogt
Henderson	Margolis	Scott	Ware

Nays—3

Carlucci Frank Trask

Vote after roll call:

Nay—Langley

By the Committee on Transportation and Senator Jennings—

CS for SB 376—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.21, Florida Statutes; revising requirements and deadlines with respect to preparation of the 5-year construction plan and the annual program budget by the department; providing for proposed and final annual program budgets; providing requirements with respect to substitution of projects in the plan and budget; requiring the department to develop a list of unfunded, production ready projects; providing an effective date.

—was read the first time by title and SB 376 was laid on the table.

On motion by Senator Jennings, by two-thirds vote CS for SB 376 was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

Amendment 1—On page 9, lines 26 and 27, strike “and each member of the Legislature who represents” and insert: and transportation committees. The transportation committees shall notify each member of the Legislature who represents

Pending further consideration of CS for SB 376 as amended, on motions by Senator Jennings, the rules were waived and by two-thirds vote CS for HB 192 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Jennings—

CS for HB 192—A bill to be entitled An act relating to the Department of Transportation; amending s. 334.21, Florida Statutes; revising requirements and deadlines with respect to preparation of the 5-year construction plan and the annual program budget by the department; providing for proposed and final annual program budgets; providing requirements with respect to substitution of projects in the plan; requiring the department to develop a list of unfunded, production-ready projects; providing an effective date.

—a companion measure, was substituted for CS for SB 376 and read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 192 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Peterson

CS for SB 376 was laid on the table.

SB 149—A bill to be entitled An act relating to motor vehicles and mobile homes; creating s. 319.001, Florida Statutes; providing definitions; amending s. 319.14, Florida Statutes; revising procedures for notation of previous use on the title certificate; providing exemptions; providing clarification; amending s. 319.17, Florida Statutes; providing for adoption of rules; providing for adoption and distribution of forms; providing for record keeping; amending s. 319.20, Florida Statutes; specifying applicability; amending s. 319.21, Florida Statutes; requiring certificate of title and manufacturer's certificate of origin; amending s. 319.22, Florida Statutes; specifying conditions for valid transfer of title to a motor vehicle or mobile home; requiring statement of sales price; amending s. 319.23, Florida Statutes; providing procedures for application for and issuance of certificate of title; requiring statement of proposed use in specified circumstances; creating s. 319.235, Florida Statutes; providing for encumbrance of a motor vehicle or mobile home by co-owners; amending s. 319.24, Florida Statutes; clarifying provisions relating to liens; providing procedures for resolving conflicts among liens; specifying liability of lienholder for failing to provide satisfaction of lien; providing for reissuance of certificate of title; prohibiting failure to return a certificate upon demand; providing penalties; amending s. 319.241, Florida Statutes; providing for removal of lien from records; amending s. 319.25, Florida Statutes; providing for cancellation of certificates; providing for lists and searches; amending s. 319.27, Florida Statutes; providing for notice and recording of lien; authorizing liens in the form of security agreements; deleting the amount and kind of lien from notice of lien; providing a filing date for notice of lien; amending s. 319.28, Florida Statutes; providing for issuance of title upon transfer of ownership

by operation of law; providing for satisfactory proof of ownership by affidavit upon repossession of motor vehicle or mobile home; amending s. 319.29, Florida Statutes; providing for issuance of duplicate certificate upon loss or destruction of original; providing circumstances for reissuance of certificate; amending s. 319.30, Florida Statutes; providing for cancellation of title to salvage or junk vehicles; providing definitions; prohibiting specified acts with respect to junk or salvage vehicles; providing penalties; amending s. 319.32, Florida Statutes; specifying fees and service charges; amending s. 319.323, Florida Statutes; conforming language; amending s. 319.33, Florida Statutes; specifying violations relating to motor vehicle and mobile home titles; providing penalties; amending s. 319.34, Florida Statutes; specifying penalties for failure to transfer or surrender certificate or to operate or use a motor vehicle or mobile home for which no certificate has been issued; amending s. 319.35, Florida Statutes; prohibiting specified acts with respect to odometer readings; deleting exemptions; providing penalties; amending s. 319.36, Florida Statutes; providing procedures for shipment of motor vehicles and mobile homes; providing definitions; providing penalties; amending s. 320.01, Florida Statutes; providing definitions; specifying applicability; amending s. 320.04, Florida Statutes; conforming language; ratifying certain actions taken in reliance on chapter 79-359, Laws of Florida; repealing s. 319.08, Florida Statutes, relating to personnel of and disposition of funds by the Department of Highway Safety and Motor Vehicles; repealing s. 319.151, Florida Statutes, relating to requirement that title accompany notice of lien; repealing s. 319.16, Florida Statutes, relating to owner's demand for satisfaction of lien; repealing s. 319.161, Florida Statutes, relating to alternative methods of proof of satisfaction; repealing s. 319.18, Florida Statutes, relating to fees; repealing s. 319.19, Florida Statutes, relating to failure to provide satisfaction; repealing s. 319.26, Florida Statutes, relating to stolen vehicles; repealing s. 319.31, Florida Statutes, relating to forms; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 51 between lines 15 and 16, insert:

