

JOURNAL OF THE SENATE

Wednesday, April 29, 1970

The Senate was called to order by the President Pro Tempore 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 Hollahan—

SB 953—A bill to be entitled An act relating to corporations, groups, or associations which endorse candidates for office; providing that no corporation, group, or association shall endorse a candidate unless it registers the name of said candidate with the officer before whom the candidate qualified within a certain time and unless it discloses in the publication or broadcast endorsing said candidate the names of all its members or officers, or the total number of all its members and officers, or registers certain information with the officer before whom the endorsed candidate qualified; providing penalties; providing an effective date.

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

By Senator Hollahan—

SCR 954—A concurrent resolution proposing that young men residing at the Walter Scott Criswell House be given the utmost consideration for employment as legislative pages and messengers during this and all future legislative sessions.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senator Weissenborn—

SB 955—A bill to be entitled An act relating to taxation, levying an excise tax on the severance of all solid minerals, prescribing tax rate and manner of collection; providing for proceeds after collection expenses to be paid into general revenue fund; providing for enforcement; 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 Senator Henderson—

SB 956—A bill to be entitled An act relating to the state theatre of Florida; transferring the state theatre of Florida to the department of state; providing authority for Florida state university to conduct educational programs with the state theatre of Florida; providing authority for the department of education to conduct educational programs with the state theatre of Florida; providing for additional powers, duties and functions; amending section 241.68, Florida Statutes; providing an effective date.

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

By Senator Karl—

SB 957—A bill to be entitled An act relating to dog racing; repealing section 550.162, Florida Statutes; providing an effective date.

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

By Senator Pope—

SB 958—A bill to be entitled An act relating to regulation of traffic on highways; amending chapter 317, Florida Statutes, by adding a new section 317.192; providing for the yielding of right of way to a funeral procession; requiring headlights of funeral procession vehicles to be lighted; prohibiting driving

between vehicles while procession is in motion except when directed by a police officer; providing an effective date.

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

By Senator Johnson—

SB 959—A bill to be entitled An act relating to arrests without warrant; amending section 901.23, Florida Statutes, to permit an officer who has arrested a person without a warrant to release such person from custody in certain cases instead of taking such person before a magistrate; providing for reports to prosecuting attorney; providing an effective date.

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

By Senator Lane—

SB 960—A bill to be entitled An act relating to dog racing; amending section 550.162, Florida Statutes, by adding subsection (5); providing that the provisions of the section shall apply only to dog tracks whose daily average handle is less than seventy-five thousand dollars (\$75,000), providing for an effective date.

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

By Senator Stone—

SB 961—A bill to be entitled An act relating to meetings and records of public bodies; declaring public policy of the State to require public bodies to open meetings to public, prescribing conditions of attendance; agenda, minutes and written communications to public bodies to be available to the public; requiring public notice of meetings; excepting certain public bodies, authorizing executive sessions; providing for enforcement by invalidation, injunction, and criminal penalties; repealing prior acts; providing for an effective date.

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

By Senator Hollahan—

SB 962—A bill to be entitled An act relating to powers of county commissioners in all counties in the state having a population of two hundred and sixty thousand (260,000) or more, according to the latest official decennial census; amending subsection (19) of section 2 of chapter 22963, Laws of Florida, 1945, as amended, by providing for the award of exclusive franchises of a non-aeronautical nature pursuant to sealed competitive bid procedure.

Was read the first time by title and referred to the Committees on Governmental Organization and Rules and Calendar.

By Senators Myers and Mathews—

SB 963—A bill to be entitled An act relating to education; repealing Section 236.07 (9) (b), Florida Statutes; eliminating the local required effort for kindergarten; providing an effective date.

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

By Senators Myers and Mathews—

SB 964—A bill to be entitled An act relating to education; providing for studies by the department of education; providing an effective date.

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

By Senators Myers and Mathews—

SB 965—A bill to be entitled An act relating to education; providing for studies by the department of education; providing an effective date.

