

JOURNAL OF THE FLORIDA SENATE

Wednesday, April 21, 1976

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Excused: Senator Vogt at 11:00 a.m.

Prayer by The Reverend Darrell Grice, associate pastor of the First Baptist Church, Tallahassee:

Eternal God our heavenly Father, we would not take lightly the privilege and power of prayer. We believe, O God, help thou our unbelief.

We come this morning seeking thy wisdom for these thy ministers in government. May the decisions made this day be in keeping with thy holy will. Grant to each Senator the courage to do that which is right in the right manner. Help us all to walk worthy of our calling and accept willingly our responsibility to thee and to our country.

Hear our prayer, O Lord, not because of any merit on our part but for thy name's sake and for the good of the world you love. Amen.

REPORTS OF COMMITTEES

The Honorable Dempsey J. Barron
President of the Senate

Sir:

Your Committee on Rules and Calendar respectfully recommends revisions of Senate Rule 4.17 attached hereto and by reference made a part of this report.

The vote of the committee was unanimous by voice vote.

Respectfully submitted,
Lew Brantley

Rule 4.17—Special Order Calendar, is amended to read:

4.17—Special Order Calendar, Consent Calendar

Commencing on the first day of a regular session of the legislature permitted under the Constitution and during any extension thereof directed by the membership of the legislature as permitted under the Constitution, the Committee on Rules and Calendar, or when designated by the committee, the chairman of the committee or his designee, the minority leader or his designee and one (1) other member of the committee designated daily by the chairman shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Each Special Order Calendar so submitted shall be for the next legislative day. No other bills shall be considered until this Special Order Calendar for the day set forth has been completed by the Senate, except that any bill appearing on this calendar may be stricken therefrom by a two-thirds (2/3) vote of the Senators present or any bill appearing on the general calendar of bills on second or third reading may be added to the end of such Special Order Calendar by the same vote. All bills set as special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

Senator Graham moved the following amendment:

Amendment 1—On page 1, strike all of line 13 and line 14 through "Day." and insert: During the first fifty (50) days of

a regular session, each Special Order Calendar so submitted shall be for the second subsequent legislative day. Subsequent thereto and during any extension thereof, the Special Order Calendar shall be submitted as determined by the Committee on Rules and Calendar, or its designees.

Amendment 1 failed by the following vote:

Yeas—10

Dunn	Johnston	Poston	Winn
Firestone	MacKay	Vogt	
Graham	Myers	Wilson	

Nays—29

Mr. President	Hair	Plante	Thomas, P.
Brantley	Henderson	Renick	Tobiassen
Childers, D.	Holloway	Sayler	Trask
Childers, W. D.	Lane, D.	Scarborough	Ware
Deeb	Lane, J.	Sims	Zinkil
Gallen	Lewis	Spicola	
Glisson	McClain	Stolzenburg	
Gordon	Peterson	Thomas, J.	

Senator Graham moved the following amendment which failed:

Amendment 2—On page 1, line 14, after the word "day" insert: All rules governing the conduct of committees shall apply to the Committee on Rules and Calendar or its designees in the establishment of the Special Order Calendar.

On motion by Senator Brantley the foregoing report of the Committee on Rules and Calendar was adopted.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order Calendar for Wednesday, April 21, 1976, at 9:00 a.m.:

SB 104	SB 356	SB 360	SB 5
SB 417	SB 357	SB 598	SB 323
SB 98	SB 358	SB 64	SB 146
SB 355	SB 359	SB 39	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Agriculture recommends the following pass: SB 496 with 2 amendments

The Committee on Commerce recommends the following pass:

SB 62 with 1 amendment SB 613

The Committee on Governmental Operations recommends the following pass:

SB 54 with 2 amendments	SB 350
SB 305 with 2 amendments	SB 468 with 6 amendments
SB 324 with 2 amendments	

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 578 with 2 amendments SB 563

The Committee on Rules and Calendar recommends the following pass: SB 199, SB 196

The Committee on Transportation recommends the following pass: SB 153

The Committee on Judiciary-Civil recommends the following pass: SB 431 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass:

SB 91 with 1 amendment SB 186

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

The Committee on Commerce recommends the following pass:

SB 27 SB 247 SB 454

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 348

The Committee on Health and Rehabilitative Services recommends the following pass: SB 634