(b) *New motor vehicles shipped to purchasers located outside of the United States by a franchised motor vehicle dealer, as defined in s. 320.27(1)(c)1., under a manufacturer's statement of origin issued in the name of the selling dealer and assigned by the dealer to the purchaser;*

(c) ~~(b)~~ Persons transporting motor vehicles owned by the federal government or its departments or agencies; or

(d) ~~(e)~~ Federal officers or employees transporting motor vehicles in the performance of their duties of employment.

Amendment 2—On page 61 between lines 7 and 8, insert:

Section 24. Subsection (7) of section 320.27 is amended to read:

(7) **CERTIFICATE OF TITLE REQUIRED.**—*For each used motor vehicle in the possession of a licensee and offered for sale by him, the Every licensee shall either have in his possession a duly assigned certificate of title from the owner of each motor vehicle in accordance with the provisions of chapter 319, or any other law or parts of laws providing for the issuance of certificates of title, from the time when the motor vehicle is delivered to him until it has been disposed of by him, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319.*

(Renumber subsequent sections.)

Senator Beard moved the following amendments which were adopted:

Amendment 3—On page 4, lines 30 and 31, strike “u-drive-its, long-term lease vehicles”, and on page 5, lines 3 and 4, strike the words “u-drive-it vehicle,” and “long-term lease vehicle” and on page 6, lines 20 and 21, strike the words “u-drive-it,” and “or long-term lease vehicle” and on page 16, lines 1 and 2, strike “u-drive-it, long-term lease”

Amendment 4—On page 5, strike lines 20-26 and insert:

2. “For-hire vehicle” means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer or to one or more persons from time to time for a period of less than 12 months.

(Renumber subsequent subparagraph.)

Amendment 5—On page 6, lines 29 and 30, and on page 7, line 2, strike “u-drive-it or long-term lease” and insert: for-hire

Amendment 6—On page 6, strike lines 1-9 and insert: (2) No person shall knowingly sell, exchange or transfer a vehicle referred to in subsection (1) of this section without, prior to consummating the sale, exchange or transfer, disclosing in writing to the purchaser, customer or transferee the fact that the vehicle has previously been titled, registered or used as a taxicab, for-hire vehicle, police vehicle or rebuilt motor vehicle or mobile home, as the case may be.

Senator Poole moved the following amendment which was adopted:

Amendment 7—On page 61, between lines 7 and 8, insert: Section 24. Section 320.131(1), Florida Statutes is amended to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated “temporary tags,” for use in cases in which dealer tags may not be lawfully used and in cases in which the sale of a motor vehicle constitutes a casual or private sale. A “casual or private sale” means any sale other than that by a licensed dealer. No such temporary tag shall be valid for more than 20 days after it is affixed to a motor vehicle. *Temporary tags issued to a rental car company who possesses a motor vehicle dealer license, may be used on vehicles offered for lease by such company only as prescribed by the rules and regulations of the Department. Date of original issuance of the temporary tag shall be the date determining the applicable license fee.*

(Renumber subsequent sections.)

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

Amendment 8—In title on page 3, strike lines 12-16 and insert: homes; providing definitions; providing exemptions; providing penalties; amending s. 320.01, Florida Statutes; providing definitions; specifying applicability; amending s. 320.04, Florida Statutes; conforming language; amending s. 320.27(7), Florida Statutes; modifying requirement relating to possession of certificates of title by motor vehicle dealers; ratifying

Senator Beard moved the following amendments which were adopted:

Amendment 9—In title on page 1, strike line 7 and insert: certificate; revising procedure for notice of previous use to purchaser prior to vehicle sale; providing exemptions; revising definitions; providing

Amendment 10—In title on page 1, line 15, strike the word “or” and insert: of

Senator Poole moved the following amendment which was adopted:

Amendment 11—On page 3, line 16, after “language;” insert: *amending section 320.131(1), Florida Statutes, to allow department to authorize use of temporary tags on rental vehicles;*

On motion by Senator Beard, by two-thirds vote SB 149 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

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

Nays—None

Vote after roll call:

Yea—Hair

On motions by Senator Lewis, the rules were waived and by two-thirds vote HB 69 was withdrawn from the Committee on Economic, Community and Consumer Affairs and Finance, Taxation and Claims.

