

JOURNAL OF THE SENATE

Tuesday, April 29, 1969

The Senate was called to order by the President at 11:00 a.m.
A quorum present—48:

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Saylor	Young

Prayer by Senator Johnson:

Our Divine Father, grant us a portion of thy compassion that we may give aid to the weak; a portion of thy love and understanding that we may see our neighbors' problems as our own; a portion of thy justice that we may better understand that all are equal under the law; a portion of thy mercy for those who are helpless; a portion of thy strength to stand for what we believe is right; and a portion of thy wisdom to know when to let compassion, or love, or understanding, or justice, or mercy or strength prevail. In Jesus' name. Amen.

The Journal of April 28 was corrected and approved.

The Journal of April 25 was further corrected and approved as follows:

Page 154, counting from the bottom of column 2, line 30, strike "-" and insert and Horne—

REPORTS OF COMMITTEES

The Committee on Governmental Organization recommends the following pass:

SB 650 with 44 amendments

The Committee on Health, Welfare, and Institutions recommends the following pass:

SB 120 SB 119 SB 458 SB 407

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

The Committee on Insurance recommends the following pass:

SB 649 with 5 amendments

The Committee on Education recommends the following pass:
SB 216

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 634

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

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 379

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

The Committee on Insurance recommends the following pass:
SB 517

The Committee on Health, Welfare, and Institutions recommends the following pass:

SB 358 with 1 amendment SB 356 with 1 amendment
SB 457 with 3 amendments

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

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 19 with 1 amendment

The bill with Committee Substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Insurance recommends the following not pass:

SB 214 SB 165

The bills were laid on the table.

The Committee on Education advises that the following bills were reported unfavorably by the subcommittee designated, and that the committee, having taken no action to remove from the table, hereby reports same unfavorably:

Universities and Colleges:

SB 422 SB 424 SB 226

Public Schools:

SB 510

The Committee on Health, Welfare, and Institutions advises that the following bills were reported unfavorably by the subcommittee designated, and that the committee, having taken no action to remove from the table, hereby reports same unfavorably:

Health and Welfare: SB 26 SB 423

Mental Health, Retardation, and Institutions: SB 61

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 444 with 1 amendment

—reports that the Senate amendment has been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was certified to the House.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

CS for SB 103

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on April 29, 1969.

EDWIN G. FRASER
Secretary of the Senate

CO-INTRODUCERS

By permission, Senator Gunter was recorded as a co-introducer of Senate Bills 298, 299 and 431.

By permission, Senator Hollahan was recorded as a co-introducer of SB 650.

By permission, Senator Weissenborn was recorded as a co-introducer of SB 628.

By permission, Senator Johnson was recorded as a co-introducer of SCR 502.

INTRODUCTION

By Senators Young and Horne—

SB 819—A bill to be entitled An act to require all students and employees on any campus of any state institution of higher learning to give their consent to abide by the policies of the Board of Regents, the policies of state institutions of higher learning and the laws of the State of Florida. Defining disruptive activities and making these activities part of the laws of the State of Florida; and providing penalties for participation in disruptive activities and providing an effective date.

Was read the first time by title and referred to the Committees on Education and Judiciary.

By Senators Young and Horne—

SB 820—A bill to be entitled An act relating to the board of regents; amending chapter 240, Florida Statutes, by adding section 240.045 to provide for adoption of rules and regulations for discipline of students, faculty, and administrative personnel; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Judiciary.

By Senators Young and Horne—

SB 821—A bill to be entitled An act relating to campus disorders; amending chapter 877, Florida Statutes, by adding section 877.12, making it unlawful for any person to intentionally act to disrupt or interfere with the lawful administration or functions of any educational institution; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Judiciary.

By Senators Young and Horne—

SB 822—A bill to be entitled An act relating to the board of regents; amending chapter 240, Florida Statutes, by adding section 240.22; requiring the board to provide by rule for the employment of legal counsel by state universities; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Judiciary.

By Senators Young and Horne—

SB 823—A bill to be entitled An act relating to the board of regents; amending section 240.052(2), Florida Statutes, by adding paragraph (d), regulating admission of transfer students to the state university system; providing an effective date.

Was read the first time by title and referred to the Committee on Education.

By Senators Young and Horne—

SB 824—A bill to be entitled An act relating to the board of regents; amending section 240.001, Florida Statutes; providing the powers granted to the board are to attain the most effective accomplishment of the lawful aims of education; providing an effective date.

Was read the first time by title and referred to the Committee on Education.

