

JOURNAL OF THE SENATE

Friday, April 17, 1970

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Lane—

SB 669—A bill to be entitled An act relating to chiropractic practitioners; requiring certain diagnostic abilities; amending chapter 460, Florida Statutes, by adding a section 460.109; providing an effective date.

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

By Senator Lane—

SB 670—A bill to be entitled An act relating to pharmacists, qualifications; amending section 465.091 (3), Florida Statutes providing for submission of proof of completion of continuing professional pharmaceutical education courses prior to issuance of a renewal certificate; providing an effective date.

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

By Senator Hollahan—

SB 671—A bill to be entitled An act relating to the public defender: amending section 27.50, Florida Statutes; providing for the governor to fill any vacancy by appointment; providing for the term of the appointment; providing an effective date.

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

By Senator Hollahan—

SB 672—A bill to be entitled An act amending section 27.56(1), Florida Statutes, relating to lien funds collected by public defenders for their services; providing that such funds be returned to state and county in proportion to funds currently contributed by each; providing an effective date.

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

By Senators Henderson and Pope—

SB 673—A bill to be entitled An act relating to occupational licenses; amending sections 205.251(1) and 205.291, Florida Statutes, relating to licenses for public eating places which maintain no seats, providing for reports to the tax collector by the division of hotels and restaurants concerning room counts of persons renting accommodations and public eating places; repealing subsection (2) of section 205.131, Florida Statutes, relating to the issuance of a warrant by the tax collector; providing an effective date.

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

By Senators Henderson and Pope—

SB 674—A bill to be entitled An act relating to occupational license taxes; amending section 205.062, Florida Statutes; providing that no action may be maintained to enforce payment of any license tax remaining unpaid three (3) years after due date; providing an effective date.

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

By Senators Henderson and Pope—

SB 675—A bill to be entitled An act relating to occupational licenses; amending chapter 205, Florida Statutes, by adding

section 205.192; exempting occasional sales or fund-raising projects of charitable and similar organizations; providing an effective date.

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

By Senator Weissenborn—

SB 676—A bill to be entitled An act relating to eminent domain; amending Chapter 73, Florida Statutes, by adding a new Section 73.092; prescribing criteria to be followed by the Court in assessing attorneys' fees; providing an effective date.

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

By Senator Broxson—

SB 677—A bill to be entitled An act relating to education; amending Section 232.03, Florida Statutes, requiring evidence of age for admission to kindergarten; providing an effective date.

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

By Senator Broxson—

SB 678—A bill to be entitled An act relating to the public schools; amending section 237.18(1) and (4), Florida Statutes; specifying that the millages set by the school board and voted are for the current operating fund; making minor changes of terminology; providing an effective date.

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

By Senators Broxson and Weissenborn—

SB 679—A bill to be entitled An act relating to public education, finance and taxation; amending subsections (2) and (3) of Section 236.074, Florida Statutes; providing additional capital outlay funds for kindergartens; prescribing the method of determining the increase in average daily attendance; providing an effective date.

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

By Senator Broxson—

SB 680—A bill to be entitled An act relating to public education, school plants; amending subsection (2) of section 235.06, Florida Statutes; amending subsection (1) of section 235.26, Florida Statutes; removing requirement that regulations be formulated jointly by the state board of education and the division of health of the department of health and rehabilitative services; authorizing the state board of education to formulate and prescribe all regulations relating to school property and buildings; providing an effective date.

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

By Senators Broxson and Weissenborn—

SB 681—A bill to be entitled An act relating to public education, finance and taxation; repealing paragraph (b) of subsection (9) of Section 236.07 of Chapter 236, Florida Statutes, removing the required local effort for kindergartens; providing an effective date.

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

By Senator Broxson—

SB 682—A bill to be entitled An act relating to public education; school attendance; amending Section 232.031, Florida Statutes, requiring a health certificate for admission to kindergarten; providing an effective date.

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

By Senator Broxson—

SB 683—A bill to be entitled An act relating to public education, finance and taxation; amending section 236.32, Florida Statutes; prescribing the procedure for holding and conducting school district millage elections; providing an effective date.

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

By Senator Henderson—

SB 684—A bill to be entitled An act relating to the division of installment land sales; amending subsections (2) (c) and (7) of section 16 of Chapter 69-106, Laws of Florida, to substitute the word Florida for the word installment; providing an effective date.