On motion by Senator Lewis—

HB 69—A bill to be entitled An act relating to municipalities; amending s. 336.59(2), Florida Statutes, permitting cities and towns that have no jurisdictional responsibility for streets, roads, or bridges to exchange tax moneys received from county road and bridge tax levies for unrestricted county funds; providing an effective date.

—a companion measure, was substituted for SB 167 and read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 69 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

SB 167 was laid on the table.

On motion by Senator Poole, the rules were waived and the Senate immediately reconsidered the vote by which SB 924 as amended passed this day.

On motion by Senator Poole, 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 751 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crawford—

HB 751—A bill to be entitled An act relating to interest rates; amending s. 687.01, Florida Statutes, to increase the legal rate of interest which is applicable in the absence of a rate set by contract; providing an effective date.

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

SPECIAL ORDER, continued

On motions by Senator Poole, by two-thirds vote HB 751, a companion measure, was withdrawn from the Committee on Commerce and substituted for SB 924. On motions by Senator Poole, by two-thirds vote HB 751 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—29

Anderson	Jennings	Neal	Thomas
Beard	Johnston	Peterson	Tobiassen
Carlucci	Kirkpatrick	Poole	Trask
Dunn	Langley	Renick	Vogt
Gersten	Lewis	Skinner	Ware
Grizzle	Margolis	Steinberg	
Henderson	Maxwell	Stevens	
Jenkins	McKnight	Stuart	

Nays—2

Frank McClain

Vote after roll call:

Yea—Hair

Yea to Nay—Langley

SB 924 was laid on the table.

SB 479—A bill to be entitled An act relating to unclaimed motor vehicles; amending s. 715.05, Florida Statutes; modifying procedures for reporting unclaimed motor vehicles; directing the Department of Highway Safety and Motor Vehicles to verify whether such vehicle has been reported stolen and to notify the appropriate law enforcement agency and the person reporting the vehicle; authorizing the department to charge a fee for furnishing notices; providing that the fee be added to storage charges; providing a penalty for failure to report; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Section 715.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See Section 715.05, Florida Statutes, for present text.)

715.05 Reporting of unclaimed motor vehicles.—

(1) Whenever any law enforcement agency authorizes the removal of an abandoned vehicle or whenever any garage, repair shop, automotive service, storage or parking place notifies the law enforcement agency of possession of an abandoned vehicle, the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles within 24 hours via electronic communications giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name and if any person has filed a lien upon the vehicle as provided by s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the garage or repair shop or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall, by certified mail, notify the owner and all lienholders of the location of the vehicle and of the fact that it is unclaimed.

(2) Nothing herein contained shall apply to any licensed public lodging establishment.

(3) Failure to comply with subsection (1) shall preclude the imposition of any storage charges against such vehicle after 14 days from the date of storage.

Section 2. This act shall take effect July 1, 1982.

Senator Gersten moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 1, strike all of line 9 and insert: law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2.,

Amendment 1B—On page 2, strike all of line 4 and insert: date of storage and shall, by certified mail within said 5 days, notify the

Senator Gersten moved the following amendment to Amendment 1:

Amendment 1C—On page 2, strike all of lines 9 through 11 and insert: (3) Failure to make good faith best efforts to comply with the notice requirement of this section or of s. 715.07(2)(a)2. as appropriate, shall preclude the imposition of any storage charges against such vehicle.

On motion by Senator Langley, further consideration of SB 479 was deferred.

