



Journal of the Senate

Number 27

Monday, March 15, 1982

BILL ACTION SUMMARY

Monday, March 15, 1982

H 1078	Passed
S 102	Failed to pass
S 187	Passed as amended, Reconsidered
S 636	C/S passed as amended
S 777	C/S passed as amended
S 885	C/S passed as amended
S 898	Amendment withdrawn
S 921	Passed as amended
S 994	Adopted
S 1033	Passed
S 1034	Adopted

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 Anderson—

SB 1028—A bill to be entitled An act relating to Monroe County; amending section 9 of chapter 67-1724, Laws of Florida, as amended by section 3 of chapter 69-1322, and section 2 of chapter 72-617, Laws of Florida, and section 31 of chapter 67-1724, Laws of Florida, as amended by section 1 of chapter 77-602, Laws of Florida; authorizing the governing board of the Lower Florida Keys Hospital District to issue notes with an interest rate of no more than the current prime rate, rather than 8 percent; authorizing a cap of \$3 million, rather than \$1 million, on the total principal of moneys borrowed by the district; providing that the board may lease land for any length of time for certain authorized purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

SB 1029—A bill to be entitled An act relating to St. Johns County; creating the Municipal Service District of Ponte Vedra Beach; specifying boundaries; providing for membership, terms, powers, and duties of the Board of District Trustees; providing authorization to levy and collect ad valorem taxes and to incur debts; limiting millage; providing for millage increase; specifying powers of St. Johns County with respect to the district; requiring the bonding of certain persons; requiring audits; providing severability; validating certain taxes collected on behalf of the district; providing for referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on 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 CS for HB 189 and HB 1141 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative R. C. Johnson—

CS for HB 189—A bill to be entitled An act relating to jurors and juror selection; amending s. 40.013, Florida Statutes; providing for the excusal of certain persons from jury service; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Appropriations—

HB 1141—A bill to be entitled An act relating to mentally retarded defendants and inmates; amending s. 916.11(2), Florida Statutes, requiring the Department of Health and Rehabilitative Services' diagnosis and evaluation team to examine defendants suspected of being mentally retarded; amending s. 916.13(1), Florida Statutes, and adding subsection (3) thereto, providing for the placement of a defendant adjudicated incompetent to stand trial due to mental retardation; amending s. 916.16, Florida Statutes, including admission to retardation residential services within the jurisdiction of the committing court; creating s. 945.085, Florida Statutes, requiring Department of Corrections to notify Department of Health and Rehabilitative Services prior to the release of mentally retarded inmates; creating s. 947.185, Florida Statutes, allowing the Parole and Probation Commission to require as a condition of parole that mentally retarded inmates apply for services from Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Committees on Judiciary-Criminal, Health and Rehabilitative Services, and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1138 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 1138—A bill to be entitled An act relating to mentally ill inmates in the state correctional system; creating part II of chapter 945, Florida Statutes, creating the "Corrections Mental Health Act"; providing legislative intent; providing definitions; providing for the admission of inmates to mental health treatment; providing for the rights of inmates provided treatment; providing for the emergency admission of inmates to a mental health treatment facility; providing for the discharge of inmates from mental health treatment; providing for the operation and administration of the act; amending s. 945.12(1), Florida Statutes, deleting current reference to the transfer of certain mentally ill or retarded prisoners by the Department of Corrections; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 687, CS for HB 291 and CS for HB 31 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rosen—

HB 687—A bill to be entitled An act relating to public business; adding a paragraph to s. 119.07(3), Florida Statutes, ex-

empting from the public records law certain records of insurance claim negotiations; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Governmental Operations and Representatives Hagler and Robinson—

CS for HB 291—A bill to be entitled An act relating to public records; amending s. 119.07(3)(k), Florida Statutes; providing that complaints against law enforcement personnel and internal investigation information of law enforcement agencies shall be exempt from public disclosure requirements for a specified period of time; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Health & Rehabilitative Services and Representative Meffert—

CS for HB 31—A bill to be entitled An act relating to education; amending s. 230.23(4)(n), Florida Statutes, and adding a subsection (9) to s. 402.22, Florida Statutes; providing for the operation of the educational programs of the Alyce D. McPherson School and the Florida School for Boys at Okeechobee by the Department of Education; providing for computation and disbursement of the annual state allocation therefor; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 872, HB 1094 and HB 1025 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Moffitt and others—

CS for HB 872—A bill to be entitled An act relating to teacher education; providing legislative intent; creating the Joint Executive and Legislative Task Force for Teacher Education Quality Improvement; providing for appointment of members thereto; providing for terms, organization, meetings, expenses, filling of vacancies, and staffing of the task force; providing for a report to be submitted to specified government officials by March 1, 1983; listing issues to be addressed; providing an effective date.

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

By the Committee on Tourism & Economic Development and Representatives Kutun and Friedman—

HB 1094—A bill to be entitled An act relating to municipal resort tax; amending s. 2 of chapter 67-930, Laws of Florida; authorizing an increase in said tax applicable to the rental of hotel, motel, and similar rooms in those cities and towns levying a municipal resort tax under said chapter; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By the Committee on Criminal Justice—

HB 1025—A bill to be entitled An act relating to Indian affairs; amending s. 285.18(2)(b), Florida Statutes, authorizing the Seminole and Miccosukee Indian Tribes to employ law enforcement personnel to enforce the provisions of chapter 316, Florida Statutes; amending ss. 34.191, 142.03, and 316.660, providing for payment of fines and forfeitures to special improvement districts; providing an effective date.