By Senators Chiles and McClain—

SB 825—A bill to be entitled An act relating to tort liability; amending chapter 768, Florida Statutes, by adding section 768.15, providing for the waiver of sovereign immunity for the state and its political subdivisions; providing certain exceptional circumstances; providing for the exclusion of municipalities; disallowing punitive damages; specifying venue and trial without jury; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senators Chiles and McClain—

SB 826—A bill to be entitled An act relating to negligence; amending chapter 768, Florida Statutes, by adding sections

768.16, 768.17, 768.18, 768.19, 768.20, 768.21, 768.22, 768.23, 768.24 and 768.25, providing for the terms for recovery for wrongful death; providing a short title, statement of policy and certain definitions; defining the right of action; designating parties and the limit of damages and awards; providing for the protection of minors and incompetents when parties to an action; repealing sections 768.01, 768.02, and 768.03, Florida Statutes, relating to the present terms for recovery for wrongful death; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Horne—

SB 827—A bill to be entitled An act relating to legislative retirement; amending subsection (5) of section 122.05, Florida Statutes, providing for additional calculation of retirement credit for members and elected officers of the legislature computed on prior and future service; providing effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Horne—

SB 828—A bill to be entitled An act relating to the conference of circuit judges; amending section 26.55(1), Florida Statutes, providing for officers of the conference, their election, term of office and for the succession of the chairman-elect to the office of chairman.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Stone—

SB 829—A bill to be entitled An Act relating to the extent of homestead exemptions, amending section 192.13, Florida Statutes; providing that beneficial title shall be deemed equitable title; providing that beneficial title in equity shall include interests of lessees who own a leasehold interest in leases having terms in excess of ninety-eight (98) years; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senators Thomas, Stolzenburg, Saylor and Trask—

SB 830—A bill to be entitled An act relating to the legislature; amending section 11.13(1), Florida Statutes, as amended by chapter 69-3, Laws of Florida; providing reduced compensation for members of the legislature; providing an effective date.

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

By Senator Thomas—

SB 831—A bill to be entitled An act relating to the gas safety law of 1967, chapter 368, Florida statutes; amending section 368.021, Florida statutes, by extending its applicability to liquefied petroleum gas with air admixture; adding section 368.06, Florida statutes, to provide a penalty; and providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senator Bell—

SB 832—A bill to be entitled An act relating to certification and registration of automobile mechanics and maintenance and repair establishments; creating motor vehicle mechanics' and repairmen's board and placing said board under supervision of department of motor vehicles; providing definitions; providing for appointment, duties, powers, and responsibilities of board members and the chairman; providing a funding system for the board; providing for qualifications and examinations of licensees; providing fees; providing for appeals; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senator Ott—

SB 833—A bill to be entitled An act relating to workmen's compensation; amending subsections (2) and (3) of section 440.12, Florida Statutes; increasing the weekly compensation rate; providing an effective date.

Was read the first time by title and referred to the Committees on Insurance and Judiciary.

By Senator Friday—

SB 834—A bill to be entitled An act relating to the Division of Corrections; authorizing and directing the attorney general to represent the officials, employees or agents of the Division of Corrections in the settlement of claims or the prosecution of suits filed by inmates or previous inmates of institutions under the supervision and control of the division; providing for the payment of judgment or negotiated settlement of any such claim or suit when moneys are appropriated therefor; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Hollahan—

SB 835—A bill to be entitled An act relating to port authorities; amending section 2(1) of chapter 22963, Laws of Florida, 1945, to authorize county commissioners in all counties in the state having a population in excess of two hundred sixty thousand (260,000), according to the latest official decennial census, to enter into contracts with other counties relating to the operation, maintenance, control, regulation, and policing of projects, as defined in said chapter 22963, situate wholly or partly within such other counties and the distribution of certain tax revenues generated thereon; providing an effective date.

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

By Senator Reuter—

SB 836—A bill to be entitled An act relating to Brevard County; authorizing Brevard County Health Department to inspect, approve and issue license for the operation of child care centers; providing license procedure; providing standards; providing for rules and regulations; providing violation of this act shall constitute a misdemeanor; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 836.

