

JOURNAL OF THE FLORIDA SENATE

Friday, May 17, 1974

The Senate was called to order by the President at 9:00 a.m.
A quorum present—34:

| | | | |
|---------------|-------------|-------------|-------------|
| Mr. President | Gruber | Peterson | Stolzenburg |
| Barron | Henderson | Pettigrew | Sykes |
| Childers | Johnson | Plante | Vogt |
| de la Parte | Johnston | Poston | Ware |
| Gallen | Lane (31st) | Saunders | Williams |
| Gillespie | Lane (23rd) | Saylor | Wilson |
| Glisson | Lewis | Scarborough | Winn |
| Gordon | McClain | Sims | |
| Graham | Myers | Smathers | |

Excused: Senator Weber; Senators Brantley, Firestone, Deeb, Trask and Zinkil until 9:35 a.m. to work on a conference committee report.

Prayer by Reverend Bill Glass, Dallas, Texas, who was presented to the Senate by the Senate Chaplain:

Thank you God for these good men and women whom we have placed in authority over us. Help us to accept their authority and obey the law as you have commanded us. Lord help them to accept their authority as a sacred trust in the realization that all of us are answerable to you. O God thank you for your love and forgiveness. Forgive us when we have been dominated by our glands rather than our brains. Thank you God for the Scriptures that are the basis of all laws. God help our leaders in Tallahassee and Washington to start leading in a way that will enable parents to say to their children watch, listen, and follow. That's what it means to be a statesman! He'll tell the truth and do that which is best for our state, nation, and world, no matter how it may affect him personally. Amen.

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Friday, May 17, 1974, at 9:00 a.m.:

SCR 1082 saluting the world champion Miami Dolphins to be heard at 10:00

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| CS for SB 364 | SB 71 | SB 828 | SB 403 |
| SB 1102 | CS for HB 99 | SB 529 | SB 431 |
| SB 809 | HB 3287 | SB 758 | SB 519 |
| CS for SB 724 | SB 579 | SB 817 | SB 1020 |
| SB 485 | SB 173 | HB 580 | HB 3096 |
| SB 429 | SB 138 | SB 904 | |
| SB 362 | HB 2922 | HB 2099 | |
| SB 941 | SB 643 | HB 1911 | |

Respectfully submitted,
Dempsey J. Barron, Chairman

REQUESTS FOR EXTENSION OF TIME

The Committee on Commerce requests an extension of 10 days for the consideration of the following:

| | |
|---------------------------------------|------------------------------------|
| SB 859 by Senator Gordon | HB 2856 by Representative Fortune |
| SB 1047 by Senator Graham | HB 3199 by Representative Hartnett |
| HB 2407 by Representative Wilson | |
| CS for HB 2830 by Judiciary Committee | |

The Committee on Education requests an extension of 10 days for the consideration of the following:

| | |
|----------------------------|---------------------------|
| SB 150 by Senator Saunders | SB 331 by Senator Horne |
| SB 185 by Senator Johnson | SB 333 by Senator Horne |
| SB 186 by Senator Johnson | SB 401 by Senator Deeb |
| SB 187 by Senator Johnson | SB 484 by Senator Deeb |
| SB 237 by Senator Johnson | SCR 501 by Senator Deeb |
| SB 257 by Senator Childers | SB 576 by Senator Johnson |
| SB 269 by Senator Weber | SB 596 by Senator McClain |
| SB 312 by Senator Poston | SB 629 by Senator Graham |

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|-----------------------------|---------------------------------|
| SB 667 by Senator Glisson | SB 907 by Senator Graham |
| SB 738 by Senator Gillespie | SB 914 by Senator Peterson |
| SB 754 by Senator Zinkil | SB 922 by Senator Graham |
| SB 772 by Senator Smathers | SB 940 by Senator Gordon |
| SB 787 by Senator Sims | SB 943 by Senator Graham |
| SB 807 by Senator Saunders | SB 945 by Senator Gordon |
| SB 847 by Senator D. Lane | SB 995 by Senator Glisson |
| SB 857 by Senator Peterson | SB 1032 by Senator Williams |
| SB 883 by Senator Deeb | SB 1049 by Senator Graham |
| SB 896 by Senator Graham | SB 1075 by Senator Graham |
| | HB 1199 by Representative Young |

The Committee on Governmental Operations requests an extension of 10 days for the consideration of the following:

| | |
|--|-----------------------------------|
| HB 524 by Representative Carlucci | HJR 1464 by Representative Dubbin |
| HB 232 by Representative Spicola | SB 620 by Senator Saunders |
| CS for HB 687 by Representative MacKay | SB 626 by Senator Deeb |
| HB 782 by Representative G. Robinson | SB 634 by Senator Vogt |
| HB 803 by Agriculture Committee | SB 675 by Senator Smathers |
| | SB 684 by Senator Saunders |
| | SB 707 by Senator Ware |

EXECUTIVE BUSINESS

By direction of the President, the following report was read:

Senator Mallory E. Horne
President, The Florida Senate
The Capitol
May 8, 1974

Dear Mr. President:

Your Standing Committee on Natural Resources and Conservation to whom were referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

| NAME | OFFICE | FOR TERM ENDING |
|---|--|--------------------------|
| C. Herman Terry Jacksonville | Member, Jacksonville Port Authority, Duval County | October 1, 1977 |
| Hansel E. Tookes Tallahassee | Member, Recreation and Parks Advisory Council | Pleasure of the Governor |
| Howard C. Jelks, Jr. Fort Lauderdale | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| James D. Neville Sarasota | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1976 |
| Eddie J. Richburg Cedar Key | Member, Suwannee River Water Management District | July 1, 1975 |
| Tom Corley Panama City | Member, Board of Pilot Commissioners for the Port of Panama City, Bay County | June 14, 1977 |
| Violet B. Gainer Panama City | Member, Board of Pilot Commissioners for the Port of Panama City, Bay County | June 14, 1977 |
| Jimmy Paulk Panama City | Member, Board of Pilot Commissioners for the Port of Panama City, Bay County | June 14, 1977 |
| James B. Hall Daytona Beach | Member, Ponce de Leon Port Authority, Volusia County | February 1, 1975 |

| NAME | OFFICE | FOR TERM ENDING |
|-------------------------------------|--|-------------------|
| Harry Lovett Bushnell | Member, Board of the Sumter County Recreation and Water Conservation and Control Authority | October 9, 1977 |
| James William Veal Lake Panasoffkee | Member, Board of the Sumter County Recreation and Water Conservation and Control Authority | November 16, 1977 |

—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments made by the Governor.

Respectfully submitted,
W. D. CHILDERS, Chairman *LEW BRANTLEY, Vice Chairman*
RICHARD J. DEEB *TOM GALLEN*
WARREN S. HENDERSON *JULIAN B. LANE*
HENRY SAYLER *JOHN W. VOGT*
SHERMAN S. WINN *WILLIAM G. ZINKIL, SR.*

On motion by Senator Childers, the report of the Committee was adopted, and the Senate in open session approved and confirmed the appointments set forth in the foregoing report. The vote was:

Yeas—34

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|---------------|-------------|-------------|----------|
| Mr. President | Gruber | Pettigrew | Trask |
| Childers | Henderson | Plante | Vogt |
| Deeb | Johnson | Poston | Ware |
| de la Parte | Lane (31st) | Sayler | Williams |
| Firestone | Lane (23rd) | Scarborough | Wilson |
| Gallen | Lewis | Sims | Winn |
| Glisson | McClain | Smathers | Zinkil |
| Gordon | Myers | Stolzenburg | |
| Graham | Peterson | Sykes | |

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 17, 1974

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

| | | |
|---------------|---------------|--------|
| CS for SB 518 | SB 966 | SB 239 |
| SB 475 | CS for SB 101 | SB 34 |
| SB 325 | | |

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable Mallory E. Horne, President May 17, 1974

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

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|---------|---------|---------|
| HB 1503 | HB 1504 | HB 2903 |
| HB 2551 | | |

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 16, 1974

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

By the Committee on Judiciary—

CS for SB 727—A bill to be entitled An act relating to gambling; renumbering subsection (2) of §849.06, Florida Statutes, and adding new subsections (2) and (3), to provide that persons playing billiards in bona fide bowling establishments are exempt from the provisions of subsection (1) of §849.06;

further providing for a standard parental consent form to be determined by the division of beverage; providing an effective date.

(Amendment attached)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9 in title, after “§849.06” insert: , which imposes age restrictions on persons frequenting billiard parlors

On motion by Senator Winn, the Senate concurred in the House amendment to CS for SB 727.

CS for SB 727 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—17

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|-------------|-------------|-------------|------|
| Barron | Graham | Poston | Ware |
| de la Parte | Gruber | Scarborough | Winn |
| Gallen | Henderson | Sims | |
| Glisson | Lane (23rd) | Sykes | |
| Gordon | Plante | Vogt | |

Nays—14

| | | | |
|---------------|-------------|----------|-------------|
| Mr. President | Johnston | Peterson | Stolzenburg |
| Childers | Lane (31st) | Saunders | Williams |
| Gillespie | Lewis | Sayler | |
| Johnson | McClain | Smathers | |

By unanimous consent Senators Myers and Pettigrew were recorded as voting yea; Senator Glisson changed his vote from yea to nay.

The Honorable Mallory E. Horne, President May 16, 1974

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

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|----------------|---------|
| CS for HB 3169 | HB 3365 |
|----------------|---------|

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on General Legislation and Representatives Dick Clark and Lockward—

CS for HB 3169—A bill to be entitled An act relating to alcoholic beverage licenses; amending subsection (2)(a) of §561.20, Florida Statutes, providing that food sales in restaurants need not be simultaneous with alcoholic beverage sales, further providing that certain special licenses issued prior to chapter 57-773, Laws of Florida, shall not include package sales as part of a gross income factor; creating paragraph (c) of subsection (2) of §561.20, Florida Statutes, providing for the issuance of a special license to bona fide bowling alleys; amending subsection (7) of §561.20, Florida Statutes, providing for the issuance of special club licenses to bona fide tennis clubs; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative Easley and others—

HB 3365—A bill to be entitled An act relating to the control of noise from motor vehicles; creating §403.414, Florida Statutes; providing definitions; prohibiting the sale of new motor vehicles that produce a maximum sound level in excess of specified limits; prohibiting the sale of mufflers or other noise abatement devices that increase the noise above that of the motor vehicle as originally manufactured; requiring certificates of compliance; providing for test procedures; creating §316.293, Florida Statutes; providing definitions; prohibiting the operation of motor vehicles that produce a sound level in excess of specified limits; providing an exemption for

emergency vehicles; providing for measurement procedures; prohibiting the modification of motor vehicles to increase their noise and prohibiting the operation of motor vehicles so modified; creating §320.834, Florida Statutes; prohibiting the registration of new motor vehicles for which certification of compliance with new motor vehicle noise limits has not been made; providing for a joint study by the department of pollution control and the department of highway safety and motor vehicles on the effectiveness of this act; providing appropriations; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 16, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3198 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hartnett and others—