—was referred to the Committees on Governmental Operations and Judiciary-Civil.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 54 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education, K-12, Regulatory Reform and Representatives Gardner and Young—

CS for CS for HB 54—A bill to be entitled An act relating to personnel of the school system; amending s. 231.02, Florida Statutes, providing qualifications for employment in the district school system; amending s. 231.06, Florida Statutes, providing penalties for assault or battery of district school board employees; amending s. 231.07, Florida Statutes, relating to the disturbance of school functions, to clarify; amending s. 231.085, Florida Statutes, relating to duties of principals; amending s. 231.09, Florida Statutes, deleting certain duties of instructional personnel; amending s. 231.141, Florida Statutes, deleting provisions encouraging district school boards to appoint teacher aides in certain grades; amending s. 231.17(3)(a), Florida Statutes, deferring certain requirements for issuance of an initial regular certificate; amending s. 231.262(1), (2), (3), (5), (6), and (7), Florida Statutes, providing that the Department of Education shall investigate complaints not subject to the revocation or suspension of certificates; authorizing members of the department general counsel staff to review investigations and conduct prosecutions; amending s. 231.28, Florida Statutes, authorizing the Education Practices Commission to impose penalties as provided by law; providing additional grounds for discipline; amending s. 231.29, Florida Statutes, revising procedures for assessing district personnel; providing for training programs for evaluators; amending s. 231.30(1), Florida Statutes, deleting specified certification fees and requiring the State Board of Education to adopt rules pertaining to such fees; amending s. 231.36, Florida Statutes, deleting continuing contracts; providing for annual contracts for instructional personnel during a 2-year probationary period and for 2-year contracts after completion of such probationary period; providing that contracts shall contain provisions for dismissal only for just cause; providing for renewal of contracts; providing procedures in the case of unsatisfactory performance, including notification, informal review, transfer of position, inservice training, and hearing; providing for final determination by the school board for nonrenewal; providing that an employee with continuing contract status on July 1, 1984, may retain such contract; providing authorization to negotiate compensation for continuing contract status; providing for rules relating to reductions in personnel who are on 2-year or continuing contracts; providing for certain continuing service credit; repealing s. 231.351, Florida Statutes, relating to annual contracts; amending ss. 230.321(1) and 230.66(5) and (7), Florida Statutes, to conform to provisions of this act; providing that all local tenure acts previously adopted by the Legislature are superseded on July 1, 1984; repealing Chapter 18964, Laws of Florida, 1937, as amended, Chapter 21197, Laws of Florida, 1941, as amended, and Chapter 21287, Laws of Florida, 1941, as amended; amending s. 231.381, Florida Statutes, to delete obsolete language; amending s. 231.39, Florida Statutes, providing for leaves of absence with or without compensation pursuant to district school board rules; amending s. 231.40(2)(a), Florida Statutes, providing sick leave for noninstructional personnel; amending s. 231.41, Florida Statutes, providing for illness-in-line-of-duty leave for all district school board employees; creating s. 231.415, Florida Statutes, providing that leave provisions shall not supersede any local law establishing a civil service system covering school district employees; amending s. 231.44, Florida Statutes, providing penalties for absence without leave for all district school board employees; amending s. 231.45, Florida Statutes, requiring each principal and superintendent to keep records of days present and absent for employees; amending s. 231.47, Florida Statutes, requiring district school boards to adopt rules for the employment and compensation of substitute teachers; amending s. 231.471(1), Florida Statutes, authorizing district school boards to hire teachers for less than a full school year; repealing s. 231.424, Florida Statutes, relating to sabbatical leave; saving specified sections of chapter 231, Florida Statutes, from sunset review and repeal scheduled October 1, 1982; providing for future review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Education.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 273 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives L. R. Hawkins, Silver and others—

CS for HB 273—A bill to be entitled An act relating to retired Florida law enforcement officers; creating s. 790.053, Florida Statutes; authorizing such officers to carry concealed firearms under certain circumstances; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 476 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bell—

HB 476—A bill to be entitled An act relating to miscellaneous commissions; amending s. 13.10(1), Florida Statutes, authorizing the Governor to appoint four Commissioners for the Promotion of Uniformity of Legislation in the United States; providing an effective date.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 209, HB 819 and HB 1118 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative B. L. Johnson and others—

CS for HB 209—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.402(8), Florida Statutes, redefining the term "personal services"; amending s. 400.411(2), Florida Statutes; providing for the required submission of certain information pursuant to initial application for license to operate such a facility; providing for verification of such information and for background investigations of such applicants; specifying information which may be required; providing that applications shall be sworn to by the applicants; adding subsections (3) and (4) to s. 400.414, Florida Statutes, providing for denial of applications in certain cases; providing for suspension or revocation of license upon discovery that the applicant has falsely sworn to a material statement on the application; amending s. 400.418(1)(c), Florida Statutes, clarifying certain funding provisions; amending s. 400.427(6), Florida Statutes, relating to property and personal affairs of residents, modifying penalty provisions to clarify that certain taking or use of residents' personal funds or property is theft and shall be punishable as such; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