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

By Senator Stone—

SB 837—A bill to be entitled An act relating to death benefits for law enforcement officers and firemen; amending section 112.19(2)(a), Florida Statutes, to increase death benefits for law enforcement officers; amending section 112.191(2)(a), Florida Statutes, to increase death benefits for firemen; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Stone—

SB 838—A bill to be entitled An act relating to death benefits of firemen; amending section 112.191(1)(b), Florida Statutes, relating to the definition of the term "fireman"; amending section 112.191(2)(a), Florida Statutes, relating to conditions for receiving death benefits; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senators Hollahan, Poston, Askew, Bafalis, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Broxson, Chiles, Daniel, Deeb, de la Parte, Ducker, Fincher, Friday, Gong, Gunter, Haverfield, Henderson, Horne, Johnson, Karl, Knopke, Lane, Mathews, McClain, Myers, Ott, Plante, Pope, Reuter, Saunders, Saylor, Scarborough, Shevin, Slade, Stolzenburg, Stone,

Thomas, Trask, Weber, Weissenborn, Williams, Wilson and Young—

SR 839—A resolution commending Miss Barbara Goleman of Miami, Florida, Teacher of the Year and National Teacher of the Year 1969.

WHEREAS, Miss Barbara Goleman of Miami Jackson High School has been a teacher in the public schools of Florida for fifteen (15) years, and

WHEREAS, Miami Jackson High School had undergone considerable socio-economic change, brought about by national and international pressures, during Miss Goleman's tenure there, and

WHEREAS, Miss Goleman has weathered all these vast changes, expanding her teaching techniques to better meet the needs of her students, both educationally and economically deprived as well as the educationally gifted, and

WHEREAS, Miss Goleman exhibits all the qualities that are necessary and required in an outstanding teacher, and

WHEREAS, Miss Goleman is a most dedicated and highly skilled teacher of the English language, and

WHEREAS, Miss Goleman offers hope and inspiration to all of her students, be they white or black, American or Cuban, and

WHEREAS, Miss Goleman by her exemplary conduct as a teacher and an individual has had a profound influence upon the lives of all of her students, and

WHEREAS, Miss Goleman has been the catalyst to cause many of her former students to enter the honorable and highly rewarding profession of teaching, and

WHEREAS, Miss Goleman is representative of all good teachers everywhere, and

WHEREAS, Miss Goleman has been selected as Florida Teacher of the Year 1969, and

WHEREAS, Miss Goleman has been selected by the Council of Chief State School Officers and Look Magazine as the Nation's Teacher of the Year 1969, and

WHEREAS, this selection of Miss Goleman as National Teacher of the Year 1969 has brought a unique and distinct honor to the State of Florida, NOW THEREFORE,

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

That the Senate of the State of Florida hereby commends Miss Barbara Goleman for her faithful service to education and her dedication to the children of Florida and officially extends its appreciation for her effective and productive leadership as a teacher and for her outstanding conduct as a citizen of this state.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Miss Goleman.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the pages of the Journal of the Senate of the State of Florida and made a permanent record of this Legislature.

Was read the first time by title. On motion by Senator Hollahan, SR 839 was read the second time in full and unanimously adopted.

By Senator Bishop—

SCR 840—A concurrent resolution recognizing through an appropriate and official means, the contributions made by land-owners in allowing public use of their private lands for hunting, fishing, boating, camping, hiking, picnicking, and other outdoor recreational activities.

Was read the first time in full and referred to the Committee on Natural Resources and Conservation.

BILLS REFERRED TO SUBCOMMITTEE

The following bills were referred to Subcommittees:

Licensed Businesses Subcommittee: Senate Bills 511, 578, 654, 675, 714, 734, 735, 793 and 816; and HB 16 (7 days to report to Committee on Commerce and Licensed Businesses)

Financial Institutions and Consumer Protection Subcommittee: Senate Bills 696, 697, 703, 704, 705, 706, 674, 808 and 818; HB 33 (7 days to report to Committee on Commerce and Licensed Businesses)

Roads and Highways Subcommittee: SB 804 (7 days to report to Committee on Transportation)

Safety Subcommittee: Senate Bills 791 and 814 (7 days to report to Committee on Transportation)

Appropriations Subcommittee: Senate Bills 3, 559 with 4 amendments, 628 with 2 amendments and 760; HB 840 (17 days to report to Committee on Ways and Means)

Taxation Subcommittee: Senate Bills 445 and 763 (17 days to report to Committee on Ways and Means)

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Friday, by two-thirds vote, SB 507 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Friday, by two-thirds vote, Senate Bills 377, 645 and 441 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Friday, by two-thirds vote, Senate Bills 648, 647, 646, 788, 787, 617, 656 and House Bills 1041, 1004, 953, 952, 950, 897, 859, 828, 794, 793, 754, 732, 560, 450, and 753 were withdrawn from the Committee on Rules and Calendar and placed on the Local Calendar.