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

The Committee on Agriculture recommends the following pass: SB 429 with 3 amendments

The Committee on Commerce recommends the following pass: SB 109 SB 611 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Agriculture recommends the following pass: SB 556 SB 559 with 4 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 616

The Committee on Governmental Operations recommends the following pass: SB 292 with 3 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 398 with 2 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends the following pass: SB 655

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

The Committee on Commerce recommends the following pass:

SB 181 with 1 amendment SB 565
SB 494 SB 614

The Committee on Education recommends the following pass: SB 248 with 7 amendments SB 221

The Committee on Transportation recommends the following pass:

SB 367 with 1 amendment SB 490 with 2 amendments
SB 483 with 4 amendments

The Committee on Governmental Operations recommends the following pass:

SB 259 SB 331 SB 315
SB 279 SB 347 SB 440 with 2 amendments
SB 290

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 308 SB 593 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass:

SB 299 with 2 amendments SB 422 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 298

The Committee on Rules and Calendar recommends the following pass:

SB 255 SJR 266 SB 301 SM 234

The Committee on Ways and Means recommends the following pass:

SB 321 with 2 amendments SB 230 with 1 amendment
SB 541 SB 319
SB 209

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

The Committee on Transportation recommends a Committee Substitute for the following: SB 160

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 242

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 576

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 757

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 57

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 598

The Committee on Commerce recommends a Committee Substitute for the following: SB 98

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 69

The Committee on Ways and Means recommends a Committee Substitute for the following: CS for SB 97, 102 and 208 (as recommended by Committee on Natural Resources and Conservation)

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 185

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The committee on Education recommends the following not pass: SB 538

The Committee on Judiciary-Civil recommends the following not pass: SB 270, SB 571

The Committee on Rules and Calendar recommends the following not pass: SJR 167

The Committee on Governmental Operations recommends the following not pass:

SB 412 SB 446 SB 447 SB 448

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scarborough, Rule 2.6 was waived and the Committee on Judiciary-Criminal was granted permission to consider SB 200 at the meeting this day.

On motions by Senator Scarborough, by two-thirds vote Senate Bills 470 and 96 were withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motion by Senator Spicola, by two-thirds vote SB 31 was removed from the calendar and recommitted to the Committee on Judiciary-Criminal.

On motion by Senator Tobiassen, by two-thirds vote SB 172 was withdrawn from the Committee on Education and indefinitely postponed.

On motions by Senator Glisson, by two-thirds vote SB 689 was withdrawn from the Committees on Transportation and Ways and Means and indefinitely postponed.

On motions by Senator Hair, by two-thirds vote SB 247 was withdrawn from the Committees on Judiciary-Criminal and Ways and Means.

On motion by Senator Myers, by two-thirds vote SB 235 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

Senator Myers moved that SB 640 be withdrawn from the Committee on Governmental Operations and the motion failed.

On motion by Senator Myers, by two-thirds vote SB 592 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, by two-thirds vote Senate Bills 578, 91 and 300 were withdrawn from the Committee on Ways and Means.

REQUEST FOR EXTENSION OF TIME

The Committee on Judiciary-Civil requests an extension of 15 days for the consideration of the following:

- SB 353 by Senator Poston SB 648 by Senator Spicola
SB 354 by Senator Poston SB 649 by Senator Spicola
SB 383 by Senator D. Lane SB 656 by Senator Saunders
SB 384 by Senator D. Lane SB 2 by Senator Zinkil
SB 439 by Senator Dunn SB 20 by Senator Poston
SB 443 by Senator Gordon and others
SB 459 by Senator Poston SB 21 by Senator Poston
SB 471 by Senator Winn SB 65 by Senator Hair
SB 480 by Senator Spicola SB 110 by Senator McClain
SB 482 by Senator Holloway SB 112 by Senator Poston
SB 513 by Senator D. Lane SB 166 by Senator Glisson
SB 557 by Senator Holloway SB 170 by Senator Peterson
SB 558 by Senator Holloway SB 177 by Senator Gallen
SB 587 by Senator W. D. Childers and others SB 207 by Senator J. Lane
SB 588 by Senator Saylor SB 215 by Senator Winn
SB 631 by Senator Johnston SB 216 by Senator Winn
SB 634 by Senator Graham and others SB 225 by Senator Deeb
CS/SB 239 by Judiciary-Civil Committee
SB 244 by Senator Deeb

- SB 254 by Senator Scarborough SB 320 by Senator Hair and others
SB 277 by Senator Trask and others SB 345 by Senator Myers
SB 282 by Senator Gallen SB 348 by Senator Saunders and others
SB 317 by Senator MacKay SB 352 by Senator McClain

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members present on April 12, 1976, the Governor's objections to the contrary notwithstanding, CS for SB 158 (1975 Regular Session).