By Representatives Price and Morgan—

HB 819—A bill to be entitled An act relating to the Student Financial Aid Trust Fund; amending s. 240.417, Florida Statutes; authorizing the use of moneys from such fund for student financial aid programs under certain circumstances; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Regulatory Reform—

HB 1118—A bill to be entitled An act relating to the Florida Statutes; amending s. 11.242(5)(b), (i), Florida Statutes; authorizing the continued publication of laws which are expressly repealed by any current session of the Legislature in the Florida Statutes until the repeals become operative and directing the omission of such laws from publication after the repeals have become operative; authorizing the omission of laws which have been expressly repealed or superseded by any preceding session of the Legislature or which have expired by their own limitations without the necessity for reviser's bills; providing an effective date.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 969 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Veterans Affairs and Representative Boles—

HB 969—A bill to be entitled An act relating to elevators; amending s. 399.035(1), Florida Statutes, expanding the exemption of semiprivate elevators from certain requirements for accessibility to the physically handicapped; providing for future repeal and review; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 681 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development and Representative Robinson—

CS for HB 681—A bill to be entitled An act relating to professional regulation; amending s. 465.003(4), Florida Statutes, allowing duly licensed pharmacists to fill prescriptions by practitioners licensed to practice in a jurisdiction, rather than a state, other than Florida; providing for review and repeal in accordance with the Regulatory Sunset Act; amending s. 466.018, Florida Statutes, requiring dental records to indicate the dentist of record and the identity of other persons performing dental treatment; creating a presumption that treatment was provided by the dentist of record unless otherwise indicated; creating s. 466.0215, Florida Statutes, prohibiting persons other than licensed dentists from employing a dentist or dental hygienist or from having certain proprietary interest in the dental practice of a dentist, dental hygienist, or other agent; amending s. 471.003(2)(i), Florida Statutes, to exempt any licensed electrical, plumbing, air-conditioning, or mechanical contractor from the requirement that he register as a registered engineer under certain circumstances; providing exceptions; restricting certain interference with a dentist's independent professional judgment; providing a penalty; amending s. 177.031(13), Florida Statutes, modifying the definition of the term "P.C.P." for the purposes of state law governing land boundaries and platting; amending s. 177.141, Florida Statutes, relating to the duty of the circuit court clerk with respect to errors in recorded plats; amending s. 466.006(3)(b), Florida Statutes, authorizing an increase in the fee for taking the manual skills portion of the examination for dentistry; adding paragraph (c) to s. 468.1705(1), Florida Statutes, providing for the issuance of a license by endorsement under the nursing home licensing law to certain persons; amending s. 468.1735, Florida Statutes, providing an application fee for a provisional license as a nursing home administrator; adding subsection (21) to s. 470.002, Florida Statutes, defining the term "preneed agent"; creating s. 470.010, Florida Statutes, providing for the establishment of an embalmer apprentice program; amending s. 470.021(1), Florida Statutes, and adding subsections (3) and (4); providing fees with respect to direct disposal establishments; amending s. 470.028(2), Florida Statutes, and adding subsection (5) thereto, relating to registra-

tion fees for preneed sales agents; amending s. 472.007(1) and (3), Florida Statutes, increasing the membership of the Board of Land Surveyors; amending s. 472.011, Florida Statutes, altering the maximum renewal fee; amending s. 472.025-1), Florida Statutes, clarifying language with respect to seals used under the land surveying law; amending s. 475.01(5), Florida Statutes, redefining the term "broker-salesman" under the real estate licensing law; amending s. 475.10, Florida Statutes, relating to the seal adopted by the Board of Real Estate; creating s. 475.215, Florida Statutes, authorizing the issuance of multiple licenses under the real estate license law; amending s. 475.25(1)(d), Florida Statutes, clarifying language with respect to disciplinary action under the real estate license law; amending s. 475.42(1)(c) and (k), Florida Statutes, relating to violations and penalties; amending s. 475.451(2)(a) and (c), Florida Statutes, respect to academic standards in real estate schools; amending s. 477.026(1)(a), Florida Statutes, and adding paragraph (e) thereto, altering the maximum fees for cosmetologists and cosmetology instructors; adding subsection (7) to s. 480.041, Florida Statutes, providing for the issuance of a provisional license without examination to certain persons to practice massage; adding subsection (7) to s. 481.203, Florida Statutes, providing a definition; amending s. 481.229(1)(b), Florida Statutes, providing an exception from the licensing requirement for persons who make plans and specifications for, or supervise the construction or alteration of, townhouses; amending s. 489.105(3)(m), Florida Statutes, redefining the term "plumbing contractor"; amending s. 489.119(5), Florida Statutes, removing the requirement that a registered or certified contractor affix his registration or certification number to certain documents; amending s. 465.012, Florida Statutes, altering inactive status for pharmacists; amending 475.011, Florida Statutes, exempting accountants from certain chapter 475 requirements; amending 475.182, Florida Statutes, altering the eligibility of continuing education classes; amending 475.183, Florida Statutes, altering the eligibility of classes to be taken when on inactive status; amending 477.022, Florida Statutes, mandating testing facilities for cosmetology; amending 484.011, Florida Statutes, altering use of supportive personnel; amending 490.014, Florida Statutes, exempting developmental services programs from licensure requirements; amending 490.013, of section 1, chapter 81-235, Laws of Florida, altering the grandfathering of mental health counselors and marriage and family therapists; amending 466.006, Florida Statutes, altering the examination requirements of applicants from foreign dental colleges or unaccredited colleges; providing authority to the Department of Professional Regulation to promulgate certain examination rules; creating a committee to study the construction industry and providing an appropriation to fund the committee; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Economic, Community and Consumer Affairs.