On motion by Senator Barron, the rules were waived and the Committee on Insurance was granted an additional 10 days for the consideration of Senate Bills 467, 468 and 469.

On motion by Senator Friday, by two-thirds vote, SB 721 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Hollahan, by two-thirds vote, HB 33 was withdrawn from the Committee on Commerce and Licensed Businesses.

On motions by Senator Horne, by two-thirds vote, SB 816 was withdrawn from the Committee on Commerce and Licensed Businesses and from the Senate.

On motion by Senator Horne, Rule 2.8 was waived and the Committee on Judiciary was granted permission to meet an additional hour this day, to consider bills in the Committee.

On motions by Senator Boyd, by two-thirds vote, SB 731 was withdrawn from the Committee on Judiciary and from the Senate.

On motions by Senator Gunter, by two-thirds vote, SB 326 was withdrawn from the Committee on Judiciary and from the Senate.

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 5 Legislative days for the consideration of Senate Bills 431, 463 and 546.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr.
President of the Senate

April 29, 1969

Sir:

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

By Representatives Featherstone and Gibson—

HB 363—A bill to be entitled An act relating to veterans' preference in employment; amending section 295.07(4), Florida Statutes, to extend the veterans preference principal to veterans who have served in campaigns for which a service medal has been authorized or who have served a prescribed period subsequent to January 31, 1955; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 363, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

SENATE CONCURRENT RESOLUTION ON
SECOND READING

SCR 502—A Concurrent resolution creating the Florida Medal of Honor Grove Committee to guide participation of the State of Florida and raise the necessary funds for the participation of the State in the Medal of Honor Grove of the Freedoms Foundation at Valley Forge.

WHEREAS, the Freedoms Foundation at Valley Forge is a nonprofit, nonpolitical, nonsectarian organization created to achieve a greater appreciation of our country, and

WHEREAS, Freedoms Foundation at Valley Forge is developing a Medal of Honor Grove comprised of fifty-two (52) one acre tracts contiguous to Valley Forge State Park, and

WHEREAS, one acre has been set aside to memorialize the Congressional Medal of Honor winners from each of the fifty (50) states, District of Columbia, and Puerto Rico, and

WHEREAS, fifteen (15) states have already provided for their participation, and

WHEREAS, Freedoms Foundation at Valley Forge has reserved the plot to honor the men who entered the service from Florida and who were awarded the Medal of Honor, and

WHEREAS, Florida has eleven (11) or more native sons who have received this highest honor, and

WHEREAS, it is also fitting to honor the memory of those Floridians who have given their lives in service to their country, and

WHEREAS, in these times when there are those who would undermine the American ideals and traditions, it is, therefore, essential that our school children be fittingly reminded of our great American heritage, and

WHEREAS, Florida's participation in this project will require more than \$10,000 for landscaping Florida's plot, erection of an obelisk in honor of our Medal of Honor winners, construction of a suitable memorial to our service men who have been killed in action and maintenance of the plot in perpetuity,
NOW, THEREFORE,

Be it resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Legislature of the State of Florida recognizes the need for renewed patriotism and the advisability of Florida's participation in the Medal of Honor Grove, Freedoms Foundation at Valley Forge.

BE IT FURTHER RESOLVED that a committee of fifteen (15) members is hereby created, including the Adjutant General of the State of Florida who will serve as Chairman, and fourteen (14) other members to be appointed by the Governor from the membership of the Veteran's organizations within the State.

BE IT FURTHER RESOLVED that this Committee, serving without remuneration, will guide and direct the raising of funds and the completing of the Florida acre in the Medal of Honor Grove and specifically to raise the necessary funds from contributions in connection with patriotic assemblies, programs and pageants devised and directed by the Committee.

BE IT FURTHER RESOLVED that the Department of Education and the Board of Archives and History shall cooperate to the fullest extent with the Committee.

BE IT FURTHER RESOLVED that should the collected funds exceed the amount required for completion of the Valley Forge project, the Committee shall use the remaining funds for a similar Veteran's memorial on State land in the Capital City of Tallahassee.

BE IT FURTHER RESOLVED that upon completion of their duties, the Committee shall render a detailed financial statement to the Legislative Auditor of the State of Florida.

Was taken up and read the second time in full. On motion by Senator Young SCR 502 was adopted and certified to the House. The vote was: Yeas—48 Nays—None

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Sayler	Young

UNFINISHED BUSINESS

SB 8—A bill to be entitled An act relating to drug abuse; amending chapter 404, Florida Statutes, by adding section 404.045 authorizing the Florida Board of Health after notice and hearing to designate nonprescription drugs that are subject to abuse and providing that drugs so designated shall thereafter be dispensed only by licensed pharmacists or hospital employees under specified conditions.