SB 581—A bill to be entitled An act relating to the Florida Highway Patrol; repealing s. 321.11, Florida Statutes, relating to the prohibition against political activities by patrol officers; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 581 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Henderson	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jennings	McKnight	Thomas
Childers, D.	Johnston	Neal	Trask
Dunn	Kirkpatrick	Poole	Vogt
Frank	Langley	Rehm	Ware
Gersten	Lewis	Renick	
Gordon	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—Hair, Hill, Stuart

SB 871—A bill to be entitled An act relating to the registration of motor vehicles and boats; amending ss. 320.07(3) and 327.25(5), Florida Statutes, providing that the owner of a motor vehicle or boat shall be subject to the appropriate penalty if he is present at the time the motor vehicle or boat is stopped for expired registration; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, between lines 25 and 26, insert:

Section 2. Subsections (1) and (2) of section 320.131, Florida Statutes, are amended to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags," for use in cases in which dealer tags may not be lawfully used and in cases in which the sale of a motor vehicle constitutes a casual or private sale. A "casual or private sale" means any sale other than that by a licensed dealer or a marine boat trailer dealer. No such temporary tag shall be valid for more than 20 days after it is affixed to a motor vehicle.

(2) The department is authorized and empowered to sell to any franchised dealer, licensed used car dealer, trailer coach dealer, marine boat trailer dealer, certified common carrier, or county tax collector temporary tags for \$1 each, and the proceeds shall be deposited in the General Revenue Fund. The county tax collector is authorized to sell the temporary tag for \$1 plus a \$1 service charge.

(Renumber subsequent sections.)

Amendment 2—On page 2, strike all of lines 12-14 and insert: under this law is a noncriminal violation, as defined in s. 775.08(3), misdemeanor and shall subject the owner, if he is present, otherwise the and operator thereof to a fine of \$15 arrest and punishment as provided by law.

Amendment 3—In title on page 1, strike all of line 8 and insert: is stopped for expired registration; providing for issuance of temporary tags by marine boat trailer dealers; decriminalizing offense of operating a boat with an expired registration; providing

On motion by Senator Scott, by two-thirds vote SB 871 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair

SB 235—A bill to be entitled An act relating to the Florida Atlantic University West Palm Beach Center; providing legislative intent; providing for the sale of a portion of the present Florida Atlantic University West Palm Beach Center property to fund the construction of a substitute facility for the center on the North Campus of Palm Beach Junior College; providing for the deeding back of the remaining portion of the center property to the donor for the benefit of the community; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 1, line 21, strike " , to the extent possible,"

Amendment 2—On page 1, line 29, after the word "bidder", insert: with the current appraised value as the minimum bid

Amendment 3—On page 2, strike all of lines 4-6 and insert: of the Internal Improvement Trust Fund shall deed the remaining 10 acres of the property to the United Way of Palm Beach County Incorporated, for the construction of a human service center to house United Way agencies and other human service agencies approved at the discretion of the board of directors of the United Way to serve the citizens of Palm Beach County. In the event the subject property is not utilized in the aforementioned manner, title to said property shall revert to the State.

Amendment 4—In title on page 1, strike all of lines 11 and 12 and insert: property to the United Way of Palm Beach County Incorporated or to the state; providing an effective date.

On motion by Senator Lewis, by two-thirds vote SB 235 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

Anderson	Carlucci	Frank	Grizzle
Barron	Childers, D.	Gersten	Henderson
Beard	Dunn	Gordon	Hill

Jenkins	Margolis	Poole	Stevens
Jenne	Maxwell	Rehm	Thomas
Jennings	McClain	Renick	Trask
Johnston	McKnight	Scott	Vogt
Langley	Neal	Skinner	Ware
Lewis	Peterson	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair

SB 187—A bill to be entitled An act relating to education; amending s. 232.26(1)(b), Florida Statutes; allowing a school principal to suspend a student without first employing parental assistance or other alternative measures in certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 25, after the period (.), insert: *Said rules shall require oral or written notice to the student of the charges against him, and if he denies them, an explanation of the evidence against him and an opportunity to present his side of the story.*

Senator Kirkpatrick moved the following amendment:

Amendment 2—On page 2, between lines 2 and 3, insert:

Section 2. Truancy and discipline study.—

(1) The Department of Education, in cooperation with the Department of Health and Rehabilitative Services, shall conduct a study which will result in a recommendation for a state policy and a course of action to reduce truancy and improve discipline in the public schools of this state.

(2) The Commissioner of Education, upon consultation with the Secretary of the Department of Health and Rehabilitative Services, shall appoint 14 members to a task force that represents at least the following groups or agencies: public school teachers, school administrative and support personnel, the Department of Education, the Department of Health and Rehabilitative Services, the juvenile justice system, law enforcement agencies, private agencies serving juvenile or youthful offenders, school volunteers, school board members, and other lay people. The President of the Senate and the Speaker of the House of Representatives shall each appoint two additional members to the task force.