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

Prayer by Father Jose P. Nickse, Pastor, St. Brendens Catholic Church, Miami:

The Lord is my shepherd; I have everything I need. He lets me rest in fields of green grass and leads me to quiet pools of fresh water. He gives me new strength. He guides me in the right paths, as he has promised. Even if I go through the deepest darkness, I will not be afraid, Lord, for you are with me. Your shepherd's rod and staff protect me.

You prepare a banquet for me, where all my enemies can see me; you welcome me as an honored guest and fill my cup to the brim. I know that your goodness and love will be with me

all my life; and your house will be my home as long as I live.

May the Lord bless our great state and this assembly. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, March 15, 1982: SB 921, HB 1078, CS for SB 885, CS for SB 898, SB 215, CS for SB 669, SB 823, SB 217, SB 240, SB 368, SB 665, CS for SB 300, SB 352, SB 848, SB 764, CS for HB's 28 & 51, SB 925, CS for SB 963, CS for SB 849

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

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 and passed HB's 709, 487, 146 and CS for HB 502, 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 SB 67, CS for SB 420, CS for SB 75, SB 674, SB 729, CS for SB 902, SB 73 and SB 44.

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable W. D. Childers, President

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

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 procedures for search of students and students' lockers and storage areas by school officials; requiring notice; requiring reports to law enforcement agencies; requiring seized objects or substances to be delivered to a law enforcement agency; 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 31 and on page 5, lines 1-12 strike all of said lines and insert: or illegally possessed substances or objects.

(and renumber subsequent subsection)

Amendment 2—On page 1, line 16 in the title insert: directing district school boards to make certain rules;

On motions by Senator Maxwell, the Senate concurred in the House amendments.

SB 187 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

CS for SB 636—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(6)(f), (7)(g), Florida Statutes, providing the committees access to client records which are in the physical custody of the Department of Health and Rehabilitative Services; providing for review and repeal in accordance with the Sundown Act; amending s. 409.266, Florida Statutes; providing for the confidentiality of complaints and information obtained pursuant to a Medicaid fraud and abuse investigation; amending s. 409.185(2), (3), Florida Statutes; providing for periodic review of eligibility for public assistance; providing criteria to be excluded from determination of eligibility; amending s. 409.235(2), Florida Statutes; lowering to age 19 the maximum age for which monthly assistance may be paid to certain children; amending s. 409.365(1), Florida Statutes; deleting a requirement that counties file public assistance reports with the Department of Health and Rehabilitative Services; amending s. 409.508(1)(a), (2), Florida Statutes; changing terminology with respect to certain low-income home energy assistance; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 12 line 16 INSERT: between “prosecution,” and “or” or until 10 days after the complaint is found to be without merit

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

CS for SB 636 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea to Nay—Carlucci

The bill was ordered engrossed and then enrolled.

MATTERS ON RECONSIDERATION

On motion by Senator Peterson, the Senate reconsidered the vote by which—

CS for SB 777—A bill to be entitled An act relating to state financial assistance for community services and development; amending ss. 409.503(4), 409.504, 409.506, Florida Statutes, and adding s. 409.503(5), Florida Statutes; providing definitions; deleting provisions for joint programs with Indian tribes; requiring local approval of application prior to submission;

deleting matching fund requirement; providing formula for distribution; requiring selection of a legislator to chair a specified committee; specifying programs for which moneys in the Community Service Trust Fund may be used; requiring the provision of matching funds; specifying applicability of federal laws; creating ss. 409.610-409.615, Florida Statutes; providing legislative findings; providing definitions; creating the Community Development Block Grant Fund; providing for grant applications; providing for distribution of funds; specifying activities eligible for funding; limiting funding; providing accountability of funds; providing a penalty for misuse; providing authority of the Department of Veteran and Community Affairs; providing for legislative review; providing an effective date.

—as amended passed March 12.

Senators Peterson and Margolis offered the following amendments which were adopted by two-thirds vote:

Amendment 14—On page 7, line 19, after “basis” insert: within population groups established by the department and

Amendment 15—On page 7, line 26, strike “12” and insert: 18

CS for SB 777 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Neal

On motion by Senator Dunn, 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 CS for SCR 991 and CS for SB 400 were withdrawn from the Committee on Appropriations.

Senator Renick announced cancellation of the meeting of the Committee on Executive Business scheduled for 5:00 p.m., March 16.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SR 995 was withdrawn from the Committee on Rules and Calendar.

Senator Jenne moved that the rules be waived and SJR 102 be withdrawn from the Committee on Rules and Calendar and made a special and continuing order of business for 10:30 a. m.

Senator Barron called for a division of the question.