Was taken up with pending amendment, having been amended and retained on second reading April 28.

Senator Scarborough offered the following substitute amendment which was adopted:

In Section 1(1), line 20, page 1, strike all of sub-section (1) and insert the following: (1) After due notice and public hearing, the Florida State Board of Health may by rule designate any nonprescription drug which has a similar effect as drugs defined in 404.01(1)(2)(3) as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

On motion by Senator Bafalis, the rules were waived and SB 8 as further amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Friday	Lane	Thomas
Askew	Gong	Myers	Trask
Bafalis	Gunter	Ott	Weber
Barrow	Haverfield	Poston	Weissenborn
Beaufort	Henderson	Saunders	Wilson
Bell	Hollahan	Sayler	Young
Boyd	Horne	Scarborough	
Daniel	Karl	Shevin	
Deeb	Knopke	Stolzenburg	

Nays—7

Bishop	Ducker	Reuter	Williams
Broxson	Plante	Stone	

Senators Johnson and Barrow were recorded as voting yea.

SECOND READING

Consideration of SB 206 was deferred, the bill retaining its place on the Calendar.

Senator Shevin requested unanimous consent to take up HB 2 out of order. Senator Karl objected.

SB 80—A bill to be entitled An act relating to wire tapping and electronic surveillance; prohibiting interception and dis-

closure of wire or oral communications or the manufacture, distribution or possession of wire or oral communication intercepting devices by unauthorized persons and prescribing criminal penalties and confiscation of equipment therefor; prohibiting use as evidence of unauthorized intercepted wire or oral communications; providing for authorization of interception, disclosure and use as evidence of legally intercepted wire or oral communications; establishing procedure for such interception; creating civil liability and specifying damages for illegal use of wire tap or electronic listening device; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator Horne:

In Section 9, line 15, page 15, add words national or state between words "the" and "security"

Senator Shevin offered the following substitute amendment which was adopted:

In Section 1, line 23, page 1, strike everything beginning with "Section 1—Legislative Findings.—" and insert the following: Section 1. Legislative findings.—On the basis of its own investigations and of published studies, the legislature makes the following findings:

(1) Wire communications are normally conducted through the use of facilities which form part of an intrastate network. The same facilities are used for interstate and intrastate communications.

(2) In order to protect effectively the privacy of wire and oral communications, to protect the integrity of court and administrative proceedings, and to prevent the obstruction of intrastate commerce, it is necessary for the legislature to define the circumstances and conditions under which the interception of wire and oral communications may be authorized, to prohibit any unauthorized interception of such communications, and the use of the contents thereof in evidence in courts and administrative proceedings.

(3) Organized criminals make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent their commission is an indispensable aid to law enforcement and the administration of justice.

(4) To safeguard the privacy of innocent persons, the interception of wire or oral communications where none of the parties to the communication has consented to the interception should be allowed only when authorized by a court of competent jurisdiction and should remain under the control and supervision of the authorizing court. Interception of wire and oral communications should further be limited to certain major types of offenses and specific categories of crime with assurance that the interception is justified and that the information obtained thereby will not be misused.

Section 2. Definitions.—As used in this chapter:

(1) "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications;

(2) "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

(3) "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

(4) "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

(a) Any telephone or telegraph instrument, equipment or facility, or any component thereof furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business, or being used by a communications common carrier in the ordinary course of its

business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(5) "Person" means any employee, or agent of the state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

(6) "Investigative or law enforcement officer" means any officer of the state or political subdivision thereof who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

(7) "Contents," when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

(8) "Judge of competent jurisdiction" means justice of the supreme court, judge of a district court of appeal, circuit judge, or judge of any court of record having felony jurisdiction of the state;

(9) "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

Section 3. Interception and disclosure of wire or oral communications prohibited.—

(1) Except as otherwise specifically provided in this chapter any person who:

(a) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire or oral communication;

(b) Willfully uses, endeavors to use, or procures any other person to use or endeavor to use, any electronic, mechanical, or other device to intercept any oral communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

2. Such device transmits communications by radio, or interferes with the transmission of such communication;

(c) Willfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection; or

(d) Willfully uses, or endeavors to use, the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection; shall be fined not more than ten thousand dollars (\$10,000.00) or imprisoned in the state penitentiary for not more than five (5) years, or by both such fine and imprisonment, upon conviction therefor.

(2) (a) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication; provided, that said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the federal communications commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States code, to intercept a wire communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal act.