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

By Senator Weissenborn—

SB 685—A bill to be entitled An act relating to inspection of school buses; amending section 317.692(2)(a), Florida Statutes; providing requirements for buses with a seating capacity of under twenty-four (24) pupils; providing an effective date.

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

By Senator Weissenborn—

SB 686—A bill to be entitled An act relating to the department of highway safety and motor vehicles, division of drivers' licenses, suspension or revocation of licenses; amending section 322.27(2), Florida Statutes; by assigning specific points for convictions; increasing points assessed for certain convictions; establishing a differential in points assessed for speeding; eliminating provision for courts to assess points within brackets; providing that points shall be determined from date of offense rather than conviction; providing an effective date.

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

By Senator Thomas—

SB 687—A bill to be entitled An act relating to the county road and bridge fund; amending section 129.02(2), Florida Statutes, revising the requisites of the county road and bridge fund budget; amending section 336.59(2), Florida Statutes, changing the method of distribution of the county road and bridge fund to the municipalities; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Organization and Ways and Means.

By Senators Pope and de la Parte—

SB 688—A bill to be entitled An act relating to qualifications of a person applying for a license to practice medicine in this state; amending section 458.05(2)(a), Florida Statutes, permitting application by a person who has declared intention of becoming a citizen of the United States; providing an effective date.

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

By Senator Thomas—

SB 689—A bill to be entitled An act relating to standards of conduct for public officers and employees; amending section

112.314(3), Florida Statutes, to exempt occupational licensing from the restriction on the sale of goods and services between an agency and a person licensed by it; providing an effective date.

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

By Senators Bell and Weissenborn—

SB 690—A bill to be entitled An act relating to divorce proceedings; amending chapter 61, Florida Statutes, by adding section 61.21, providing that all records of divorce proceedings be sealed; providing exceptions; providing an effective date.

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

By Senator Bell—

SB 691—A bill to be entitled An act relating to county annual budgets and personal liability of members of the board of county commissioners and of the clerk of the circuit court acting as county auditor; amending sections 129.07, 129.08 and 129.09, Florida Statutes, providing that the members of the board of county commissioners and the clerk of the circuit court acting as county auditor shall be personally liable only for acts done willfully and contrary to the advice of their attorney; providing an effective date.

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

By Senators Bell and Stolzenburg—

SB 692—A bill to be entitled An act relating to jurors and jury lists; amending sections 40.06 and 40.11, Florida Statutes, relating to transcription, preservation and certification of jury lists by adding words which would permit use of electronic data processing equipment; amending section 40.08, Florida Statutes, relating to exemptions from jury duty; amending section 40.08 (2) deleting certain occupations from the list of those entitled to exemption; repealing section 40.08 (3) relating to exemption for employees of certain state institutions; amending section 40.23, Florida Statutes, relating to summoning of petit jurors by adding provisions which would authorize such summoning to be done by the jury commissioner in counties using data processing equipment; and providing for an effective date.

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

By Senator Johnson—

SB 693—A bill to be entitled An act relating to oil spills in the coastal waters of Florida; provides legislative findings; provides definitions; provides for the powers and duties of the department of air and water pollution control; requires oil terminal operators to have a license; provides certain exemptions; requires the department of air and water pollution control to promulgate and enforce rules and regulations; provides for certain rules; requires foreign vessels to comply with the act; provides for emergency proclamation by the governor in times of catastrophes; provides for emergency procedures; provides for removal of prohibited discharges of oil; provides a misdemeanor penalty for violation of the act, rules or regulations, including a fine of not more than ten thousand dollars (\$10,000.00) for each violation; provides a revolving fund not to exceed four million dollars (\$4,000,000.00) to cover the cost of removing pollutants and to reimburse injured third parties; provides for research and development; provides for a board of arbitration to settle disputes involving determination of fault; provides funding by levying a ½c fee per barrel of oil transferred; provides for disbursements from the fund; provides for reimbursement to the fund from the parties at fault; provides for waiver of reimbursement; provides for strict liability for all acts or omissions of licensees under this act; authorizes the governor to execute interstate agreements for the purpose of implementing this act; requires the department of air and water pollution control to report to and make recommendations to the legislature; limits municipal ordinances and by-laws in regard to oil spills; provides for liberal construction; provides for a fifty thousand dollar (\$50,000) appropriation; provides an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Myers—