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

By Senator Myers—

SB 966—A bill to be entitled An act relating to education, amending Section 236.251, Florida Statutes, to include additional millage for commissions to the tax assessor, commissions to the tax collector, deficit in state support for retirement matching, the cost of liability insurance; permitting an equivalent millage application for operations; providing for an effective date.

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

By Senators Myers and Mathews—

SB 967—A bill to be entitled An act relating to transportation of school children; amending section 234.01, Florida Statutes, providing for state aid for transportation of pupils residing within a reasonable walking distance where there exists a clear and present danger to such pupils; providing an effective date.

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

By Senators Myers and Mathews—

SB 968—A bill to be entitled An act relating to school building construction; amending section 235.26(2), Florida Statutes, increasing the minimum cost of alterations or additions to school buildings for which plans and specifications shall be submitted to the state department of education; providing an effective date.

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

By Senator Myers—

SB 969—A bill to be entitled An act amending Section 193.65, Florida Statutes to require the county commissioners to pay the commissions to the tax assessor and the tax collector on all non-voted school millage; providing an effective date.

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

By Senator Myers—

SB 970—A bill to be entitled An act relating to schools, tax levy, amending section 236.251(1), Florida Statutes, to provide that the ten (10) mill limitation on property taxes levied by school boards for participation in the minimum foundation program shall not apply to levies assessed under the provisions of House Joint Resolution 1262 of the 1969 session of the Legislature, if approved by the freeholders; providing an effective date.

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

By Senator Myers—

SB 971—A bill to be entitled An act relating to school textbooks; amending section 233.33, Florida Statutes, to provide for use of textbooks other than those adopted for the same subject to be used in pilot and experimental programs when approved by the commissioner of education; providing an effective date.

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

By Senator Myers—

SB 972—A bill to be entitled An Act relating to appointive county superintendents; amending Section 230.321; providing for duties and obligations of such appointive superintendent;

providing for contracts of employment and salary of such superintendent; providing for an effective date.

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

By Senator Myers—

SB 973—A bill to be entitled An act relating to landlords and tenants; amending chapter 83, Florida Statutes, by adding section 83.271, to provide for protection of tenants from certain action by landlords when said tenants report a violation or suspected violation of a health or building code violation; providing an effective date.

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

By Senator Myers—

SB 974—A bill to be entitled An act relating to the duty of officer after arresting with warrant and to the duty of others after arresting without warrant; amending section 901.06, Florida Statutes, providing the duties of an arresting officer and others; repealing sections 901.07, 901.08 and 901.23, Florida Statutes; relating to admission to bail when arrest occurs in another county, issue of warrant when offense triable in another county and duty of officer after arrest without warrant; providing an effective date.

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

By Senator Karl—

SB 975—A bill to be entitled An act relating to motor vehicle dealers; motor vehicle manufacturers, distributors, factory branches, factory representatives, and importers; and the division of motor vehicles, of the department of highway safety and motor vehicles; amending Section 320.27 (1)(3)(9), Florida Statutes, by providing additional definitions; increasing the fees paid by dealers for license applications and investigations therefor; and providing additional grounds for the denial, suspension, or revocation of dealer licenses; creating sections 320.273 and 320.274, Florida Statutes, authorizing reinstatement of licenses under certain conditions; and providing for the conduct of hearings and procedures; amending Section 320.60 (1) (7), Florida Statutes, and adding subsections (2), (5), (8) through (11), (12) (a) and (b), and (13), providing for additional definitions; amending Section 320.61, Florida Statutes, requiring licenses for manufacturers, factory branches, factory representatives, distributors, and importers of motor vehicles to engage in business in this state; providing for license renewal, granting or refusing a license and effect of obtaining license; creating Section 320.615, Florida Statutes, designating agent for service of process; amending Sections 320.62 and 320.63, Florida Statutes, increasing fees for licenses, and prescribing additional information required on applications for licenses; amending Section 320.64, (6), (7), and adding subsections (8) (a) (b) (c), and (9) through (15) providing additional locations and grounds for the denial, suspension, or revocation of licenses; providing for notice of discontinuation, cancellation, or failure to renew franchise agreement; procedure after notice; providing for attorneys' fees and costs; creating Sections 320.664 and 320.665, Florida Statutes, authorizing reinstatement of licenses under certain conditions; and providing for the conduct of hearings and procedures; amending Sections 320.67 and 320.68, Florida Statutes, granting subpoena powers to the director, division of motor vehicles, and making licensees responsible for acts of employees; creating Section 320.694, Florida Statutes, providing for advisory council, consisting of dealers, manufacturer, distributor or importer, and consumer representatives appointed by the director; providing per diem, but no other compensation to members; creating Sections 320.695, 320.696, 320.697, 320.698, Florida Statutes, providing for powers of injunction, describing warranty responsibility and compensation, providing civil damages procedure, recovery of attorneys' fees and costs, and burden of proof; providing for civil fines; providing a severability clause; and providing an effective date of January 1, 1971.