Section 4. Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited.—

(1) Except as otherwise specifically provided in this chapter, any person who willfully:

(a) Sends through the mail, or sends or carries any electronic, mechanical, or other device, with the intention of rendering it primarily useful for the purpose of the illegal interception of wire or oral communications as specifically defined by this act;

(b) Manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, with the intention of rendering it primarily useful for the purpose of the illegal interception of wire or oral communications as specifically defined by this act;

shall be fined not more than ten thousand dollars (\$10,000.00) or imprisoned in the state penitentiary not more than five (5) years, or by both such fine and imprisonment, upon conviction therefor.

(2) It shall not be unlawful under this section for:

(a) A communication common carrier or an officer, agent or employee of, or a person under contract with, a communication common carrier, in the normal course of the communication common carrier's business, or

(b) An officer, agent, or employee of, or a person under contract with, or bidding upon contracts with, or in the course of doing business with the United States, a state, or a political subdivision thereof, in the normal course of the activities of the United States, a state, or a political subdivision thereof, to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications.

Section 5. Confiscation of wire or oral communication intercepting devices.—Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed or sold in violation of this chapter may be seized and forfeited to the state.

Section 6. Prohibition of use as evidence of intercepted wire or oral communications.—Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof, if the disclosure of that information would be in violation of this chapter.

Section 7. Authorization for interception of wire or oral communications.—The Governor or Attorney General or, any state attorney or any county solicitor, having jurisdiction to prosecute felonies in their respective jurisdictions, may authorize an application to a judge of competent jurisdiction for, and such judge may grant in conformity with this chapter, an order authorizing or approving the interception of wire or oral communications by the Florida bureau of law enforcement, or any law enforcement agency of this state or any political subdivision thereof having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling (when the same is of an organized nature or carried on as a conspiracy in violation of the laws of this state), robbery, burglary, grand larceny, abortion, bribery, extortion, or dealing in narcotic

drugs or other dangerous drugs, or any conspiracy to commit any violation of the laws of this state relating to the crimes specifically enumerated above.

Section 8. Authorization for disclosure and use of intercepted wire or oral communications.—

(1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of the state or in any grand jury proceeding.

(4) No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses for which an order or authorization or approval could have been secured pursuant to Section 7 of this chapter, other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (1) and (2) of this section. Such contents and any evidence derived therefrom may be used under subsection (3) of this section when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this chapter. Such application shall be made as soon as practicable.

Section 9. Procedure for interception of wire or oral communications.—

(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(b) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including details as to the particular offense that has been, is being, or is about to be committed, a particular description of the nature and location of the facilities from which, or the place where, the communications are to be intercepted, a particular description of the type of communications sought to be intercepted, the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that:

(a) There is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 7 of this chapter;

(b) There is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(c) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) There is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

(4) Each order authorizing or approving the interception of any wire or oral communication shall specify:

(a) The identity of the person, if known, whose communications are to be intercepted;

(b) The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

(c) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(d) The identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(5) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

(6) Whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective

and the need for continued interception. Such reports shall be made at such intervals as the judge may require.

(7) (a) The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subsection shall be kept in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection (7)(d) 1. and 2. of this section for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (3) of section 8 of this chapter.

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

(c) Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time but not later than ninety (90) days after the termination of the period of an order or extension thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of:

1. The fact of the entry of the order or the application;
2. The date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and
3. The fact that during the period wire or oral communications were or were not intercepted. The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction, the serving of the inventory required by this subsection may be postponed.

(8) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding unless each party, not less than ten (10) days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten (10) days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

(9) (a) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

1. The communication was unlawfully intercepted;
2. The order of authorization or approval under which it was intercepted is insufficient on its face; or
3. The interception was not made in conformity with the order of authorization or approval. Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the

contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

(b) In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection, or the denial of an application for an order of approval, if the attorney shall certify to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty (30) days after the date the order was entered and shall be diligently prosecuted.

Section 10. Recovery of civil damages authorized.—Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and shall be entitled to recover from any such person:

- (1) Actual damages but not less than liquidated damages computed at the rate of one hundred dollars (\$100.00) a day for each day of violation or one thousand dollars (\$1,000.00), whichever is higher;
- (2) Punitive damages, and
- (3) A reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action under the laws of this state.

Section 11. If any provision of this act is held to be invalid for any purpose, such holding shall not operate to effect the remaining provisions of the act.

Section 12. This act shall take effect upon becoming a law.