Allen Morris, Clerk

The bill was certified to the Secretary of State.

The Honorable Dempsey J. Barron, President

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

By Senator W. D. Childers and others—

SB 24—A bill to be entitled An act relating to dispensing opticians; amending s. 484.06, Florida Statutes, relating to unlawful advertising, to permit the offering of discounts and the advertising of price or credit terms; creating s. 484.12, Florida Statutes, prohibiting the State Board of Dispensing Opticians from adopting a rule or policy which prohibits dispensing opticians from offering discounts or from advertising any price or credit terms; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment #1—On page 2, line 15, strike all of line 15 and insert: Section 3. This act shall take effect June 1, 1976.

On motion by Senator W. D. Childers, the Senate concurred in the House amendment to SB 24.

SB 24 passed as amended by the House amendment and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Mr. President, Graham, Poston, Tobiassen. Lists names of members present for the vote.

Nays—None

Vote after roll call:

Yea—Henderson

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

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

HB 1682 HB 895

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gordon and others—

HB 1682—A bill to be entitled An act relating to coroner's juries; amending s. 936.04, Florida Statutes, to allow women to serve on coroner's juries; authorizing persons selected for duty to be excused upon request; providing an effective date.

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

By Representative Richard and others—

HB 895—A bill to be entitled An act relating to service of process; amending s. 48.021, Florida Statutes, authorizing the Governor to appoint special process servers who meet specified requirements to serve process in certain counties in the state; requiring a bond; providing a penalty; amending s. 113.07(2), Florida Statutes, exempting such special process servers from certain bonding requirements; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

The Honorable Dempsey J. Barron, President April 13, 1976

I am directed to inform the Senate that the House of Representatives has passed HB 1983 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dick Clark and others—

HB 1983—A bill to be entitled An act relating to planning and budgeting; amending s. 216.151, Florida Statutes, 1975, to require the secretary of the Department of Administration to analyze the financial effect on local governments as a result of executive, legislative, or judicial action; creating subsection (3) of s. 216.162, Florida Statutes, to require the Governor's legislative budget to include recommendations for sources of funds for local governments when executive, legislative, or judicial actions cause revenue loss or increased expenditures to local governments; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2799 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Freeman—

HB 2799—A bill to be entitled An act relating to the taking of marine corals and sea fans; amending s. 370.114, Florida Statutes; providing that it is unlawful to take, attempt to take, or otherwise destroy, or to sell or attempt to sell, or to possess certain marine corals and sea fans; providing exceptions; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary-Criminal.

The Honorable Dempsey J. Barron, President April 13, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended by the required constitutional three-fifths vote of the Membership of the House HJR 2385 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crabtree—

HJR 2385—A joint resolution proposing an amendment to Section 20 of Article V of the State Constitution relating to judicial nominating commissions.

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

The Honorable Dempsey J. Barron, President April 13, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1247 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan—

HB 1247—A bill to be entitled An act relating to state purchasing; amending s. 287.042(2), Florida Statutes, providing that state agencies are not to be required to purchase commodities under contracts executed by the Division of Purchasing when such purchases could otherwise be made by an agency at a lesser cost; providing that such commodities shall not be of lesser quality and shall not meet less stringent standards than specifications required by the agency; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 13, 1976

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

HB 1954 HB 2382 HB 1381

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Forbes—

HB 1954—A bill to be entitled An act relating to proof of publication and the minimum charge therefor; amending s. 50.041(3), Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Judiciary-Civil and Ways and Means.

By Representative Crabtree—

HB 2382—A bill to be entitled An act relating to courts; amending s. 43.29(3), Florida Statutes, limiting members of a Judicial Nominating Commission to nonconsecutive 4-year terms; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Rules and Calendar.