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

By Senators Friday and Henderson—

SB 976—A bill to be entitled An act relating to trustees' powers; amending Section 691.03 (7) Florida Statutes to authorize exchange of investments; providing an effective date.

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

By Senator Johnson—

SCR 977—A concurrent resolution directing the state department of education to conduct a study to determine the economic feasibility of using paperback textbooks in the public schools of Florida.

Was read the first time in full and referred to the Committee on Education.

By Senator Myers—

SB 978—A bill to be entitled An act relating to railroad, express, and pullman companies, by enacting a new section to be numbered section 350.781, Florida Statutes, imposing an annual tax on the gross revenues derived from intrastate business done within Florida; providing for the collection and distribution of such funds, and providing an effective date.

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

By Senator Myers—

SB 979—A bill to be entitled An act amending subsection (2) of section 323.05, Florida Statutes, by increasing the annual permit tax from twenty-five dollars to fifty dollars, and by increasing the annual vehicle registration tax from five dollars to ten dollars per vehicle on carriers engaged in taxicab operation; providing for disposition of taxes collected; and providing an effective date.

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

By Senator Myers—

SB 980—A bill to be entitled An act relating to the Florida public service commission, disposition of road tax moneys collected; amending section 323.16(2), Florida Statutes, by increasing the amount of moneys retained and deposited in the Florida public service regulatory trust fund from five percent to ten percent of such funds; and providing an effective date.

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

By Senator Myers—

SB 981—A bill to be entitled An act amending subsection (3) of section 350.78, Florida statutes, relating to the Florida public service regulatory trust fund; providing that the one twelfth of one percent of the gross operating revenues of telephone, telegraph, electric, and gas utilities required to be paid annually to the Florida public service commission, for deposit to the credit of such fund, shall be increased to one eighth of one percent of such gross operating revenues, and shall be based on the annual operating revenues for each calendar year beginning with the calendar year of 1969 and annually thereafter; changing from July 1, 1969 to July 1, 1970 the date on or before which such utilities shall make such payment, and providing that such payment shall be made on or before July 1 of each succeeding year based on the prior calendar year's gross operating revenues; and providing that such amendment become effective immediately upon becoming a law.

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

By Senator Myers—

SB 982—A bill to be entitled An act relating to fees and charges imposed and required to be paid to the Florida public

service commission under the provisions of chapter 323, Florida statutes, by amending section 323.05(5) to increase the for-hire permit application fee for all motor carriers other than taxicabs from ten dollars to one hundred dollars; by increasing the vehicle registration and identification fee imposed by section 323.22(1) from one dollar to five dollars for non-reciprocal motor carriers, and from five dollars to seven dollars and fifty cents for reciprocal motor carriers; by increasing the fee for filing of interstate commerce commission authority imposed by section 323.28(2) from ten dollars to twenty-five dollars; by increasing the auto transportation broker's annual license renewal fee imposed by section 323.31(3)(b) from two hundred fifty dollars to five hundred dollars; by adding a new subsection (9) to section 323.54 to establish an annual freight forwarder certificate renewal fee of five hundred dollars; providing for the disposition thereof, and providing an effective date.