On motion by Senator Shevin, HB 2, a companion measure to SB 80 as amended, was substituted therefor.

HB 2—A bill to be entitled An act relating to wire tapping and electronic surveillance; prohibiting interception and disclosure of wire or oral communications or the manufacture, distribution or possession of wire or oral communication intercepting devices by unauthorized persons and prescribing criminal penalties and confiscation of equipment therefor; prohibiting use as evidence of unauthorized intercepted wire or oral communications; providing for authorization of interception, disclosure and use as evidence of legally intercepted wire or oral communications; establishing procedure for such interception; creating civil liability and specifying damages for illegal use of wire tap or electronic listening device; providing an effective date.

On motion by Senator Shevin, the rules were waived and HB 2 was read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Shevin:

In Section 7, line 13, page 9, after the word "kidnapping," insert rape,

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Shevin:

In Section 7, line 16, page 9, after the words "grand larceny," insert the following: prostitution, criminal usury,

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Shevin:

In Section 9(7)(a), line 23, page 15, strike "subsection (7)(d)" and insert section 8

The Committee on Judiciary also offered the following amendment which was moved by Senator Shevin:

In Section 9, line 7, page 15, insert the following:

(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated and authorized by the commissioner of the Florida bureau of law enforcement, state attorney or county solicitor acting in their respective jurisdiction, who reasonably determines that:

(a) An emergency situation exists with respect to conspiratorial activities threatening the security interest or to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained, and

(b) There are grounds upon which an order could be entered under this chapter to authorize such interception, may intercept such wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (8)(d) of this section on the person named in the application.

and renumber remaining subsections in section nine

On motion by Senator Plante, the rules were waived and consideration of HB 2 as amended with pending amendment was deferred until engrossed copies of the bill and pending Senate amendments could be delivered to each Senator.

SB 490—A bill to be entitled An act relating to district school systems, personnel; amending the introductory paragraph and subsection (5) of section 230.23, Florida Statutes; deleting any reference to school trustees in the appointment of personnel; prescribing dead-lines for the school board to act on recommendations for re-appointment of instructional personnel; making editorial changes; amending the introductory paragraph and paragraphs (c) and (d) of subsection (7) of section 230.33, Florida Statutes, requiring the superintendent to submit nominations of instructional personnel directly to the school board; prescribing dead-lines for nominations for re-appointment of instructional personnel; deleting any reference to school trustees; making editorial changes; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Boyd, the rules were waived and SB 490 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Daniel	Ott	Stolzenburg
Askew	Friday	Plante	Stone
Bafalis	Gong	Pope	Thomas
Barron	Gunter	Poston	Trask
Beaufort	Haverfield	Reuter	Weber
Bell	Henderson	Saunders	Weissenborn
Bishop	Hollahan	Sayler	Williams
Boyd	Johnson	Scarborough	Wilson
Broxson	Lane	Shevin	Young
Chiles	Myers	Slade	

Nays—1

Ducker

Senator Barrow was recorded as voting yea.

SB 115 was taken up. On motion by Senator Thomas, agreed to by two-thirds vote, HB 299, a companion measure to SB 115, was withdrawn from the Committee on Health, Welfare, and Institutions and—

HB 299—A bill to be entitled An act relating to pesticides; amending subsection (1) of section 487.101, Florida Statutes,

to provide pesticides in violation of law may be withheld from sale; providing an effective date.

—was substituted for SB 115. On motions by Senator Thomas, HB 299 was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—42 Nays—None

Mr. President	Ducker	Myers	Stolzenburg
Askew	Friday	Ott	Stone
Bafalis	Gong	Plante	Thomas
Barron	Gunter	Pope	Trask
Beaufort	Haverfield	Poston	Weber
Bell	Henderson	Reuter	Weissenborn
Bishop	Hollahan	Saunders	Williams
Boyd	Johnson	Sayler	Wilson
Broxson	Knopke	Scarborough	Young
Chiles	Lane	Shevin	
Daniel	McClain	Slade	

Senator Barrow was recorded as voting yea.

SB 193—A bill to be entitled An act relating to tuberculosis hospitals; amending section 392.242, Florida Statutes, to provide that should the Southwest Florida Tuberculosis Hospital in Tampa cease to serve as a tuberculosis hospital, the last remaining state tuberculosis hospital in Florida shall be named and designated the W. T. Edwards Tuberculosis Hospital; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Pope, the rules were waived and SB 193 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Knopke	Shevin
Askew	de la Parte	Lane	Slade
Bafalis	Ducker	McClain	Stolzenburg
Barron	Fincher	Myers	Thomas
Beaufort	Gong	Ott	Trask
Bell	Gunter	Plante	Weber
Bishop	Haverfield	Pope	Weissenborn
Boyd	Henderson	Poston	Williams
Broxson	Hollahan	Reuter	Wilson
Chiles	Johnson	Saunders	Young

Senator Barrow was recorded as voting yea.