Senator Thomas presiding

Senator Jenne moved that the rules be waived and SJR 102 be withdrawn from the Committee on Rules and Calendar. The motion was adopted.

Senator Gordon moved that the Senate reconsider the vote by which SJR 102 was withdrawn from the Committee on Rules and Calendar.

Senator Gersten moved as a substitute motion that the vote by which SJR 102 was withdrawn from the Committee be verified. The vote on verification was:

Yeas—28

Anderson	Hair	Lewis	Renick
Beard	Jenkins	Maxwell	Steinberg
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Tobiassen
Dunn	Johnston	Peterson	Trask
Frank	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Rehm	Ware

Legislature has passed a specific statute relating to the specific subject matter of any rule. However, an agency may adopt rules necessary to the proper implementation of a statute prior to the effective date of the statute, but the rules may not be enforced until the statute upon which they are based is effective.

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

Amendment 4—In title on page 1, line 5, after the semicolon (;) insert: creating s. 120.525, Florida Statutes, providing that the Legislature, through the appropriate committee in each house, shall review and comment on every proposed rule as to compliance with the legislative intent in enacting the statute under which the agency proposes the rule; amending s. 120-54(14), Florida Statutes, to require specific statutory authority to enact rules;

On motion by Senator Ware, by two-thirds vote SB 921 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

HB 1078—A bill to be entitled An act relating to security for public deposits; creating s. 280.21, Florida Statutes, authorizing the Treasurer to require certain collateral if contingent liability is prohibited or inadequate; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1078 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
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

By the Committee on Judiciary-Civil and Senator Gersten—

CS for SB 885—A bill to be entitled An act relating to voting rights; setting forth certain voting rights; prohibiting the deprivation of, or interference with, the exercise of same; providing a penalty; providing an effective date.

—was read the first time by title and SB 885 was laid on the table.

On motion by Senator Gersten, by two-thirds vote CS for SB 885 was read the second time by title.

Senator McClain moved the following amendment which was adopted:

Amendment 1—On page 2, line 2, after the period (.) insert: This paragraph shall apply to absentee ballots only if there is a

Senator Jenne moved that the rules be waived and SJR 102 be established as a special and continuing order of business at 11:45 a.m. this day.

Senator Dunn moved as a substitute motion that the Senate by two-thirds vote establish SJR 102 as a special and continuing order of business at 3:00 p.m. The substitute motion was adopted.

On motion by Senator Maxwell the Senate reconsidered the vote by which SB 187 passed this day.

On motions by Senator Maxwell, the Senate reconsidered the vote by which the Senate concurred in Amendments 1 and 2.

Further consideration of SB 187 was deferred.

SPECIAL ORDER

SB 921—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52(10), Florida Statutes; exempting prisoners and parolees from certain appellate review; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 12, after the word “parolees” insert: *or prisoners*

Amendment 2—On page 2, line 14, after the word “the” insert: *grant or*

Senator Neal moved the following amendments which were adopted:

Amendment 3—On page 2, strike lines 15 and 16 and insert:

Section 2. Section 120.525, Florida Statutes, is created to read:

120.525 Legislative overview; rules.—Every proposed rule shall be referred to the appropriate committee in each house of the Legislature for review and comment as to compliance with the legislative intent in enacting the statutes under which the agency proposed the rule. If the appropriate committee determines that the proposed rule conflicts with the legislative intent in enacting the statute under which the agency proposed the rule and the agency refuses to modify, amend, withdraw or repeal the rule, the appropriate committee shall file with the Department of State a copy of its comments. The Department of State shall publish this notice in the Florida Administrative Weekly and shall publish, as a note to the rule in the Florida Administrative Code, a summary of the appropriate committee's comments and a reference to the issue of the Florida Administrative Weekly which the full text thereof appears.

Section 3. s. 120.54(14) is amended to read:

120.54 Rulemaking; adoption procedures.—

(14) No agency has inherent rulemaking authority; nor has any agency authority to establish penalties for violation of a rule unless the Legislature, when establishing a penalty, specifically provides that the penalty applies to rules; *nor shall any agency have authority to adopt any rule except where the*

pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

The President presiding

On motion by Senator Gersten, by two-thirds vote CS for SB 885 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 898—A bill to be entitled An act relating to natural gas and petroleum pipelines; providing that certain natural gas or petroleum pipelines are developments of regional impact; providing for compliance with chapter 380, Florida Statutes; providing an optional permitting procedure; providing rulemaking authority; providing an effective date.

—was read the third time by title.

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

Amendment 3—On page 4, strike lines 13-19 and insert on line 13: (2) One hearing shall be scheduled for each of the following groups of Regional Planning Districts at a location in a major population area as determined by the state land planning agency.

- (a) 10 and 11
- (b) 5, 7, 8 and 9
- (c) 1, 2 and 3
- (d) 4 and 6

Senator Stuart moved the following amendment:

Amendment 4—(to bill as amended)—On page 3, line 13, after the words "to construct", strike ", modify or convert"

Senator Dunn moved that the Senate adjourn to reconvene at 3:00 p.m. in lieu of 2:00 p.m. The motion was adopted.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 3:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:00 p.m. A quorum present—40:

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

On motion by Senator Maxwell, the rules were waived and by two-thirds vote SR 994 was withdrawn from the Committee on Rules and Calendar.