By the Committee on Transportation and Representative Neal—

HB 1381—A bill to be entitled An act relating to maximum speed limits; amending ss. 316.181(2), 316.182(2) and 316.183(2)(a), (b), (c) and (d), Florida Statutes, establishing a maximum speed limit of 55 miles per hour; providing an effective date.

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

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1899 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan and others—

HB 1899—A bill to be entitled An act relating to physicians, osteopaths and dentists licensed to practice in other states; providing them with limited licenses to practice in Florida, as long as such practice is limited to helping the poor and so long as such licenses comply with other criteria; creating s. 458.056, Florida Statutes, relating to physicians; amending s. 459.11, Florida Statutes, relating to osteopaths; creating s. 466.141, Florida Statutes, relating to dentists; 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 Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 2237 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing—

HB 2237—A bill to be entitled An act relating to podiatry; creating s. 461.20, Florida Statutes, directing the Board of Podiatry Examiners to encourage and develop podiatric residence programs in hospitals; providing for the promulgation of rules by the board subject to stated conditions; providing an effective date.

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

The Honorable Dempsey J. Barron, President

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

HB 76 (cs) HB 1565 HB 75

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Hazelton and Smith—

HB 76 (cs)—A bill to be entitled An act relating to judgments; amending s. 55.03, Florida Statutes, providing that, unless otherwise specified at a lesser rate, all judgments and decrees shall bear interest at the rate of 9 percent a year; providing that the rate shall be specified on the face of the judgement or decree; limiting applicability; providing an effective date.

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

By Representative Crenshaw—

HB 1565—A bill to be entitled An act relating to venue; repealing s. 47.163, Florida Statutes, as amended, which requires the consent of the parties before a change of venue may be made to any county where either of the parties reside; providing an effective date.

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

By Representative Hazelton—

HB 75—A bill to be entitled An act relating to homesteads; creating s. 222.19, Florida Statutes, defining surviving spouse as head of family for purposes of homestead exemption from forced sale; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 15, 1976

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

HB 1302 HB 70 (cs)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crenshaw—

HB 1302—A bill to be entitled An act relating to stolen property; adding subsection (6) to s. 812.031, Florida Statutes, 1975, providing that a person injured by any person who unlawfully receives stolen property is entitled to certain damages in a civil action against the violator; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

By the Committee on Judiciary and Representative Richard and others—

HB 70 (cs)—A bill to be entitled An act relating to proceedings in eminent domain; amending ss. 73.091 and 73.131(2), Florida Statutes, placing certain restrictions upon the amounts of attorneys' fees to be assessed in such proceedings, other than inverse condemnation proceedings, and in appeals from such proceedings; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Transportation and Ways and Means.

The Honorable Dempsey J. Barron, President

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

HM 2651 HM 2805

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Poole and others—

HM 2651—A memorial to the Congress of the United States, urging Congress to stop payment of all funds to the United Nations until the United Nations General Assembly's resolution characterizing Zionism as racism is rescinded.

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

By the Committee on Agriculture & General Legislation—

HM 2805—A memorial to the Congress of the United States, urging Congress to provide funds for control of the fire ant and for increased research to develop methods of eradication; urging the Environmental Protection Agency to establish a realistic setback line from the coast where aerial application is permitted.

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

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3560 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mattox—

HCR 3560—A concurrent resolution commending the Florida district of the American Legion for its support and participation in the Florida Boys' State and Girls' State programs.

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

The Honorable Dempsey J. Barron, President April 16, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2469 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Flynn and Hattaway—

HB 2469—A bill to be entitled An act relating to plant industry; creating s. 581.2115, Florida Statutes, making it unlawful to take or damage any plants, plant products, or nursery stock or to enter the premises of any nursery outside of business hours without the consent of the owner or his agent; providing penalties; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 16, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1514 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McKnight—

HB 1514—A bill to be entitled An act relating to elections; creating s. 104.013, Florida Statutes; prohibiting the unauthorized use, possession, or destruction of a voter registration identification card; providing for penalties; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 16, 1976

I am directed to inform the Senate that the House of Representatives has passed HB 483 (cs) and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Considine and others—