SB 694—A bill to be entitled An act relating to state, county and municipal employees; amending chapter 112, Florida Statutes, by adding part VI; providing right of such public employees to organize and bargain collectively as to terms and conditions of their employment; creating and providing administration by the public employment relations commission within the department of administration; creating a public employment advisory council; defining rights of public employers and employees; providing for payroll deductions of dues; providing procedures for the registration, election, and certification of employee organizations as bargaining agents; providing fees; requiring and providing procedures for collective bargaining; providing grievance procedures; providing for mediation and fact-finding, if necessary; establishing unfair labor practices by employers and employee organizations; providing procedures for filing charges of unfair labor practices with the board; providing remedies; defining and prohibiting strikes by public employees; providing other unlawful acts; providing penalties, including injunctive relief; providing for effect and application on merit or civil service systems; authorizing political subdivisions to adopt ordinances or resolutions in lieu of the requirements of said part; amending section 230.22(1), Florida Statutes; repealing section 839.221, Florida Statutes, and chapters 67-900 and 69-665, Laws of Florida; providing an effective date.

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

By Senator Reuter—

SB 695—A bill to be entitled An act relating to I-95; requiring the department of transportation to make recommendations as to where the center line shall be in Indian River, St. Lucie, and Martin counties; requiring said recommendations to be submitted to the Bureau of public roads of the United States within sixty (60) days; providing an effective date.

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

By Senators Thomas and Weissenborn—

SB 696—A bill to be entitled An act relating to migrant labor; creating the Florida legislative commission on migrant labor and an advisory committee thereto, and providing its composition, duties, and authority; authorizing participation by Florida in the interstate migrant labor compact and setting forth its terms; prescribing the Florida membership of the interstate migrant labor commission created by such compact; providing an effective date.

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

By Senators Sayler and Deeb—

SB 697—A bill to be entitled An act relating to the department of air and water pollution control; amending section 403.021, Florida Statutes, by adding subsection (8), to authorize the department to control pollution on land and to provide legislative declaration and policy relating to liability for loss of contaminants in water or on land; amending section 403.061, Florida Statutes, specifying department rules and regulations with reference to pollution of air, water, and land; amending section 403.121, Florida Statutes, by adding subsections (4) and (5), to provide additional enforcement procedures with reference to boarding vessels and maintenance by port authorities of equipment and personnel to prevent and to clean up pollution; amending section 403.141, Florida Statutes, to provide additional civil liability for damage by pollution; amending section 403.161, Florida Statutes, to provide increased penalties; amending section 20.26(5), Florida Statutes, to provide complete state jurisdiction over pollution programs, and to provide for the abolishment of local programs with an exception; repealing section 403.182, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Governmental Organization.

By Senators Gunter and Beaufort—

SB 698—A bill to be entitled An act relating to the game and fresh water fish commission; amending section 372.573, Florida Statutes, to authorize the issuance of permits to persons

wishing to fish or otherwise use or enjoy wildlife and fresh water aquatic life on lands owned or managed by the commission; providing a fee for such permits; increasing the fee for permits to hunt on such lands; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senators Gunter, Beaufort and Weissenborn—

SB 699—A bill to be entitled An act relating to the board of trustees of the internal improvement trust fund; amending sections 253.02 and 253.03(7), Florida Statutes, to restrict the uses to which moneys in such fund may be put; providing an effective date.

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

By Senator Friday—

SB 700—A bill to be entitled An act relating to destruction of property; making intentional destruction of property illegal; providing penalties; providing an effective date.

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

By Senator Weissenborn—

SB 701—A bill to be entitled An act relating to child care facilities; providing for the regulation of child care facilities by the division of health of the department of health and rehabilitative services; providing for the adoption and enforcement of rules and regulations; providing for right of entry; providing for preservation of certain licensing laws; providing an effective date.

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

By Senators Gunter and Beaufort—

SB 702—A bill to be entitled An act relating to department of highway safety and motor vehicles, division of motor vehicles; amending section 320.829, Florida Statutes, by requiring fees to be deposited in the general revenue fund; providing funds for the enforcement of sections 320.821-320.832, Florida Statutes, to be appropriated from the general revenue fund and abolishing the mobile home standards code trust fund; providing an effective date.