HB 3198—A bill to be entitled An act relating to the solicitation of charitable funds; amending §§496.02(1) and (5), 496.03(1)(f) and (2), 496.031(1) and (2), 496.04, 496.041(2) and (4), and 496.13(5) and (6)(a), all Florida Statutes, 1973; adding subsection (6) to §496.02, subsection (3) to §496.03, subsection (4) to §496.031, subsections (6), (7), (8), (9), (10) and (11) to §496.11, and subsection (7) to §496.13, all Florida Statutes, 1973; creating §496.021, Florida Statutes; amending the definitions of “charitable organization” and “professional solicitor”; defining “gross contributions”; granting the department of state regulatory powers over licensing, authority to promulgate regulations, and standing to maintain legal actions; specifying registration fee; requiring identification for those soliciting; adding requirement for licensee not to have been convicted for violation of this chapter; providing for employee’s certificate and fee therefor; increasing professional solicitor’s license fee from fifty dollars (\$50) to five hundred dollars (\$500); clarifying those exempted from registration fee; clarifying those claiming exemption from registration and requiring a ten dollar (\$10) fee for original registration of exemption; requiring independent members of federated organizations to pay a filing fee when they receive funds from sources other than the federated organization or a government agency; providing for the filing of certain information by charitable organizations; prohibiting telephone solicitation by professional solicitors; limiting professional solicitors’ fees to twenty-five percent (25%) of the gross contributions solicited by them, which include all fund raising costs; limiting to not more than twenty-five percent (25%) of its gross the amount a charity may expend for fund raising; restricting use of words “charity,” “charitable,” “police,” “firefighter,” and “firemen”; redefining criminal penalties; granting the department of state the right to seek arrest warrants; providing for conflict; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

The Honorable Mallory E. Horne, President May 16, 1974

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

HB 4092 HB 4093

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Rules & Calendar—

HB 4092—A reviser’s bill to be entitled An act relating to the Florida Statutes; implementing the continuous statutory revision program authorized and required by section 11.242; repealing sections and parts thereof which have been judicially held invalid; amending section 171.04(1); repealing sections 123.09, 123.20, 171.041, 320.272, 421.53, 465.23(2)(f), 541.07, 768.05, 768.06 and 790.26, all Florida Statutes; providing reviser’s notes.

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

By the Committee on Rules & Calendar—

HB 4093—A reviser’s bill to be entitled An act relating to the disability of nonage; amending various sections of the Florida Statutes to conform them to chapter 73-21, Laws of Florida, which defined “minor” to include persons under age eighteen (18) and removed the disabilities of nonage for all persons of eighteen (18) years of age or older repealing section 62.011, Florida Statutes.

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

The Honorable Mallory E. Horne, President May 16, 1974

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional 3/5th vote of the membership of the House CS for HJR 2036 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education—

CS for HJR 2036—A joint resolution proposing a revision of Articles IV and IX of the State Constitution providing for statutory provisions for the duties and responsibilities of the commissioner of education, state board of education, and district school boards.

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

The Honorable Mallory E. Horne, President May 16, 1974

I am directed to inform the Senate that the House of Representatives has passed CS for HB 2739 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Poole—

CS for HB 2739—A bill to be entitled An act relating to private employment agencies; creating §449.015, Florida Statutes; exempting certain management consultant businesses from the provisions of chapter 449; providing an effective date.

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

The Honorable Mallory E. Horne, President May 16, 1974

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

HB 3610 CS for HB 3471

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rish and others—

HB 3610—A bill to be entitled An act relating to excise tax on liquors and beverages; amending paragraph (a) of subsection (1) of section 565.12, Florida Statutes, 1972 Supplement, to increase the tax rate to four dollars and twenty-five cents (\$4.25) per gallon; amending section 561.12, Florida Statutes, 1972 Supplement, and adding subsection (2), paragraphs (a) and (b) to provide that twelve percent (12%) of the liquor tax revenue will be deposited in the Alcoholism Prevention, Control and Treatment Trust Fund; providing an effective date.

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

By the Committee on Transportation and Representative Sessums and others—

CS for HB 3471—A bill to be entitled An act relating to loads on vehicles; amending section 316.198(2), Florida Statutes, requiring certain loads be covered by a tarpaulin or other appropriate cover; providing an effective date.

—was read the first time by title and placed on the Calendar.

The Honorable Mallory E. Horne, President May 15, 1974

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

CS for HB 4026

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Education and Representative Dubbin and others—