HB 483 (cs)—A bill to be entitled An act relating to mobile home parks; amending s. 83.695(2), Florida Statutes, 1974 Supplement, requiring that tenants who rent, lease, or occupy real property in a mobile home park be offered a written lease of not less than 12 months duration; adding subsection (8) to s. 83.70, Florida Statutes, 1974 Supplement, prohibiting fees or other charges for invitees of mobile home park tenants; amending s. 83.70(7), Florida Statutes, 1974 Supplement; prohibiting mobile home park owners and operators from reselling to tenants electricity or gas purchased from a municipally owned utility at a higher rate than that charged by the utility; amending s. 83.71, Florida Statutes, 1974 Supplement, providing that the tenancy of certain mobile home purchasers may not be terminated except upon refusal to assume the remainder of the term of a written lease; providing that a purchaser may be required to move his mobile home, prior to occupancy, to a different lot size or location in the park; amending s. 83.72, Florida Statutes, providing a civil remedy for violations of lease requirements under s. 83.695; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 16, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fourths vote of the membership of the House HB 3328 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Boyd and others—

HB 3328—A bill to be entitled An act relating to a special election to be held on September 7, 1976, pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution amending Section 20 of Article V of the State Constitution relating to the abolition of the municipal courts; providing for publication of notice and for procedures; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Rules and Calendar.

The Honorable Dempsey J. Barron, President April 16, 1976

I am directed to inform the Senate that the House of Representatives has passed, as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 3327 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Boyd and others—

HJR 3327—A joint resolution proposing an amendment to Section 20 of Article V of the State Constitution extending the automatic abolition date of municipal courts.

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

On motion by Senator Brantley the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following concurrent resolution out of order:

INTRODUCTION

By Senator Brantley—

SCR 896—A concurrent resolution saluting and commending all secretaries in the State of Florida during National Secretaries Week—April 18-24—on National Secretaries Day (April 21).

—was read the first time in full. On motion by Senator Brantley, the rules were waived and SCR 896 was placed on the calendar, and, by unanimous consent taken up out of order.

On motion by Senator Brantley, by two-thirds vote SCR 896 was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—37

Mr. President	Graham	Myers	Tobiassen
Brantley	Hair	Plante	Trask
Childers, D.	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Deeb	Johnston	Sayler	Wilson
Dunn	Lane, D.	Sims	Winn
Firestone	Lane, J.	Spicola	Zinkil
Gallen	Lewis	Stolzenburg	
Glisson	MacKay	Thomas, J.	
Gordon	McClain	Thomas, P.	

Nays—None

On motion by Senator Brantley, the rules were waived and SCR 896 was immediately certified to the House.

Senators Barron, D. Childers, W. D. Childers, Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, D. Lane, J. Lane, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Sayler, Scarborough, Sims, Spicola, Stolzenburg, J. Thomas, P. Thomas, Tobiassen, Trask, Vogt, Ware, Wilson, Winn and Zinkil were recorded as co-introducers of SCR 896.

SPECIAL ORDER

SB 104—A bill to be entitled An act relating to the Florida Election Code; amending s. 104.451(2), Florida Statutes, and adding a new subsection to said section; authorizing suspension of a municipal election because of a flood or hurricane; providing for holding the election on another date; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Tobiassen and adopted:

Amendment 1—On page 1, lines 22 and 23, strike “*or the governing body of the municipality by emergency ordinance*”

Amendment 2—On page 1, line 26, strike “*governing body of the municipality*” and insert: *Governor*

On motion by Senator Tobiassen, by two-thirds vote SB 104 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Graham	Myers	Thomas, J.
Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Saunders	Ware
Firestone	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

Vote after roll call:

Yea—Saylor

SB 417 was taken up, together with:

By the Committee on Judiciary-Civil—

CS for SB 417—A bill to be entitled An act relating to the filing of disclosure forms by public officers, candidates for public office, and public employees; amending s. 111.011(2)(b), Florida Statutes; requiring statement of contributions by elected public officers to be filed annually; requiring statement of contributions by elected municipal officers to be filed with the Clerk of the Circuit Court; amending s. 112.3145(5), Florida Statutes; prescribing period of time in which certain forms must be sent; amending s. 112.3147, Florida Statutes; specifying agencies which are to prescribe certain forms; providing an effective date.