(3) The task force shall serve as a decision-making body and act as a steering committee to plan and direct the study which shall make a thorough analysis of at least the following:

(a) The status of services being provided by state and local agencies, with particular emphasis on unmet needs, overlap, and jurisdictional problems.

(b) The status and comparisons of school attendance in the schools of this state, with a cause-effect analysis for exemplary or problematic situations.

(c) The existence of laws, rules, guidelines, or definitions regarding discipline and conduct codes and their applications to the authority for administrators and teachers to exercise adequate control over student conduct.

(d) The existence of and need for auxiliary or supplemental patrols, monitors, security officers, or other support systems to assure the safety of pupils and school employees.

(e) The use of and need for recommendations for the use of school volunteers in assisting in improving attendance and discipline in the schools.

(4) The task force, through the Commissioner of Education, shall submit a written progress report to the Governor and the Legislature at the end of each 6 months of the study. The completed study, including recommendations and a draft of implementing legislation, shall be submitted before March 1, 1984.

Section 3. There is appropriated from the General Revenue Fund to the Department of Education the amount of \$100,000 for fiscal year 1982-1983 and \$50,000 for fiscal year 1983-1984 for conducting the study required by section 2.

(Renumber subsequent section.)

Senator Peterson moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 2, line 26, strike Section 3 and renumber

Amendment 2 as amended was adopted.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3—In title on page 1, strike all of line 7 and insert: requiring the creation of a statewide task force to study school truancy and discipline and to report its findings and recommendations to the Governor and the Legislature; providing an effective date.

WHEREAS, the Legislature, the general public, school administrators, and teachers consider school attendance and appropriate in-school conduct as fundamentally essential to proper growth, development and learning, as well as essential to the restoration of public confidence in its schools, NOW, THEREFORE,

Senators Poole and Maxwell offered the following amendment which was moved by Senator Poole:

Amendment 4—On page 2, between lines 2 and 3, insert:

Section 2. (1)(a) A principal of a public school may search a student's locker or similar storage area, or he may consent to a search of a locker or similar storage area by a law enforcement officer, if he has reasonable cause to believe that a prohibited, illegal, or dangerous substance is contained in the locker or storage area.

(b) A notice shall be posted in each public school, in a place where it may easily be seen by students, which states that a student's locker or similar storage area is school property and is subject to a search for illegal drugs, dangerous weapons, school property which is not properly in the possession of the student, or anything that is prohibited, illegal, or dangerous.

(2) A principal of a public school who has reasonable cause to believe from the results of a locker search, or from information received from a teacher, staff member, or another student, that a student has a dangerous weapon or drug concealed on his person may subject that student to a physical search, including a search of the student's pockets, purse, or other container.

(3) In an emergency situation involving a student who has used or displayed a dangerous weapon or illegal drug, a principal of a public school may conduct any search he considers to be necessary under the circumstances.

Section 3. To facilitate a search that is determined to be necessary, a metal detector, animal, or other device designed to indicate the presence of dangerous weapons or drugs may be used.

Section 4. (1) A principal of a public school who has probable cause to believe that any student is committing or has committed an unlawful act upon any premises under his supervision shall report such information to the appropriate law enforcement officer.

(2) A principal or other staff member of a public school shall turn over to the appropriate law enforcement officer any dangerous weapon or drug discovered as a result of a search conducted pursuant to this act.

(Renumber subsequent section.)

On motion by Senator Jenne, further consideration of SB 187 was deferred.

On motion by Senator Dunn, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 350 as amended passed March 2.

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 passed CS for HB 421 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Brown—

CS for HB 421—A bill to be entitled An act relating to local code enforcement boards; amending ss. 26.012(1), 166.051-166.055, 166.057-166.061, Florida Statutes; creating ss. 166.060 and 166.063, Florida Statutes; authorizing counties to create code enforcement boards; providing a short title; providing intent; providing applicability; providing definitions; increasing membership of the code enforcement boards; providing for membership and organization of boards; limiting reappointment of members; providing hearing procedures; providing powers of boards; providing for fines and liens; reducing maximum fine; providing for liens against real and personal property of violator other than property where violation occurred under specified circumstances; providing for appeals to the circuit court; providing that provisions of act are supplemental; providing an effective date.