CS for HB 4026—A bill to be entitled An act relating to education; creating §235.001, Florida Statutes, providing legislative intent; creating §235.012, Florida Statutes, creating an office of school facilities construction under the commissioner of education; creating §235.013, Florida Statutes, providing for interdepartmental cooperation in school construction; creating §235.014, Florida Statutes, providing duties and responsibilities of the office; creating §§235.015 and 235.016, Florida Statutes, providing for an associate commissioner and specifying duties and responsibilities; amending §235.06, Florida Statutes, 1973, empowering and directing the board of education to adopt regulations relating to health and safety standards at school plants; requiring each district school board to adopt certain policies in conformance with the standards; providing for periodic inspection of school plants by each school board to determine compliance with the standards; providing for correction of deficiencies or for closure of the school plant if not corrected; permitting inspection of any school plant by certain state and local agencies; providing standards for inspection by such agencies; providing procedures when deficiencies are noted by such agencies; providing for review of an order of any such agency for the correction of deficiencies by the state board of education; providing procedure for review; amending §235.211, Florida Statutes, 1973, requiring the state board to provide relocatable school facilities, and establishing criteria for said facilities; permitting the sale or lease of the facilities when need decreases; requiring the state board to develop prototype design criteria; defining prototype design criteria; providing for annual review and update of said design criteria; authorizing leasing of facilities; providing definitions for construction techniques; requiring conformity to the uniform building code; amending §235.26, Florida Statutes, 1973, empowering the office to prescribe a statewide mandatory and uniform building code for the construction of school facilities; prohibiting construction not in conformance with the code; requiring each school board and the office to enforce the code; requiring each district superintendent to submit specified information to the office for approval; providing for certain factors to be taken into consideration by the office; providing that the state board of education is the final board of appeals; requiring the office to annually review the code; providing for assistance by the department of community affairs for the construction of fallout shelters; amending §235.31, Florida Statutes, 1973, to authorize school boards to negotiate with contractors to remodel, etc., existing school buildings when bidding would be difficult; amending §235.32, Florida Statutes, 1973, deleting the requirement that school plant construction contractors comply with the requirements of §215.19, Florida Statutes, relating to the rate of payment of wages for certain employees; creating §235.322, Florida Statutes, providing for rate of payment of wages for certain employees engaged in certain public construction; requiring employers to provide certain notification to their employees; providing a procedure for review of violation by a contractor of the wage rate provisions; providing exemptions; providing a penalty; creating §235.41, Florida Statutes, providing a procedure for the request of funds of the office by each school board; creating §235.42, Florida Statutes, empowering the state board of education to accept legislative appropriations; creating §235.43, Florida Statutes, transferring certain functions and programs from the division of elementary and secondary education and the division of vocational technical and adult education of the department of education and of the commissioner of education to the office; amending §236.013(5), Florida Statutes, 1973, and adding a subsection; redefining "relocatable facility" and defining "projected plant need"; amending §236.084(1) and (3), Florida Statutes, 1973, and adding a subsection, requiring the commissioner of education, in determining annual debt service needs of each school district, to include the projected cost of amortizing certain annual payments of bonded indebtedness; deleting the exemption given certain tax moneys from inclusion in

available district capital outlay funds for purposes of the office's determination of district needs; requiring the office to include in such determination the amount of certain funds expended for school construction during the five (5) years immediately prior to each fiscal year except funds used for payment of bonded indebtedness; providing that the alleviation of overcrowding and elimination of multiple daily sessions be given first priority in the expenditure by a district of funds for school construction; providing for a certain part of the capital outlay allocation to be expended on the correction of safety and health deficiencies; providing for certain limits on the expenditure of state funds; amending §20.04(2) and (3) amending the structure of the executive branch to provide for area units for field operations and to provide that the principal unit within the staff organization of a department shall be an "office"; changing the head of a section within a bureau from administrator to manager; repealing §241.70, Florida Statutes, 1973, providing for school construction research projects by the department of education in conjunction with the University of Florida; providing an effective date.

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

The Honorable Mallory E. Horne, President May 16, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2580 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tillman and others—

HB 2580—A bill to be entitled An act relating to correctional standards council; amending section 20.19, Florida Statutes, 1971, by creating subsection (21) providing for creation of correctional standards council within the department of health and rehabilitative services; providing minimum qualifications for correctional officers; establishing a correctional officer training program; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 17, 1974

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

By Senator Ware—

SB 210—A bill to be entitled An act relating to mobile home and recreational vehicle manufacturers; creating §§320.85—320.99, Florida Statutes; providing definitions; requiring a license; providing for issuance of a license; requiring a bond; providing for denial, suspension or revocation of a license; providing hearing procedures; providing for inspection of books, etc., providing for rules and regulations; establishing an advisory council; providing for warranty responsibility; providing an effective date.

(amendments attached)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2—3, strike: Page 2, lines 28—29 and Page 3, lines 1—6 and insert: (6) "Supplier" means the original producer of completed components including refrigerators, stoves, hot water heaters, dishwashers, cabinets, air conditioners, heating units and similar components which are furnished to a manufacturer or dealer for installation in the mobile home prior to sale to a buyer.

(7) "Substantial defect" means:

(a) Any substantial deficiency or defect in materials or workmanship occurring to a mobile home which has been reasonably maintained and cared for in normal use; or

(b) Any structural element, utility system, or component of the mobile home which fails to comply with the uniform standards code as designated by sections 320.823 and 320.8235, Florida Statutes.

(8) "Responsible party" means a manufacturer, dealer, or supplier as designated in sections 320.85(1), 320.85(3), and 320.85(6), Florida Statutes.

Amendment 2—On page 3, line 27, insert: (5) All proceedings to issue, deny, revoke or suspend a license as provided in sections 320.90, 320.91, 320.92, 320.93, 320.94, 320.95 and 320.96, Florida Statutes, shall be pursuant to chapter 120, Florida Statutes.

Amendment 3—On page 4, line 6, strike ten dollars and insert: one hundred dollars (\$100)

Amendment 4—On page 5, strike lines 8 through 26 inclusive and insert:

320.891 REQUIREMENT OF ASSURANCE.—Annually, prior to the receipt of a license, the applicant or licensee shall submit a performance bond or evidence of an insurance program sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, or failure to provide warranty service or violation of any provisions of this section. The amount of the performance bond or program of insurance shall be two thousand dollars (\$2,000.00) per mobile home manufactured in the prior license year up to a maximum of fifty thousand dollars (\$50,000). When no mobile homes were produced in the prior year the amount of bond or insurance program required shall be based on the estimated number of mobile homes to be produced during the current year. The performance bond or insurance program shall be to the department in favor of any person who shall suffer loss arising out of non-compliance with code standards or failure to honor or provide warranty service. The department shall have the right to disapprove any bond or insurance program which does not provide assurance as provided in this section. The department is authorized to promulgate rules and regulations pursuant to chapter 120, Florida Statutes, consistent with this section in providing assurance of satisfaction of claims.