SR 994—A resolution commending Brevard Countian Cris Collinsworth for his outstanding achievements in academics and athletics in Florida and as a member of the Cincinnati Bengals Football Team.

—was read the second time in full and adopted. The vote on adoption 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

Senators Maxwell, Peterson and Vogt escorted Mr. Collinsworth to the rostrum where he spoke briefly to the Senate. A copy of SR 994 was presented to him by Senator Maxwell.

SPECIAL ORDER, continued

SJR 102—A joint resolution proposing an amendment to Section 12, Article I of the State Constitution, relating to searches and seizures.

—was read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1—On page 1, line 9, strike everything after the resolving clause and insert:

That the amendment to Section 12 of Article I of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1982:

SECTION 12. Searches and seizures.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. ~~Articles or information obtained in violation of this right shall not be admissible in evidence.~~ *The provisions of this section shall be construed in conformity with the 4th Amendment to the Constitution of the United States.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

SEARCHES AND SEIZURES PERMITTED UNDER U.S. CONSTITUTION

With respect to constitutional search and seizure, provides that the provisions of the Florida Constitution governing searches, seizures, and interception of communications shall be interpreted in conformity with the 4th Amendment to the U.S. Constitution.

Senator Barron moved the following substitute amendment which was adopted:

Amendment 2—On page 1, lines 26-28, strike all of said lines except the period (.) and on line 19 after the period insert: This section shall not be construed to prohibit the interception of communications solely for the protection of a law enforcement officer or person acting under the direction of such officer.

The vote was:

Yeas—24

Mr. President	Gordon	Margolis	Scott
Anderson	Grizzle	Maxwell	Skinner
Barron	Henderson	McClain	Stevens
Carlucci	Hill	Peterson	Thomas
Frank	Jenkins	Rehm	Tobiasen
Gersten	Lewis	Renick	Trask

Nays—15

Beard	Jenne	Langley	Steinberg
Childers, D.	Jennings	McKnight	Stuart
Dunn	Johnston	Neal	Ware
Hair	Kirkpatrick	Poole	

Senator Langley moved the following amendment:

Amendment 3—On page 1, between lines 28 and 29 insert new language:

The provisions of this section shall be construed in conformity with the 4th Amendment to the Constitution of the United States

Senator Hair presiding

Senator Barron raised a point of order stating the amendment was the language which was dealt with in Amendment 1 and therefore the amendment was out of order.

The Chair ruled that the point was not well taken and the amendment was in order.

The President presiding

Senator Hair presiding

Amendment 3 was adopted. The vote was:

Yeas—20

Beard	Jenkins	Langley	Steinberg
Childers, D.	Jenne	McKnight	Stuart
Dunn	Jennings	Neal	Tobiasen
Grizzle	Johnston	Poole	Trask
Hair	Kirkpatrick	Renick	Ware

Nays—16

Anderson	Gordon	Margolis	Scott
Barron	Henderson	McClain	Skinner
Frank	Hill	Peterson	Stevens
Gersten	Lewis	Rehm	Thomas

Senator Jenne moved the following amendment which was adopted:

Amendment 4—On page 1, lines 30 and 31 and on page 2, lines 1-9, insert: BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

SEARCHES AND SEIZURES
PERMITTED UNDER U.S. CONSTITUTION

With respect to constitutional search and seizure, provides that the provisions of the Florida Constitution governing searches, seizures, and interception of communications shall be interpreted in conformity with the 4th Amendment to the U.S. Constitution.

Senators Gordon and Scott offered the following amendment which was moved by Senator Gordon and failed:

Amendment 5—On page 1 (in original bill), strike “.” and insert: as interpreted by the Supreme Court.

On motion by Senator Jenne, by two-thirds vote SJR 102 as amended was read the third time.

On motion by Senator D. Childers, the Senate reconsidered the vote by which SJR 102 was read the third time.

On motion by Senator D. Childers the Senate reconsidered the vote by which Amendment 5 failed. Amendment 5 was adopted.

On motion by Senator Jenne, by two-thirds vote SJR 102 as amended was read the third time in full as follows:

SJR 102—A joint resolution proposing an amendment to Section 12, Article I of the State Constitution, relating to searches and seizures.

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

That the following amendment to Section 12 of Article I of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1982:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 12. Searches and seizures.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. *This section shall not be construed to prohibit the interception of communications solely for the protection of a law enforcement officer or person acting under the direction of such officer.* No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence. *The provisions of this section shall be construed in conformity with the 4th Amendment to the Constitution of the United States as interpreted by the Supreme Court.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

SEARCHES AND SEIZURES
PERMITTED UNDER U.S. CONSTITUTION

With respect to constitutional search and seizure, provides that the provisions of the Florida Constitution governing searches, seizures, and interception of communications shall be interpreted in conformity with the 4th Amendment to the U.S. Constitution.

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

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 12

EXCLUSION OF EVIDENCE.—Proposing an amendment to Section 12 of Article I of the State Constitution to limit the provision that excludes from admissibility all unlawfully seized evidence. Such evidence shall not be excluded if it was seized in good faith and if it otherwise meets reliability, relevancy, and other standards for admissibility of evidence.