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

By Senator de la Parte—

SB 983—A bill to be entitled An act relating to cosmetology; amending section 477.02(6), Florida Statutes; deleting authority of the board of cosmetology to issue work permits to persons who have filed requirements for examination with the board; providing an effective date.

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

By Senator de la Parte—

SB 984—A bill to be entitled An act relating to nursing home administration; providing definitions; providing for a board of examiners of nursing home administrators and appointment of members thereto; establishing powers and duties of the board; establishing qualifications for nursing home administrators; authorizing the issuance of licenses; providing a license fee; providing for examinations; providing for additional appointments by the governor; providing for judicial review, disposition of fees and reciprocity; providing for disciplinary proceedings; providing penalties; providing an effective date.

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

By Senator Horne—

SB 985—A bill to be entitled An act relating to state public officers and employees; providing recomputation of retirement benefits to persons over sixty-five (65) years of age with ten (10) years of creditable service; adding section 112.362 to chapter 112, Florida Statutes; providing an effective date.

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

By Senator Daniel—

SB 986—A bill to be entitled An act relating to supervisors of elections; amending section 145.09, Florida Statutes, as amended by section 5 of chapter 69-346, laws of Florida, changing the salaries of the supervisors of elections; providing an effective date

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

By Senator Weber—

SB 987—A bill to be entitled An act relating to the executive departments of state government; amending section 20.07, Florida Statutes, to provide terms of office for appointive department secretaries; providing for reappointment or replacement under certain conditions; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Organization and Rules and Calendar.

By Senator Weissenborn—

SB 988—A bill to be entitled An act relating to child labor; amending chapter 450, Florida Statutes, by adding section

450.025, providing minimum age requirement for minors doing farm work during the hours when the public schools are in session; amending sections 450.081(4) and 450.111(2) and (3), Florida Statutes, to provide for elimination of farm work as an exemption from provisions of chapter 450, Florida Statutes; providing an effective date.

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

By Senator Weissenborn—

SB 989—A bill to be entitled An act relating to child labor; amending chapter 450, Florida Statutes, by adding section 450.025, providing minimum age requirement for minors doing farm work; amending sections 450.011, 450.081(4), 450.111(2) and (3), Florida Statutes, to provide for elimination of farm work as an exemption from provisions of chapter 450; providing an effective date.

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

By Senator Myers—

SB 990—A bill to be entitled An act relating to the escape of persons confined pending judicial proceeding; amending section 944.40, Florida Statutes; providing that escape under charge constituting a felony shall be a felony; providing escape under charge constituting a misdemeanor shall be a misdemeanor; providing penalties for conviction under this act; providing an effective date.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

April 28, 1970

Sir:

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

By Representative Murphy and others—

HB 1355—A bill to be entitled An act relating to alcoholic beverages; repealing section 104.381, F. S., which requires the closing of all bar rooms, saloons, cocktail lounges and other places which sell alcoholic beverages at retail within the area of any state, county, municipal, general or primary election while the polls are open; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1355, contained in the above message, was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

BILLS REFERRED TO SUBCOMMITTEES

Jurisprudence: Senate Bills 953 and 973 (7 days to report to the Committee on Judiciary) SB 919 withdrawn

Law and Order: Senate Bills 974, 990 and 959 (7 days to report to the Committee on Judiciary)

Health and Welfare: CS for HB 1241 (7 days to report to the Committee on Health, Welfare, and Institutions)

Mental Health, Retardation and Institutions: Senate Bills 937, 938, 939 and 943 (7 days to report to the Committee on Health, Welfare, and Institutions)

The Senate adjourned at 9:00 a. m. to reconvene at 8:30 a. m., Thursday, April 30, 1970.