Amendment 5—On page 10, strike lines 21 through 29 inclusive. On page 11, strike lines 1 through 16 inclusive and insert:

Section 16. Sections 320.990 thru 320.995, Florida Statutes, are created to read:

320.990 Purpose.—It is the legislature's intent to improve the general welfare and safety of mobile home residents in this state. The legislature finds that mobile homes have become a primary housing resource of many of the citizens of the state; that a growing awareness exists of problems in the quality of mobile homes which diminish their safety and value as housing units; that existing warranties offered by the mobile home industry to buyers are inadequate and do not provide a viable means of remedying quality and safety defects in mobile homes; and that it is the responsibility of the mobile home industry to provide mobile homes which are of reasonable quality and safety. Consistent with these findings, the legislature deems it necessary to further public interests of safety and welfare that the mobile home industry be responsible for mobile homes and that they assure the safety and quality of mobile homes. The legislature finds that the most efficient and economical way to assure quality and responsibility is to require all segments of the mobile home industry to warrant the quality of mobile homes.

320.991 Mobile home warranty.—Each mobile home manufacturer, dealer and supplier shall warrant that any new mobile home sold in this state after October 1, 1974, and the set-up of such home, complies with the warranty requirements defined in this section for a period of at least twelve (12) months measured from the date of delivery to the buyer. The warranty requirements of each mobile home manufacturer, dealer and supplier are defined by the following responsibility areas:

(1) The manufacturer warrants that all structural elements, plumbing systems, heating, cooling and fuel burning systems, electrical systems, and fire prevention systems, are free from substantial defect. The manufacturer warrants that one hundred (100) amp electrical service exists in the mobile home.

(2) The dealer warrants:

(a) That any modifications or alterations made to the mobile home by the dealer or authorized by the dealer shall be free

from substantial defect. Alterations or modifications made by a dealer shall relieve the manufacturer of warranty responsibility only as to the item altered or modified.

(b) That set-up operations performed on the mobile home are performed in compliance with state and local requirements; that substantial defects do not occur to the mobile home during set-up or by transporting it to the occupancy site.

(c) When the set-up of a mobile home is performed by a person who is not an employee, agent or authorized by the mobile home manufacturer or dealer and is not compensated or connected with such manufacturer or dealer, then the warranty responsibility of the manufacturer or dealer as to set-up, shall be limited to transporting the mobile home to the occupancy site free from substantial defect.

(3) The supplier warrants that any warranties generally offered in the ordinary sale of his product to consumers shall be extended to buyers of mobile homes. When no warranty is extended by suppliers, the manufacturer shall assume warranty responsibility for that component.

320.992 Presenting warranty claim.—The claim in writing, stating the substance of the warranty defect may be presented to the manufacturer, dealer or supplier. When the person notified is not the responsible party he shall inform the claimant and shall notify the responsible party of the warranty claim immediately.

320.993 Warranty service.—

(1) When a service agreement exists between manufacturers, dealers and suppliers to provide warranty service, the agreement may specify which party is to remedy warranty defects. However, when a warranty defect is not properly remedied the responsible party as determined pursuant to section 320.841, Florida Statutes, shall be responsible for providing warranty service.

(2) When no service agreement exists for warranty service, the responsible party as designated by section 320.841, Florida Statutes, is responsible for remedying the warranty defect.

(3) Upon written notification of the warranty claim, the defect shall be remedied within thirty (30) days of receipt of the claim unless the claim is unreasonable or bona fide reasons exist for not remedying the defect. When sufficient reasons exist for not remedying the defect or the claim is unreasonable, the responsible party shall respond to the claimant in writing with its reasons for not promptly remedying the defect and what further action is contemplated by the responsible party.

(4) When the person remedying the defect is not the responsible party as designated by section 320.841, Florida Statutes, he shall be entitled to reasonable compensation paid to him by the responsible party. Conduct which coerces or requires a non-responsible party to perform warranty service is a violation of this section.

(5) Warranty service shall be performed at the site at which the mobile home is initially delivered to the buyer except for components which can be removed for service without substantial expense or inconvenience to the buyer.

320.994 Civil action.—Notwithstanding other remedies, a buyer may bring a civil suit for damages against a responsible party who fails to satisfactorily resolve a warranty claim. Damages shall be the actual costs of remedying the defect. Court costs and reasonable attorney fees may be awarded to the prevailing party. When the court finds that failure to honor warranty claims is a consistent pattern of conduct of the responsible party, or that the defect is so severe as to significantly impair the safety of the mobile home, the court may assess punitive damages against the responsible party.

320.995 Cumulative remedies.—The warranty provided for in this act shall be in addition to and not in derogation of any other rights and privileges which the buyer may have under any other law or instrument. The manufacturer, dealer or supplier shall not require the buyer to waive his rights under this act or any other rights under law. Any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

Amendment 6—On page 1 in title, line 13, insert after the word "responsibility;" providing for a civil action;

On motions by Senator Ware, the Senate concurred in House amendments 1, 2, 3, 4, 5 and 6 to SB 210.

SB 210 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—24

| | | | |
|---------------|-------------|----------|-------------|
| Mr. President | Gruber | Myers | Stolzenburg |
| Childers | Henderson | Peterson | Sykes |
| Gallen | Johnson | Poston | Vogt |
| Glisson | Johnston | Saunders | Ware |
| Gordon | Lane (23rd) | Sims | Wilson |
| Graham | Lewis | Smathers | Winn |

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

On motion by Senator Myers, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 722—A bill to be entitled An act relating to alcoholism; amending §§396.072 and 396.102, Florida Statutes; providing for clarity in definitions; clarifying responsibilities of public safety officers; authorizing public safety officers to detain alcoholics in protective custody for designated periods in municipal or county jails or other detention facilities; requiring the initiation of treatment by the appropriate treatment resource; clarifying procedures regarding examination at the treatment resource; revising involuntary commitment procedures; authorizing hospitalization for mental illness as an alternative to treatment for alcoholism in appropriate cases; authorizing alternative mental health professionals to make the required examinations under Section 396.102, Florida Statutes; amending the effective date of Section 396.161, Florida Statutes, to provide that said section shall take effect January 1, 1975; providing an effective date.