—and failed to pass. The vote was:

Yeas—18

Beard	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Trask
Dunn	Johnston	Poole	Ware
Hair	Kirkpatrick	Renick	
Jenkins	Langley	Steinberg	

Nays—20

Anderson	Grizzle	Maxwell	Skinner
Barron	Henderson	McClain	Stevens
Frank	Hill	Peterson	Thomas
Gersten	Lewis	Rehm	Tobiasen
Gordon	Margolis	Scott	Vogt

Vote after roll call:

Yea—Carlucci

Nay to Yea—Maxwell

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McClain, the rules were waived and by two-thirds vote SB 576 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 898—A bill to be entitled An act relating to natural gas and petroleum pipelines; providing that certain natural gas or petroleum pipelines are developments of regional impact; providing for compliance with chapter 380, Florida Statutes; providing an optional permitting procedure; providing rulemaking authority; providing an effective date.

—which was taken up with pending Amendment 4 which was withdrawn.

The bill was ordered engrossed.

The President presiding

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on SJR 1033 and SR 1034.

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

INTRODUCTION AND REFERENCE OF BILLS

By Senator Barron—

SJR 1033—A joint resolution relating to apportionment.

WHEREAS, the House of Representatives of the State of Florida has passed a fair, equitable, and legal plan of apportionment for the House of Representatives of the State of Florida, which meets the requirements of the laws and constitutional provisions of the United States and the State of Florida, and

WHEREAS, the Senate of the State of Florida has passed a fair, equitable, and legal plan of apportionment for the Senate of the State of Florida, which meets the requirements of the laws and constitutional provisions of the United States and the State of Florida, and

WHEREAS, the respective bodies of the Legislature have differed in degree on matters relating to the qualifications, elections, returns, and terms of office of members of the Legislature, NOW, THEREFORE,

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

That the Supreme Court of Florida is hereby urged to accept jurisdiction of the matters of apportionment referred to herein, including but not limited to equal protection under the Fourteenth Amendment to the United States Constitution; minority access to the electoral process; and the qualifications, terms, and elections of the members of the Florida Legislature.

—which was read the first time in full.

On motions by Senator Barron, by two-thirds vote SJR 1033 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

Mr. President	Barron	Carlucci	Dunn
Anderson	Beard	Childers, D.	Frank

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

Nays—None

Senator Barron moved that the following remarks be published in the Journal:

Senator Barron: Mr. President, I just want to point out that the purpose for this resolution is to get on record that we have, in fact, apportioned—in the event—that we have in fact passed apportionment resolutions in each House; and if we do not jointly pass finally a resolution, that this matter would be in evidence relative to the terms and elections of members of the Florida Legislature.

The press is always asking us what the neutral language is. We think this is as close as we can get and I urge its adoption for the purpose of getting on the record.

Senator Gordon: Mr. President, I just want to speak briefly in favor of this because I've discussed it with Senator Barron before. I think it's very important that the people of this state understand that the Senate of the State of Florida sent an apportionment plan to the House of Representatives on the second or third day of this session. Here we are on the fifty-sixth or seventh day. We have not received anything back. We have talked many, many times, negotiated many, many times to get as neutral language as is acceptable to the House and every time, it got to be another word or another thing.

I think it's important for all of us to pass this. The House would not take the language that said that reapportionment should be in accordance with the Constitution of the State of Florida as interpreted by the Supreme Court. Maybe this is even more neutral. I don't know of anything more neutral than to say you're going to follow the constitution and the constitutional way in which it is interpreted.

And I think it's important for the Senate to make this statement and it's important for the House to take this matter up. And I would very much like to see the leadership of the House not bury this down in the reapportionment committee, but simply put it on the floor and let the people, the members of the House vote their conscience, because I am sure that the members of the House are not interested in the game-playing that has been going on. They want to see an orderly end to the apportionment procedure that's required of the Legislature under the constitution and this would be their way to do it. So I urge that not only there be a strong vote for this resolution, but I hope that the members of the House understand that this is their opportunity to take up this resolution, out of Senate Messages, and take it up and pass it so that we can end this deadlock on apportionment which ought not exist and in which, in my opinion, has been carried on in the best of faith by the members of the Senate who have been involved in negotiations. Thank you, Mr. President.

Senator Johnston: Mr. President, just to briefly speak in favor of the joint resolution. As you know, I have been an advocate from the beginning that every Senator should run again, but I really think we have gone the last mile. As Senator Barron said eight weeks ago, we had miles and miles to go before we sleep. Well, I think it's time that we slept.

And I really think that the words here, "qualifications," "elections," "returns" and "terms of office," is about as neutral as you can get. And I strongly urge that you adopt the resolution.

Senator Stuart: Mr. President, I would like to concur in those remarks of Senator Johnston. I think it's well known that I opposed the plan originally as related to the two-year and four-year terms. I've examined this and I believe this, too, is neutral language that ought to go to the court. I think it's as neutral as you can get referring to the constitution and I would urge the adoption of this resolution.

Senator Hair: Mr. President, I, too, would like to lend support and urge the adoption of the resolution. We have been

dealing with a lot of other issues and I think until we get this issue resolved, those other issues are going to stay in the background and I urge us to try to come to a final conclusion on this matter and get it resolved as quickly as possible.