—which was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

SPECIAL ORDER, continued

On motions by Senator Dunn, by two-thirds vote CS for HB 421, a companion measure, was withdrawn from the Committee on Economic, Community and Consumer Affairs and substituted for CS for SB 350. On motion by Senator Dunn, by two-thirds vote CS for HB 421 was read the second time by title.

Senator Rehm moved the following amendment which was adopted:

Amendment 1—On page 6, line 18, strike the period after violator and insert: and may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court except for enforcement purposes.

On motion by Senator Dunn, by two-thirds vote CS for HB 421 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hill, Hair

CS for SB 350 was laid on the table.

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

CS for SB 868—A bill to be entitled An act relating to telephone companies; creating s. 364.027, Florida Statutes; pro-

viding for the Florida Public Service Commission's access to telephone company records; providing for the confidentiality of certain records and an exemption from s. 119.07(7), Florida Statutes; amending s. 364.055(1), (2)(a) and (b), and (5), Florida Statutes; providing a procedure for setting interim rates or setting revenues subject to refund; amending s. 364.335(4), Florida Statutes, and creating s. 364.337, Florida Statutes; authorizing the commission to grant certificates to certain telephone companies which will be in competition with other telephone companies; authorizing establishment of different requirements or exemption from statutory provisions for companies providing duplicative or competitive services; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the first time by title and SB 868 was laid on the table.

On motions by Senator Stuart, by two-thirds vote CS for SB 868 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—34

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

Nays—None

Vote after roll call:

Yea—Hair

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

CS for SB 879—A bill to be entitled An act relating to utilities; amending s. 366.03, Florida Statutes; modifying general duties of a public utility; adding s. 366.05(10), (11), Florida Statutes; authorizing the Florida Public Service Commission to impose certain penalties; providing for commission access to records and providing for the confidentiality of certain records and an exemption from s. 119.07(1), Florida Statutes; amending s. 366.071(1), (2)(a), (b), (5), Florida Statutes; modifying procedure for setting interim rates; creating s. 366.125, Florida Statutes; providing natural gas jurisdiction limits; amending s. 366.82(2), Florida Statutes; authorizing the changing of certain goals; amending s. 367.011(2), Florida Statutes; removing the commission's authority over securities issued by water and sewer utilities; amending s. 367.071(4), Florida Statutes; authorizing, rather than requiring, the commission to set the rate base upon the transfer of a utility; amending s. 367.081(4) and (6), Florida Statutes; providing that the commission shall regularly establish a leverage scale for certain purposes; authorizing utilities to use a certain established range of rates of return in rate cases; authorizing, rather than requiring, a utility to put unapproved rates into effect; requiring the filing of tariffs prior to placing unapproved rates into effect; amending s. 367.082(1), (2)(a), (b), (5), Florida Statutes; modifying the procedures for setting interim rates of revenues subject to refund; adding s. 367.121(3), Florida Statutes; providing for commission access to records and providing for the confidentiality of certain records and an exemption from s. 119.07(1), Florida Statutes; amending s. 367.151, Florida Statutes; conforming language relating to the gross receipts tax; amending s. 367.171(2)(c), Florida Statutes; authorizing, rather than requiring, the commission to set rates and make certain other determinations prior to issuing a certificate when a utility comes under its jurisdiction; amending s. 368.021, Florida Statutes; limiting applicability of the Gas Safety Law; adding s. 368.05(3), Florida Statutes; limiting jurisdiction of the commission under the Gas Safety Law; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the first time by title and SB 879 was laid on the table.

On motion by Senator Stuart, by two-thirds vote CS for SB 879 was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 1, line 2, after the word "relating" insert: to

Senators Gordon, Renick and Tobiassen offered the following amendment which was moved by Senator Gordon:

Amendment 2—On page 2, between lines 26 and 27, insert:

Section 1. Section 350.01, Florida Statutes, is amended to read:

350.01 Florida Public Service Commission.—

(1) The Florida Public Service Commission shall consist of five commissioners, each of whom resides in a different district and is elected to a term of 4 years by the qualified electors of the district as provided herein appointed pursuant to s. 350.031.

(2) Each commissioner serving on January 1, 1982, or appointed to serve the unexpired portion of the term of such commissioner, shall be permitted to remain in office until January 4, 1983.