—as amended passed on May 16.

Senator Myers moved the following title amendment which was adopted:

Amendment 12—On page 1, lines 3—24, strike all of the title and insert:

A bill to be entitled

An act relating to alcoholism; creating subsection 396.032(11), Florida Statutes, providing a definition for mental health professional; amending §§396.072 and 396.102, Florida Statutes; providing for clarity in definitions; clarifying responsibilities of public safety officers; authorizing public safety officers to detain alcoholics in protective custody for designated periods in municipal or county jails or other detention facilities; requiring the initiation of treatment by the appropriate treatment resources; clarifying procedures regarding examination at the treatment resource; revising involuntary commitment procedures; authorizing hospitalization for mental illness as an alternative to treatment for alcoholism in appropriate cases; authorizing alternative mental health professionals to make the required examinations under Section 396.102, Florida Statutes; amending Section 396.151, Florida Statutes, relating to involuntary treatment; amending the effective date of Section 396.161, Florida Statutes, to provide that said section shall take effect January 1, 1975; providing an effective date.

On motion by Senator Myers, SB 722 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—30

| | | | |
|---------------|-------------|-------------|-------------|
| Mr. President | Graham | McClain | Stolzenburg |
| Barron | Gruber | Myers | Sykes |
| Childers | Henderson | Peterson | Vogt |
| de la Parte | Johnson | Poston | Ware |
| Gallen | Johnston | Saunders | Wilson |
| Gillespie | Lane (31st) | Scarborough | Winn |
| Glisson | Lane (23rd) | Sims | |
| Gordon | Lewis | Smathers | |

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

The President Pro Tempore presiding

SPECIAL ORDER

Consideration of SCR 1082 was deferred.

CS for SB 364 was taken up, together with:

By the Committee on Ways and Means—

CS for CS for SB 364—A bill to be entitled An act relating to education, creating new section 242.70, Florida Statutes, 1973, providing legislative intent; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 364 and CS for SB 364 were laid on the table.

On motion by Senator Horne, by two-thirds vote CS for CS for SB 364 was read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert: Section 1. New section 241.74, Florida Statutes, 1973, is created to read:

241.74 Optometry.—It is hereby declared to be the intent of the legislature that the board of regents shall, within the next biennium, establish a school of optometry in conjunction with an existing accredited college of medicine which will meet the standards of accreditation of the American Optometric Association, and shall have as its purpose the aim of providing quality eye care to the citizens of Florida.

Section 2. This act shall take effect July 1, 1974.

Amendment 2—On page 1, line 4, strike remainder of title and insert: section 241.74, Florida Statutes, 1973; establishing a school of optometry; providing a date certain; providing an effective date.

On motion by Senator Horne, by two-thirds vote, CS for CS for SB 364 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

| | | | |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon | Peterson | Sykes |
| Barron | Graham | Pettigrew | Trask |
| Brantley | Gruber | Plante | Vogt |
| Childers | Henderson | Poston | Ware |
| Deeb | Johnson | Saunders | Williams |
| de la Parte | Johnston | Saylor | Wilson |
| Firestone | Lane (23rd) | Scarborough | Winn |
| Gallen | Lewis | Sims | Zinkil |
| Gillespie | McClain | Smathers | |
| Glisson | Myers | Stolzenburg | |

Nays—1

Lane (31st)

The President presiding.

Senator Poston moved that a committee be appointed to escort Ken Collier, Dick Fixarus, Elizabeth Robbie, Joe Robbie, Don Shula and the Rev. Bill Glass to the rostrum. The President appointed Senators Poston, Firestone, Gordon and Winn.

SCR 1082—A concurrent resolution saluting the world champion Miami Dolphins football team for winning two consecutive Superbowl games.

—was read the second time. On motion by Senator Poston, SCR 1082 was adopted and certified to the House. The vote was:

Yeas—38

| | | | |
|---------------|-------------|-------------|----------|
| Mr. President | Graham | Peterson | Sykes |
| Barron | Gruber | Pettigrew | Trask |
| Brantley | Henderson | Plante | Vogt |
| Childers | Johnson | Poston | Ware |
| Deeb | Johnston | Saunders | Williams |
| de la Parte | Lane (31st) | Sayler | Wilson |
| Firestone | Lane (23rd) | Scarborough | Winn |
| Gallen | Lewis | Sims | Zinkil |
| Gillespie | McClain | Smathers | |
| Gordon | Myers | Stolzenburg | |

Nays—None

The President presented Joe Robbie, managing general partner of the Miami Dolphins, who addressed the Senate briefly. The President then presented Coach Don Shula who also addressed the Senate.

SB 1102—A bill to be entitled An act relating to security; amending §20.22(2) (f) and (g), Florida Statutes, adding paragraph (h) to said subsection; establishing the division of security of the department of general services; creating part IV, chapter 287, Florida Statutes; providing powers and duties; providing for employment of security agents, guards and other personnel; limiting investigations; providing for arrests; providing for ex officio security agents; authorizing contracts with local governments; providing for equipment; requiring bonds of officers and security agents; creating a security trust fund; providing for rules and regulations; providing a penalty; transferring personnel and equipment to the division; providing severability; repealing §§272.13, 272.14 and 272.15, Florida Statutes, relating to the security of the capitol center area; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote SB 1102 was read the third time by title and passed. The vote was:

Yeas—30

| | | | |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon | Peterson | Vogt |
| Barron | Graham | Plante | Ware |
| Brantley | Henderson | Poston | Weber |
| Deeb | Johnson | Saunders | Williams |
| de la Parte | Lane (31st) | Sims | Winn |
| Firestone | Lane (23rd) | Smathers | Zinkil |
| Gallen | Lewis | Stolzenburg | |
| Glisson | McClain | Sykes | |

Nays—None

By unanimous consent Senators Childers and Gillespie were recorded as voting yea.