SB 176—A bill to be entitled An act relating to the Florida insurance code; amending Section 626.0617 Florida Statutes by adding a new subsection, prohibiting insurance companies from requesting or charging additional premiums for automobile liability or cancelling existing policies prior to a determination of fault for an accident on the part of the insured, or determination of other circumstances that warrant an additional premium charge or cancellation; providing an effective date.

Was taken up and read the second time by title.

The Committee on Insurance offered the following amendment which was adopted on motion by Senator Myers:

In Section 1 (3), lines 12-24, page 2, strike the subsection insert the following: (3) No insurer shall impose or request an additional premium for automobile liability insurance or refuse to renew the policy, solely because the insured was involved in an automobile accident, unless the applicant's or insured's insurer has incurred a loss under the insured's policy, other than with respect to uninsured motorist coverage, arising out of the accident, or unless the insurer's file shall contain sufficient proof of fault, or other criteria, to justify the additional charge or refusal to renew; an insurer which imposes and collects such a surcharge shall, in conjunction with the notice of premium due, notify the named insured that he is entitled to reimbursement of such amount under the conditions listed below, and shall subsequently reimburse him, where the named insured demonstrates that the operator involved in the accident was:

- (a) Lawfully parked; or
- (b) Reimbursed by, or on behalf of, a person responsible for the accident or has judgment against such person; or
- (c) Struck in the rear by another vehicle headed in the same direction, and has not been convicted of a moving traffic violation in connection with the accident; or
- (d) Hit by a "hit-and-run" driver if the accident is reported to the proper authorities within 24 hours; or

- (e) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation; or
- (f) Finally adjudicated not to be liable by a court of competent jurisdiction; or
- (g) Has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said accident.

Violation of this section shall be subject to the penalties provided in Section 627.381, Florida Statutes.

The Committee on Insurance also offered the following amendment which was adopted on motion by Senator Myers:

In title strike lines 9 through 16 and insert the following: premiums for, or refusing to renew, automobile liability policies because of involvement in an accident except under certain conditions, requiring them to notify insureds of their right to reimbursement and to reimburse insureds who are improperly surcharged, providing a penalty; providing an effective date.

On motion by Senator Myers, the rules were waived and SB 176 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—47 Nays—None

Mr. President	Deeb	Knopke	Shevin
Askew	de la Parte	Lane	Slade
Bafalis	Ducker	McClain	Stolzenburg
Barron	Fincher	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Pope	Weber
Bishop	Haverfield	Poston	Weissenborn
Boyd	Henderson	Reuter	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Sayler	Young
Daniel	Johnson	Scarborough	

STATEMENT PURSUANT TO RULE 1.35

Senator Karl abstained from voting pursuant to Rule 1.35 and filed the following statement:

Under the provisions of Rule 1.35, I wish to record my interest in Security Insurance Associates, Inc., a Florida corporation.

I own a substantial interest in the company and serve both as a member of the Board of Directors and as Secretary of the corporation.

The company is a general insurance agency and may be affected by the passage of SB 176.

Frederick B. Karl, 14th District

Consideration of SB 40 was deferred, the bill retaining its place on the Calendar.

The President Pro Tempore presiding.

SB 43 was taken up, together with:

By The Committee on Judiciary—

CS for SB 43—A bill to be entitled An act relating to weapons and firearms; amending section 790.01, F. S.; making the carrying of a concealed firearm a felony and the carrying of all other dangerous weapons a misdemeanor; providing penalties therefor; providing an effective date.

—which was read the first time by title and SB 43 was laid on the table.

On motion by Senator Shevin, the rules were waived and CS for SB 43 was read the second time by title.

Senator Ducker offered the following amendment which was adopted:

In Section 1, line 20, page 1, strike “tear gas gun, chemical weapon or device”

Senator Weissenborn offered the following amendment which was adopted:

In Section 1, line 28, page 1, after “any firearm” insert the following: without a license or permit authorizing him to have said firearm in his possession

On motion by Senator Shevin, the Senate reconsidered the vote by which the foregoing amendment was adopted.

Pending further consideration of the amendment offered by Senator Weissenborn, the hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:04 p.m. to reconvene at 11:00 a.m., April 30, 1969.