(3)(a) Each commissioner serving on July 1, 1978, shall be permitted to remain in office until the completion of his current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed by s. 350.031(3) and (4) for a 4-year term, except that the terms of the initial members appointed under this act shall be as follows:

1. The vacancy created by the present term ending in January, 1981, shall be filled by appointment for a 4-year term and for 4-year terms thereafter, and

2. The vacancies created by the two present terms ending in January, 1979, shall be filled by appointment for a 2-year term and for 4-year terms thereafter.

(b) Two additional commissioners shall be appointed in the manner prescribed by s. 350.031(3) and (4) for 4-year terms beginning the first Tuesday after the first Monday in January, 1979, and successors shall be appointed for 4-year terms thereafter.

(c) Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as original appointments to the commission.

(3) Five commissioners shall be elected pursuant to subsection (4) at the general election to be held in November 1982.

(4)(a) Each commissioner elected in November, 1982 or thereafter shall be elected by vote of the electors of one of the districts created in this subsection and shall be a resident of such district. Any vacancy in office shall be filled by appointment of a person who resides in the same district as the person who was formerly a commissioner.

(b) Districts shall be reapportioned by general law every 10 years, based on the decennial census, and each reapportionment shall first apply to the general election held in the second year after the year of the census. Districts shall be contiguous and as nearly equal in population as possible. No county may be divided between two or more districts.

(c) The initial districts are:

1. District I, consisting of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.

2. District II, consisting of Brevard, Citrus, Flagler, Hernando, Lake, Levy, Marion, Orange, Osceola, Polk, Seminole, Sumter, and Volusia Counties.

3. District III, consisting of Charlotte, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.

4. District IV, consisting of Broward, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Martin, Palm Beach, Okeechobee, and St. Lucie Counties.

5. District V, consisting of Collier, Dade, Lee, and Monroe Counties.

(3) Any person serving on the commission who seeks to be appointed or reappointed shall file with the nominating council at least 180 days before the expiration of his term a statement that he desires to serve an additional term.

(5) (4) One member of the commission shall be elected by majority vote to serve as chairman for a term of 2 years, beginning with the first Tuesday after the first Monday in January, 1979. A member may not serve two consecutive terms as chairman.

(6) (5) The primary duty of the chairman is to serve as chief administrative officer of the commission; however, the chairman may participate in any proceedings pending before the commission when administrative duties and time permit. In order to distribute the workload and expedite the commission's calendar, the chairman, in addition to other administrative duties, has authority to assign the various proceedings pending before the commission requiring hearings to two or more commissioners or to the commission's office of hearing examiners under the supervision of the office of general counsel. Only those commissioners assigned to a proceeding requiring hearings are entitled to participate in the final decision of the commission as to that proceeding; provided, if only two commissioners are assigned to a proceeding requiring hearings and cannot agree on a final decision, the chairman shall cast the deciding vote for final disposition of the proceeding. If more than two commissioners are assigned to any proceeding, a majority of the members assigned shall constitute a quorum and a majority vote of the members assigned shall be essential to final commission disposition of those proceedings requiring actual participation by the commissioners. If a commissioner becomes unavailable after assignment to a particular proceeding, the chairman shall assign a substitute commissioner. In those proceedings assigned to a hearing examiner, following the conclusion of the hearings, the designated hearing examiner is responsible for preparing recommendations for final disposition by a majority vote of the commission. A petition for reconsideration shall be voted upon by those commissioners participating in the final disposition of the proceeding.

(7) (6) A majority of the commissioners may determine that the full commission shall sit in any proceeding. The public counsel or a person regulated by the Public Service Commission and substantially affected by a proceeding may file a petition that the proceeding be assigned to the full commission. Within 15 days of receipt by the commission of any petition or application, the full commission shall dispose of such petition by majority vote and render a written decision thereon prior to assignment of less than the full commission to a proceeding. In disposing of such petition, the commission shall consider the overall general public interest and impact of the pending proceeding, including but not limited to the following criteria: the magnitude of a rate filing, including the number of customers affected and the total revenues requested; the services rendered to the affected public; the urgency of the requested action; the needs of the consuming public and the utility; value of service involved; the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area involved. If the petition is denied, the commission shall set forth the grounds for denial.

(8) This section does not prohibit a commissioner, designated by the chairman, from conducting a hearing as provided under s. 120.57(1), s. 323.07, or s. 350.631, and the rules of the commission adopted pursuant thereto.

Section 2. Sections 350.001 and 350.031, Florida Statutes, are hereby repealed.

(Renumber subsequent sections.)