On motion by Senator Williams, the rules were waived and SB 1102 was immediately certified to the House.

SB 809—A bill to be entitled An act relating to the preparation and approval of the budget of the senate; amending paragraph (a) of subsection (5) of section 11.13, Florida Statutes; requiring the president-designate of the senate to approve the budget of the senate for even-numbered fiscal years; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 809 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

| | | | |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon | Myers | Sykes |
| Barron | Graham | Peterson | Trask |
| Brantley | Henderson | Plante | Vogt |
| Deeb | Johnson | Poston | Ware |
| de la Parte | Johnston | Saunders | Williams |
| Firestone | Lane (31st) | Scarborough | Wilson |
| Gallen | Lane (23rd) | Sims | Winn |
| Gillespie | Lewis | Smathers | Zinkil |
| Glisson | McClain | Stolzenburg | |

Nays—None

By unanimous consent Senators Childers and Sayler were recorded as voting yea.

CS for SB 724—A bill to be entitled An act relating to school discipline; providing definitions; providing authority for school discipline; providing grounds and procedures for suspension or assignment to alternative programs; providing procedures for expulsion; providing for records; providing for a code of student rights and obligations; amending section 232.28, Florida Statutes, regarding the authority of bus drivers; repealing section 232.26(1) and 232.27, Florida Statutes, relating to authority of principals and authority of teachers; providing an effective date.

—was taken up with pending Amendment 14a.

Senators Ware, Sims, Sykes and Deeb offered the following substitute amendment which was moved by Senator Ware:

Amendment 15—On page 5, line 18, strike all of Section 9 and insert: Section 9. Every district school board shall make provisions for the transportation of students within the school system. Whenever possible a student shall be assigned to the school nearest his home which meets his educational needs. In no event shall a student be bussed past the school second closest to their home and only then when the following criteria are met.

The school board shall:

(1) Assign students to the school closest to their place of residence which provides the appropriate grade level and type of education for such student taking into account school capacities and natural physical barriers.

(2) Assign students to the school closest to their place of residence which provides the appropriate grade level and type of education for such students taking into account only the school capacity.

(3) Permit students to transfer from a school in which the majority of the students are of the same race, color, or national origin into a school in which the minority of students are of the same race, color, or national origin.

(4) The granting or revision of alternative zones or grade structure without requiring transportation beyond that described in this section.

(5) The construction of new schools or the closing of inferior schools.

(6) The development and implementation of any other plan which is educationally sound and educationally feasible subject to the provisions of this section.

However, the purpose of this section is not intended to limit the powers of the courts to order busing if this is necessary to enforce the equal rights amendments of the constitution as long as such busing is not beyond the school second closest to the pupils place of residence.

Senator de la Parte moved that further consideration of CS for SB 724 be deferred and the motion failed.

Senator Graham moved the following amendment to Amendment 15:

Amendment 15a—On page 1, lines a and 1, strike the words "Section 9" and insert on line 1 of the amendment Section 10

Senator Myers: Mr. President, I respectfully raise a point of order on Senator Ware's amendment, the point being that the amendment is not germane. This bill relates to the disciplining of children in school and not to the issue of busing.

Mr. President: On a question of germanity it is not enough that reference be made in the basic bill to a tangible piece of property, like a bus, to give you authority to move from the question of discipline within the bus to the basic authority to transport children on a bus. I am inclined for that reason, since this bill is strictly confined to the question of discipline within school property, whether real or personal, to rule that this amendment is not in order on this bill. This amendment seeks to take a subject, the authority to transport, and superimpose

it on the question of discipline within it. It is contradictory. It is foreign to it, and the Chair is going to rule the point by Senator Myers is well taken. Therefore, Amendment 14 is also out of order.

Senator Barron presiding

Senator Graham moved the following amendment:

Amendment 16—On page 2, line 16, after the word “permitted” insert: Corporal punishment may be used only by the school principal or his designee in the presence of a witness; provided that no corporal punishment may be administered to any student whose parent or guardian has notified the principal in writing that he objects to the administration of corporal punishment. Provided further, that a student for whom such notification has been given, may be removed from school by the principal for a period not to exceed ten days. At the beginning of the school year, the principal of each school shall notify the parent or guardian of each child enrolled that the parent may prohibit the use of corporal punishment by such notification to the principal in writing.

On motion by Senator Lewis, by two-thirds vote debate on the amendment was limited to two minutes per side.

The President presiding

Amendment 16 failed.

Senator Sims moved the following amendment:

Amendment 17—On page 5, line 18, strike all of Section 9 and renumber

Amendment 17 failed by the following vote:

Yeas—7

| | | | |
|----------|----------|--------|-------------|
| Childers | Johnston | Plante | Stolzenburg |
| Deeb | McClain | Sims | |

Nays—24

| | | | |
|-----------|-------------|-------------|----------|
| Brantley | Henderson | Peterson | Sykes |
| Firestone | Johnson | Pettigrew | Trask |
| Gallen | Lane (31st) | Poston | Williams |
| Gillespie | Lane (23rd) | Sayler | Wilson |
| Gordon | Lewis | Scarborough | Winn |
| Graham | Myers | Smathers | Zinkil |

By unanimous consent Senator Gruber was recorded as voting nay.