—which was read the first time by title and SB 417 was laid on the table.

On motions by Senator Gallen, by two-thirds vote CS for SB 417 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Graham	Peterson	Tobiassen
Brantley	Hair	Plante	Trask
Childers, D.	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Deeb	Johnston	Scarborough	Wilson
Dunn	Lane, D.	Sims	Winn
Firestone	Lane, J.	Spicola	Zinkil
Gallen	MacKay	Stolzenburg	
Glisson	McClain	Thomas, J.	
Gordon	Myers	Thomas, P.	

Nays—1

Lewis

Vote after roll call:

Yea—Saylor

SB 98 was taken up, together with:

By the Committee on Commerce and Senator Myers—

CS for SB 98—A bill to be entitled An act relating to group insurance; providing for optional coverage in group hospital and medical insurance policies, hospital and medical service plan contracts, and prepaid health care contracts for care and treatment of mental and nervous disorders; prescribing minimum benefits; providing applicability; providing an effective date.

—which was read the first time by title and SB 98 was laid on the table.

Senator Scarborough presiding

On motion by Senator Myers, by two-thirds vote CS for SB 98 was read the second time by title.

Senator McClain moved the following amendment which failed:

Amendment 1—On page 2, line 28, insert: new Section 3 as follows:

Section 3. The premium for the additional coverage provided in this act shall not exceed four (4) percent.

(Renumber Section 3 as Section 4)

Senator Saylor moved the following amendment which failed:

Amendment 2—On page 2, line 9, strike all of sub paragraph (b).

On motion by Senator Myers, by two-thirds vote CS for SB 98 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Graham	Plante	Thomas, P.
Childers, W. D.	Hair	Poston	Trask
Deeb	Henderson	Renick	Ware
Dunn	Holloway	Scarborough	Wilson
Firestone	Johnston	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Thomas, J.	

Nays—6

Childers, D.	MacKay	Saylor	Tobiassen
Lane, D.	McClain		

On motion by Senator Myers, the rules were waived and CS for SB 98 was immediately certified to the House.

The President Pro Tempore presiding

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

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

HB 2984 HB 2981 HB 2978 HB 2982

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 2978—A bill to be entitled An act relating to the citrus code; amending s. 601.03(7), Florida Statutes, to clarify the definition of citrus fruit; providing an effective date.

By the Committee on Agriculture & General Legislation—

HB 2984—A bill to be entitled An act relating to the citrus code; amending s. 601.60, Florida Statutes, relating to issuance of dealers' licenses, to clarify the effective periods of such licenses; providing an effective date.

By the Committee on Agriculture & General Legislation—

HB 2981—A bill to be entitled An act relating to citrus; amending s. 601.152(1)-(6), (8) and (9), Florida Statutes, relating to special marketing campaign plans; clarifying existing language; providing for publication of notices of public hearings to consider such plans in the Florida Administrative Weekly; providing for plan cost assessment at time of shipment; authorizing the Citrus Commission to make certain policy decisions with regard to certain details of such plans; requiring assent to such plans by a referendum of the handlers affected; providing for extension or termination of plans; providing for confidentiality of competitive trade information; providing an effective date.

By the Committee on Agriculture & General Legislation—

HB 2982—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.57(4), Florida Statutes, and add-

ing a new subsection, to clarify grounds for disapproval of citrus fruit dealers' license applications and create additional grounds for disapproval; clarifying the definition of the term "applicant"; providing an effective date.

—were read the first time by title. On motions by Senator Peterson, the rules were waived and the bills were placed on the calendar.

Special Order resumed—

SB 355 was taken up and on motion by Senator Peterson—

HB 2984—A bill to be entitled An act relating to the citrus code; amending s. 601.60, Florida Statutes, relating to issuance of dealers' licenses, to clarify the effective periods of such licenses; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 2984 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Myers	Stolzenburg
Childers, D.	Henderson	Peterson	Thomas, J.
Childers, W. D.	Holloway	Plante	Thomas, P.
Dunn	Johnston	Poston	Tobiassen
Firestone	Lane, D.	Renick	Trask
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	

Nays—None

SB 355 was laid on the table.