Senator Dunn: Mr. President, I wonder if we can ascertain whether. . . It seems to me the question on neutral language, fundamentally, is a question of whether or not the legislature is making a contemporaneous legislative construction of the Constitution. The reason the House has not accepted our "neutral" language, as I understand it, is that they have viewed the language as having an implicit construction contrary to their position of the certain language in the Constitution that's at stake; in Section 15, and by implication of Section 16. I've indicated that I certainly support truly neutral language wherein the Legislature is not construing directly or indirectly the language in the constitution so as to tip the scale in favor of our interpretation versus the House's interpretation. If the chairman of the Apportionment Committee can represent to us that there is no intention here to constitute an independent legislative construction of either Section 15 or 16 I will vote in favor of the joint resolution and join my colleagues in support of it. In default of that I would not support the resolution.

Senator Vogt: Mr. President and Senators, I'd like to speak in favor of the resolution and somewhat in regard to Senator Dunn's question and some of the others; I don't know how more neutral you can get. I think certainly this Senate, and especially this half of the body, since the question has arisen and we may well find ourselves in limbo and I've heard, admittedly only by the grapevine, that the Secretary of State may well send qualification papers to everyone if the Supreme Court does not address the question. The only other way you could find out would be to go to court and I don't see why a member of this legislature or any public or private group should have to go to court to find out what the answer to the question is.

So here we've come a long way from where we were by just wanting to be sure, that the Supreme Court will take jurisdiction because if we don't state something in the apportionment plan on the subject of terms, they may not take jurisdiction and somebody may still have to go to court to get a ruling. So I certainly think we should be more than willing to send them neutral language saying, "Hey fellows, please tell us how you would rule on these subjects."

Senator Jenne: Mr. President, I think this message is important. The other day we stated, many of us, that we appreciated the purpose of what had occurred before us, but I think it's necessary for us to put in writing and officially transmit our feelings and that is this, neutral words. The words, "qualification" "terms" and "election of members" should be included in this and I think this is a firm message that's necessary, telling the citizens of this state that we are making this kind of offer under neutral language.

Senator Dunn: Mr. President, I have just consulted with Senator Barron and I want to represent to you and the members of the Senate, what I think is his position regarding the question I asked. I asked Senator Barron whether this language, particularly the operative language in lines 22 and 23, was in anyway directly or indirectly to constitute a legislative construction of the applicable constitutional provisions. He said it was not intended that way and I presume that would be the legislative intent with respect to this amendment for this resolution if it passes.

Senator Barron: Mr. President, let's not let the record get confused now. It's not my intention to try to dictate, or never has it been, to the Supreme Court of Florida. It is my feeling and the feeling of the vast majority of this Senate that the Senators should have two years to go on their terms that should be—not be—shortened or truncated. This resolution does not address that, however. The Resolution merely says to take jurisdiction of the question of under the 14th amendment of the constitution—of minority access, of the electoral process, qualifications, terms and elections, of the members of the Florida Senate and that's all it's intended to do. It's not intended to pre-guess the court in any way. I personally feel that they'll rule with us but that's not in this resolution, Senator.

Mr. President, this is the same resolution but it's a Senate Resolution, anticipating that the House may or may not pass the other, we need some expression. The wording is identical and I would move it.

By Senator Barron—

SR 1034—A resolution relating to Apportionment.

WHEREAS, the House of Representatives of the State of Florida has passed a fair, equitable, and legal plan of apportionment for the House of Representatives of the State of Florida, which meets the requirements of the laws and constitutional provisions of the United States and the State of Florida, and

WHEREAS, the Senate of the State of Florida has passed a fair, equitable, and legal plan of apportionment for the Senate of the State of Florida, which meets the requirements of the laws and constitutional provisions of the United States and the State of Florida, and

WHEREAS, the respective bodies of the Legislature have differed in degree on matters relating to the qualifications, elections, returns, and terms of office of members of the Legislature, NOW, THEREFORE,

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

That the Supreme Court of Florida is hereby urged to accept jurisdiction of the matters of apportionment referred to herein, including but not limited to equal protection under the Fourteenth Amendment to the United States Constitution; minority access to the electoral process; and the qualifications, terms, and elections of the members of the Florida Legislature.

—was read the first time by title. On motion by Senator Barron, SR 1034 was read the second time in full and adopted. The vote on adoption 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

Senator Barron moved that the remarks made by the Senators relating to SJR 1033 also apply to SR 1034. The motion was adopted.

ENROLLING REPORTS

Senate Bills 219, 386, 477, CS for SB 868, CS for SB 335 and CS for SB 344 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 12, 1982.

Joe Brown, Secretary

CO-INTRODUCER

Senator McClain—SB 988

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 12 was corrected and approved as follows:

Page 423, column 1, from bottom, line 16, strike "HB" and insert: SB

The Journal of February 23 was further corrected and approved as follows:

Page 210, column 2, line 25, after the semi-colon insert: conforming language; amending s. 634.041, Florida Statutes;

Page 215, column 2, counting from bottom, between lines 9 and 10 insert: (38) DISTRICT 38 is composed of Collier County; and that part of Lee County included in census county divisions 011, 016, 023, 030, 045, and 050; and that part of Lee County included in census tract 401.

On motion by Senator Dunn, the Senate adjourned at 5:15 p.m. to convene at 9:00 a.m. Tuesday, March 16.