Senator Gillespie moved the following amendment which was adopted:

Amendment 18—On page 2, line 16, insert: corporal punishment may be used only by the school principal or his designee in the presence of a witness

On motion by Senator Peterson, by two-thirds vote CS for SB 724 as further amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

| | | | |
|---------------|-------------|-------------|----------|
| Mr. President | Graham | Myers | Sykes |
| Barron | Gruber | Peterson | Trask |
| Brantley | Henderson | Pettigrew | Vogt |
| Childers | Johnson | Plante | Ware |
| Deeb | Johnston | Poston | Williams |
| de la Parte | Lane (31st) | Sayler | Wilson |
| Firestone | Lane (23rd) | Scarborough | Winn |
| Gallen | Lewis | Smathers | Zinkil |
| Gordon | McClain | Stolzenburg | |

Nays—3

| | | |
|-----------|---------|------|
| Gillespie | Glisson | Sims |
|-----------|---------|------|

SB 485—A bill to be entitled An act relating to schools; creating section 232.46, Florida Statutes, protecting privileged communications between student-clients and school guidance counselors, specialists in school psychology, and visiting teachers concerning drug problems, including alcohol problems, of students; providing immunity from disclosure in administrative, judicial, or legislative proceedings; providing for disclosure to parents or guardians; providing that certain actions may be taken where a student appears under the influence of drugs; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Sims moved the following amendment:

Amendment 1—On page 3, strike lines 3 through 11 (renumber subsequent subsections)

Senator Myers moved the following substitute amendment:

Amendment 2—On page 3, line 11, strike the period and insert: , and shall not apply in any court proceeding, relating to an application for involuntary treatment or mental incompetency, where such information is ordered produced by any duly authorized court proceeding.

Senator McClain moved the following amendment to Amendment 2:

Amendment 2a—On line 7, strike the period after word “proceedings” and insert a comma after word “proceedings” and add: except criminal proceedings.

Amendment 2a was adopted by the following vote:

Yeas—25

| | | | |
|---------------|----------|-----------|----------|
| Mr. President | Graham | Pettigrew | Williams |
| Barron | Johnson | Plante | Wilson |
| Brantley | Johnston | Sims | Winn |
| Childers | Lewis | Smathers | Zinkil |
| Gallen | McClain | Sykes | |
| Glisson | Myers | Vogt | |
| Gordon | Peterson | Ware | |

Nays—None

Amendment 2 as amended failed by the following vote:

Yeas—15

| | | | |
|---------------|---------|-----------|----------|
| Mr. President | Glisson | Myers | Williams |
| Brantley | Gordon | Pettigrew | Wilson |
| Firestone | Graham | Poston | Winn |
| Gillespie | Lewis | Smathers | |

Nays—15

| | | | |
|----------|-------------|-------------|--------|
| Barron | Lane (23rd) | Scarborough | Vogt |
| Gallen | McClain | Sims | Ware |
| Johnson | Peterson | Sykes | Zinkil |
| Johnston | Plante | Trask | |

On motion by Senator Sims, consideration of SB 485 with pending amendment was deferred. The vote was:

Yeas—21

| | | | |
|-----------|----------|-------------|------|
| Barron | Johnson | Poston | Vogt |
| Brantley | Johnston | Scarborough | Ware |
| Childers | Lewis | Sims | Winn |
| Deeb | McClain | Stolzenburg | |
| Gallen | Peterson | Sykes | |
| Henderson | Plante | Trask | |

Nays—13

| | | | |
|---------------|-----------|----------|--------|
| Mr. President | Gordon | Sayler | Zinkil |
| Firestone | Graham | Smathers | |
| Gillespie | Myers | Williams | |
| Glisson | Pettigrew | Wilson | |

Conferees Appointed

The President appointed Senators Williams, Plante, Firestone, Henderson and Lewis as the conferees on the part of the Senate on CS for HCR 2800.

On motion by Senator Firestone, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 809—A bill to be entitled An act relating to the preparation and approval of the budget of the senate; amending paragraph (a) of subsection (5) of section 11.13, Florida Statutes; requiring the president-designate of the senate to approve the budget of the senate for even-numbered fiscal years; providing an effective date.

—passed this day.

Senator Firestone moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 1, after the period (.) in line 23 strike the remainder of lines 23 through 27 and insert: committee, or division . *As to senate budgets for fiscal years, beginning in odd numbered years, approval shall be and approved by the committee on rules and calendar of the senate and the president of the senate, as to senate budgets, and as to senate budgets for fiscal years, beginning in even numbered years, approval shall be by the committee on*

Amendment 2—In title, strike line 9 and insert: for fiscal years beginning in even numbered years; providing an

SB 809 as amended was read by title, passed and ordered engrossed. The vote was:

Yeas—32

| | | | |
|---------------|-----------|-----------|-------------|
| Mr. President | Glisson | Myers | Stolzenburg |
| Barron | Gordon | Peterson | Sykes |
| Brantley | Graham | Pettigrew | Trask |
| Childers | Henderson | Plante | Vogt |
| Deeb | Johnson | Poston | Williams |
| Firestone | Johnston | Saylor | Wilson |
| Gallen | Lewis | Sims | Winn |
| Gillespie | McClain | Smathers | Zinkil |

Nays—None

On motion by Senator Firestone, the rules were waived and SB 809 was ordered immediately certified to the House after engrossing.

On motion by Senator Brantley, Rule 2.5 was waived and the Committee on Commerce was granted permission to consider CS for HB 2848 and HB 2407 on May 20.

On motion by Senator Brantley, Rule 2.5 was waived and the Committee on Commerce was granted permission to meet at 5:30 p.m., May 22 for a hearing.

The Journal of May 16 was corrected and approved as follows: Page 418, column 1, line 19, strike "SB" and insert: HB

CO-INTRODUCERS

By permission, Senators Lewis and Ware were recorded as co-introducers of SCR 1082.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 10:00 a.m., May 20, 1974.