SB 356—A bill to be entitled An act relating to the Florida Citrus Code of 1949; amending s. 601.10(8), Florida Statutes, and adding a new subsection to said section; providing for the Department of Citrus to prepare and disseminate certain information; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 356 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Stolzenburg
Childers, D.	Henderson	Peterson	Thomas, J.
Childers, W. D.	Holloway	Plante	Thomas, P.
Dunn	Johnston	Poston	Tobiassen
Firestone	Lane, D.	Renick	Trask
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil

Nays—None

SB 357 was taken up and on motion by Senator Peterson—

HB 2978—A bill to be entitled An act relating to the citrus code; amending s. 601.03(7), Florida Statutes, to clarify the definition of citrus fruit; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 2978 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Stolzenburg
Childers, D.	Henderson	Peterson	Thomas, J.
Childers, W. D.	Holloway	Plante	Thomas, P.
Dunn	Johnston	Poston	Tobiassen
Firestone	Lane, D.	Renick	Trask
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil

Nays—None

SB 357 was laid on the table.

SB 358—A bill to be entitled An act relating to the Florida Citrus Code of 1949; amending s. 601.15(5), (6), Florida Statutes; requiring payment of excise taxes to accompany each handler's return; clarifying language by removal of obsolete references regarding use of advertising tax stamps; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 358 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Johnston	Poston	Trask
Dunn	Lane, D.	Renick	Ware
Firestone	Lane, J.	Sayler	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	

Nays—None

SB 359 was taken up and on motion by Senator Peterson—

HB 2981—A bill to be entitled An act relating to citrus; amending s. 601.152(1)-(6), (8) and (9), Florida Statutes, relating to special marketing campaign plans; clarifying existing language; providing for publication of notices of public hearings to consider such plans in the Florida Administrative Weekly; providing for plan cost assessment at time of shipment; authorizing the Citrus Commission to make certain policy decisions with regard to certain details of such plans; requiring assent to such plans by a referendum of the handlers affected; providing for extension or termination of plans; providing for confidentiality of competitive trade information; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 2981 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Stolzenburg
Childers, D.	Henderson	Peterson	Thomas, J.
Childers, W. D.	Holloway	Plante	Thomas, P.
Dunn	Johnston	Poston	Tobiassen
Firestone	Lane, D.	Renick	Trask
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil

Nays—None

SB 359 was laid on the table.

The President presiding

SB 360 was taken up and on motion by Senator Peterson—

HB 2982—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.57(4), Florida Statutes, and adding a new subsection, to clarify grounds for disapproval of citrus fruit dealers' license applications and create additional grounds for disapproval; clarifying the definition of the term "applicant"; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 2982 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Firestone	Henderson	MacKay
Brantley	Gallen	Holloway	McClain
Childers, D.	Glisson	Johnston	Myers
Childers, W. D.	Gordon	Lane, D.	Peterson
Deeb	Graham	Lane, J.	Plante
Dunn	Hair	Lewis	Poston

Renick	Spicola	Tobiassen	Wilson
Sayler	Stolzenburg	Trask	Winn
Scarborough	Thomas, J.	Ware	Zinkil
Sims	Thomas, P.		

Nays—None

SB 360 was laid on the table.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 12:30 p.m. or until final action on SB 598, whichever occurred first.

SB 598 was taken up, together with:

By the Committee on Commerce and Senators MacKay, W. D. Childers, Barron, Lewis, P. Thomas, Holloway, Brantley, Tobiassen, Trask, Peterson, J. Lane, J. Thomas, Sims, Winn, McClain, Hair, Poston, Scarborough, Glisson, Sayler, Gordon, Stolzenburg, D. Childers and Zinkil—