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

By Senators Gunter and Beaufort—

SB 703—A bill to be entitled An act relating to the department of highway safety and motor vehicles; amending chapter 321, Florida Statutes, by adding section 321.051 authorizing the division of the Florida highway patrol to charge fees for providing certain services; providing a schedule for said fees; amending chapter 322, Florida Statutes, by adding section 322.025, providing certain duties, functions, and powers of the division of driver licenses; setting forth a schedule of fees for providing certain services; providing that all such fees collected shall be deposited in the general revenue fund; transferring moneys in the accident reports trust fund to the general revenue fund; providing an effective date.

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

By Senator Horne—

SB 704—A bill to be entitled An act relating to county judges; amending section 44.09, Florida Statutes, to remove Gadsden County from the list of counties which are excluded from the provisions of sections 44.01-44.08, Florida Statutes, relating to the salaries, preparation of budgets, and receipt and handling of funds with regard to the county judge's office; providing an effective date.

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

By Senator Horne—

SB 705—A bill to be entitled An act relating to the Florida banking code; amending section 659.06, Florida Statutes, to provide for branch banking; providing the circumstances under which the department of banking and finance may authorize certain banks to establish branches within the limits of the county in which such bank is located or establish branches elsewhere by merger; defining the term "parent bank" and providing the circumstances under which its location might be changed; defining the nature and limitations upon mergers permitted hereunder; providing for the participation by a bank in a school or institutional thrift or savings plan and amending the provisions for a bank operating a drive-in or walk-up facility.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 16, 1970
President of the Senate

Sir:

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

By Representative J. K. Tillman—

HB 2178—A bill to be entitled An act relating to barbers; amending section 476.13, Florida Statutes, by changing the date for annual renewal of certificates; amending section 476.14, Florida Statutes, by adding subsections (10) and (11) providing additional grounds for revocation or refusal to grant certificates; amending sections 476.221 and 476.223, Florida Statutes, by increasing the renewal fee; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2178, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

The Honorable John E. Mathews, Jr. April 16, 1970
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote—

By Representative Gallen—

HB 3110—A bill to be entitled An act providing for the relief of Wayne Mead and Donald Mead for damages caused to their property and business by an act of the state road department; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 3110, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable John E. Mathews, Jr. April 16, 1970
President of the Senate

Sir:

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

By Representative Whitson and Others—

HB 1075—A bill to be entitled An act relating to dower; amending section 731.34, Florida Statutes, by deleting provisions relating to the spouse's relinquishment of dower rights in property conveyed by the husband before his death; deleting provisions differentiating between encumbrance of separate real and personal property of married persons; providing that a married man may convey his separate property free and clear of claim or right of dower without the relinquishment thereof or joinder by his spouse; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1075, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable John E. Mathews, Jr. April 16, 1970
President of the Senate

Sir:

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

By Representatives David Clark and Reed—

HCR 3753—A concurrent resolution commending Judge Julius Hoffman of Chicago.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 3753, contained in the above message, was read the first time in full and referred to the Committee on Judiciary.

BILLS REFERRED TO SUBCOMMITTEES

Personnel and Retirement: SB 641 (15 days to report to the Committee on Ways and Means)

Jurisprudence: Senate Bills 660, 646, 647, 648, and 649 (7 days to report to the Committee on Judiciary)

Labor and Industrial Relations: SB 655 (7 days to report to the Committee on Judiciary)

Mental Health, Retardation and Institutions: Senate Bills 651, 650, 701, and 652, CS for SB 480 (7 days to report to the Committee on Health, Welfare, and Institutions)

Health and Welfare: Senate Bills 670, 669, 662, and 661 (7 days to report to the Committee on Health, Welfare, and Institutions)

Financial Institutions and Consumer Protection: HB 2178 (12 days to report to the Committee on Commerce and Licensed Businesses)

Licensed Businesses: Senate Bills 637 and 653 (12 days to report to the Committee on Commerce and Licensed Businesses)

Senate Bills 516, 525, 526, 527, 528 withdrawn from Health and Welfare Subcommittee and referred to Mental Health, Retardation and Institutions Subcommittee

SB 336 withdrawn from Taxation Subcommittee

The Senate adjourned at 8:55 a.m. to reconvene at 8:30 a.m., April 20, 1970.