The President presiding

Point of Order

Senator Stuart raised a point of order stating that the bill related to utilities, not to the Public Service Commission,

therefore the amendment was not germane and violated Article III, Section 6 of the Florida Constitution and Senate Rule 7.1

The President referred the point to Senator Dunn, Chairman of the Committee on Rules and Calendar.

Senator Dunn subsequently reported, suggesting that the point was well taken. The President ruled the point well taken and the proposed amendment out of order.

On motion by Senator Dunn, further consideration of CS for SB 879 was temporarily deferred.

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 taken up with pending amendment 2.

Senator Vogt moved the following amendment to Amendment 2 which failed:

Amendment 2B—On page 3, line 1, insert a new section 3:

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 unreasonably interfere with the conservation of ecologically significant indigenous 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. The Department of Environmental Regulation in coordination with the Game and Fresh Water Fish Commission and Department of Natural Resources shall adopt by rule specific standards and guidelines to implement and enforce s. 403.087(4), Florida Statutes, as amended. Nothing herein is intended to extend the department's jurisdiction beyond the landward extent of waters of the state as provided in section 403.817.

Further consideration of SB 639 was deferred.

By the Committee on Governmental Operations and Senators Kirkpatrick and Rehm—

CS for SB 649—A bill to be entitled An act relating to purchasing; amending s. 945.16, Florida Statutes; allowing the nonprofit prison industries corporation to sell its products to state agencies; providing an effective date.

—was read the first time by title and SB 649 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 649 was read the second time by title.

Senators Rehm and Kirkpatrick offered the following amendment which was moved by Senator Rehm and adopted:

Amendment 1—On page 2, line 3, strike October 1, 1982 and insert: July 1, 1982

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 649 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	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Grizzle	Lewis	Skinner	
Hair	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yeas—Scott

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 54 was withdrawn from the Committee on Finance, Taxation and Claims.

The Senate resumed consideration of—

CS for SB 879—A bill to be entitled An act relating to utilities; amending s. 366.03, Florida Statutes; modifying general duties of a public utility; adding s. 366.05(10), (11), Florida Statutes; authorizing the Florida Public Service Commission to impose certain penalties; providing for commission access to records and providing for the confidentiality of certain records and an exemption from s. 119.07(1), Florida Statutes; amending s. 366.071(1), (2)(a), (b), (5), Florida Statutes; modifying procedure for setting interim rates; creating s. 366.125, Florida Statutes; providing natural gas jurisdiction limits; amending s. 366.82(2), Florida Statutes; authorizing the changing of certain goals; amending s. 367.011(2), Florida Statutes; removing the commission's authority over securities issued by water and sewer utilities; amending s. 367.071(4), Florida Statutes; authorizing, rather than requiring, the commission to set the rate base upon the transfer of a utility; amending s. 367.081(4) and (6), Florida Statutes; providing that the commission shall regularly establish a leverage scale for certain purposes; authorizing utilities to use a certain established range of rates of return in rate cases; authorizing, rather than requiring, a utility to put unapproved rates into effect; requiring the filing of tariffs prior to placing unapproved rates into effect; amending s. 367.082(1), (2)(a), (b), (5), Florida Statutes; modifying the procedure for setting interim rates or revenues subject to refund; adding s. 367.121(3), Florida Statutes; providing for commission access to records and providing for the confidentiality of certain records and an exemption from s. 119.07(1), Florida Statutes; amending s. 367.151, Florida Statutes; conforming language relating to the gross receipts tax; amending s. 367.171(2)(c), Florida Statutes; authorizing, rather than requiring, the commission to set rates and make certain other determinations prior to issuing a certificate when a utility comes under its jurisdiction;

amending s. 368.021, Florida Statutes; limiting applicability of the Gas Safety Law; adding s. 368.05(3), Florida Statutes; limiting jurisdiction of the commission under the Gas Safety Law; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

On motion by Senator Stuart, by two-thirds vote CS for SB 879 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	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	

Nays—None

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 289 and 105 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Stuart, the rules were waived and CS for SB 868 was ordered immediately certified to the House.

On motion by Senator Stuart, the rules were waived and CS for SB 879 after being engrossed was ordered immediately certified to the House.

CO-INTRODUCER

Senator McKnight—SCR 845

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 2 was corrected and approved as follows:

Page 286, column 1, from bottom, line 20, strike "594" and insert: 591

On motion by Senator Dunn, the Senate adjourned at 12:02 p.m. to convene at 9:00 a.m., Thursday, March 4.