CS for SB 598—A bill to be entitled An act relating to insurance; creating s. 627.4131, Florida Statutes; providing that no liability insurer may be prohibited from including a clause in a contract which precludes an injured third party from directly suing and joining the insurer as a codefendant to determine the insured's liability; creating s. 627.4131, Florida Statutes; prohibiting stacking of motor vehicle liability insurance coverages; amending s. 627.727(1), Florida Statutes; providing that the tort exemption and limitation on damages shall apply to uninsured motorist claims; amending s. 627.736(3), Florida Statutes; providing for an insured's rights to recovery of special damages in tort claim; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort whether or not suit has been filed; providing a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort for any damages for personal injury protection benefits paid; providing that a plaintiff will be permitted to prove all of his special damages, but if such damages are introduced into evidence, the trier of fact shall not be permitted to award damages for personal injury protection benefits paid or payable; providing that proper jury instructions shall be given in jury trials; amending s. 627.737(2), Florida Statutes; providing that certain costs not be considered in calculating the medical expenses threshold; increasing the medical expenses threshold; deleting the threshold based on certain bone fractures; requiring that other allowable thresholds to sue in tort be serious and permanent; creating s. 627.7375, Florida Statutes; prohibiting the use of fraud, or a conspiracy to use fraud, to exceed the threshold for tort liability with respect to certain claims, by any insured, insurer, physician, osteopath, chiropractor, attorney, hospital administrator or employee, hospital licensee, or hospital; providing for appropriate administrative action against, and penalties for, such persons; providing criminal penalties; creating s. 627.742, Florida Statutes; providing that in any tort action brought pursuant to ss. 627.730-627.741, Florida Statutes, the defendant may introduce evidence of certain collateral sources of indemnity; providing that such collateral sources of indemnity shall not be subrogated to the rights of the plaintiff against the defendant; repealing s. 627.738, Florida Statutes, which provides for full or basic coverage for accidental property damage to motor vehicle; repealing s. 627.740, Florida Statutes, which provides that the rights of residents to claim damage in tort, when involved in motor vehicle accidents with persons not required to provide security, shall not be diminished; providing an effective date.

—which was read the first time by title and SB 598 was laid on the table.

On motion by Senator MacKay, by two-thirds vote CS for SB 598 was read the second time by title.

Senators Gordon and McClain offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 12, line 29, insert new section 10, and renumber subsequent sections

Section 10. Within 60 days after July 1, 1977, and every twelve months thereafter, the Department of Insurance shall

review automobile insurance rates pursuant to the provisions of ss. 627.730-627.741, and shall mandate a reduction in rates if such a reduction is determined actuarially sound by the department.

Senator Plante moved the following amendment which failed:

Amendment 2—Strike lines 7-30 on page 3 and lines 1-25 on page 4.

Senators Poston, Barron, Holloway, Zinkil, MacKay and Vogt offered the following amendment which was moved by Senator Poston:

Amendment 3—On page 8, line 26 and page 9, line 12 strike "\$2,000" and insert: \$3,500

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until final action on Amendment 3.

Amendment 3 was adopted.

Senators MacKay and Barron offered the following amendment which was moved by Senator MacKay:

Amendment 4—On page 5, line 3, strike the period and all of lines 4-10 and insert: ; therefore no insurer shall be joined as a party in a suit by an injured person against an insured until the liability of the insured is determined.

Senator Brantley announced that the Special Order Calendar for Friday, April 23, would consist of bills remaining on Special Order for this day, with the addition of SB 321 to be considered following CS for SB 598.

CO-INTRODUCERS RECORDED

Senator Hair—Senate Bills 259, 241; Senator Graham—Senate Bills 368, 581, 346, 465, 533; Senators Dunn and Wilson—SB 727; Senator Henderson—SM 234; Senator D. Childers—Senate Bills 466, 578, 200; Senator Brantley—SB 695; Senator Scarborough—SCR 1, Senate Bills 443 and 273; Senators J. Lane and Spicola—SB 660; Senator Poston—SCR 1, Senate Bills 527, 555; Senator D. Lane—SM 234; Senator Glisson—Senate Bills 525, 586, 587, 791; Senator Trask—Senate Bills 355, 356, 357, 358, 359, 360; Senator Johnston—SCR 1; Senator Peterson—SB 39; Senator Wilson—SB 200.

The Journal of April 16 was corrected and approved as follows:

Page 114, counting from bottom of column 2, line 19, strike "HB" and insert: SB

The Journal of April 15 was corrected and approved as follows:

Page 113, counting from bottom of column 2, line 2, strike the period and insert: and Ways and Means.

The Journal of April 14 was corrected and approved as follows:

Page 104, column 1, line 15, strike the period and insert: and Ways and Means.

Page 105, column 1, between lines 27 and 28 insert:

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 239

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:35 p.m. to convene at 8:30 a.m., April 22, 1976 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.