

JOURNAL OF THE FLORIDA SENATE

Wednesday, May 19, 1976

The Senate was called to order by the President at 9:00 a.m.
A quorum present—38:

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

Excused: Senators Henderson and Myers

Prayer by the Senate Chaplain:

Almighty God we confess that we are too often a mockery of what we pretend to be—but we are not alone.

The book of books reminds us that there is no temptation that befalls us but such as is common to all humans.

Help us, therefore, to know ourselves that we may know each other. Grant us also the ability to allow the same excuses for the weaknesses of others we claim for ourselves. May we not begrudge to others the same justifiable pride of accomplishment we allow ourselves.

Especially do we pray this prayer for our political careers. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Wednesday, May 19, 1976, at 9:00 a.m.:

SB 415	SB 568	SB 858	HB 1886
SB 552	SB 989	SB 725	SB 1278
SB 859	SB 928	SB 1224	HB 33
SB 849	SB 1145	SB 588	HB 2537
SB 615	SB 796	SB 914	HB 372
SB 342	SB 286	SB 1000	HB 425
SB 609	SB 160	SB 752	HB 1290
SB 613	HB 1302	HB 1641	HB 1116
SB 1183	SB 817	SB 493	HB 1682
SB 1386	SB 1206	SB 742	HB 886
SB 785	HB 1514	HB 2811	SJR 825

*Respectfully submitted,
Lew Brantley, Chairman*

The Committee on Commerce recommends the following pass: HB 1052 with 2 amendments, SB 1107

The Committee on Judiciary-Criminal recommends the following pass: HB 1047

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

The Committee on Commerce recommends the following pass: HB 1926

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends the following pass: SB 1111 with 2 amendments

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Commerce recommends the following pass:

SB 451 with 1 amendment SB 964 with 2 amendments

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass:

HB 370 with 4 amendments	SB 929
SB 161 with 1 amendment	SB 940 with 2 amendments
SB 698 with 2 amendments	SB 1102
SB 795	SB 1291

The Committee on Commerce recommends the following pass:

SB 1386 SB 1224 with 1 amendment SB 785

The Committee on Judiciary-Criminal recommends the following pass:

HB 1183	HB 3082
HB 1219	HB 3083
HB 1443 with 1 amendment	CS for HB 708
HB 1842	

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1179

The Committee on Transportation recommends a Committee Substitute for the following: SB 1093

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 253

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 774

The Committee on Commerce recommends a Committee Substitute for the following: SB 1115

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 396

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

The Committee on Judiciary-Criminal recommends the following not pass: HB 2469

The Committee on Commerce recommends the following not pass: SB 616

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 3687 was withdrawn from the Committee on Commerce.

On motion by Senator P. Thomas, the rules were waived and by two-thirds vote SB 551 was withdrawn from the Committee on Commerce.

On motions by Senator Dunn, the rules were waived and by two-thirds vote Senate Bills 1181, 1210, 1245 and 1283 were withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Zinkil, the rules were waived and by two-thirds vote SB 1132 was withdrawn from the Committee on Commerce.

On motions by Senator Zinkil, the rules were waived and by two-thirds vote Senate Bills 1107, 155, 174, 521 and 522 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Peterson, by two-thirds vote HB 2421 was withdrawn from the Committee on Commerce and referred to the Committee on Agriculture.

On motion by Senator Lewis, the rules were waived and by two-thirds vote HB 483 was withdrawn from the Committee on Commerce.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 710 was withdrawn from the Committee on Education.

On motions by Senator Plante, the rules were waived and by two-thirds vote Senate Bills 535, 648 and 649 were withdrawn from Subcommittee C of the Committee on Ways and Means.

On motion by Senator J. Thomas, the rules were waived and by two-thirds vote SB 1334 was withdrawn from the Committee on Ways and Means.

On motion by Senator Peterson, the rules were waived and by two-thirds vote SB 864 was withdrawn from the Committee on Ways and Means and referred to the Committee on Agriculture.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 1111 was withdrawn from the Committee on Natural Resources and Conservation.

REQUESTS FOR EXTENSION OF TIME

The Committee on Education requests an extension of 15 days for the consideration of the following:

- | | |
|---------------------------|--|
| SB 1285 by Senator Lewis | HB 596 by Representative Nuckolls |
| SB 1325 by Senator Graham | CS for HB 783 by House Education Committee |
| SB 802 by Senator Graham | HB 872 by Representative Young |
| SB 848 by Senator MacKay | |
| SB 852 by Senator Lewis | |
| SB 926 by Senator Hair | |
| SCR 805 by Senator Lewis | |

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

- | | |
|---|--------------------------------------|
| HB 657 by Representatives Nuckolls and Hodges | SJR 1216 by Senator Spicola |
| HB 2799 by Representative Freeman | SB 1226 by Senator J. Thomas |
| SB 1152 by Senator Spicola | SB 1238 by Senator Lewis |
| SB 1168 by Senator Vogt | SB 1270 by Senators Lewis and Gallen |
| SB 1189 by Senator Saylor | SB 1287 by Senator Lewis |

The Special Master for Claims requests an extension of 15 days for consideration of the following:

- | | |
|-----------------------------|-------------------------------------|
| SB 657 by Senator Saunders | SB 1316 by Senator Gordon |
| SB 699 by Senator Spicola | HB 180 by Representative Redman |
| SB 733 by Senator Glisson | HB 2378 by Representative Morgan |
| SB 741 by Senator Henderson | HB 2476 by Representative Poorbaugh |
| SB 768 by Senator McClain | |
| SB 1083 by Senator Graham | |
| SB 1208 by Senator Gallen | |

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 422 which he had approved on May 19, 1976.

Appointments Subject to Senate Confirmation

The Secretary of State on May 17, 1976 certified that pursuant to the provisions of Section 112.071 (1) (b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Carl Randal Gardner, Jacksonville; Member of the Jacksonville Port Authority for term ending October 1, 1979

The Secretary of State on May 18, 1976 certified that pursuant to the provisions of Section 112.071 (1) (b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

M. H. Pritchett, Lake Butler; Member of the Board of Trustees of the Lake City Community College for term ending May 31, 1979

—which were referred to the Select Committee on Executive Suspensions.

SPECIAL ORDER

SB 415—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.08(11), Florida Statutes, to include franchised and independent marine boat trailer dealers within provisions specifying the annual license tax for dealer tags; providing a definition; amending s. 320.13, Florida Statutes, providing that such dealers may secure dealer tags for boat trailers owned by them when used in connection with the dealer's business and not used for hire; authorizing such dealers who secure regular license tags for boat trailers they own and sell to apply for transfer of dealer tags to comparable trailers upon payment of a transfer fee; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 2, strike line 12 and insert: *selling, manufacturing, or dealing in trailers specifically designed to be*

Amendment 2—On page 2, strike line 27 and insert: *(b) Marine boat trailer dealers and manufacturers may, upon payment of*

Amendment 3—On page 1, strike line 7 in title and insert: *trailer dealers and manufacturers within provisions specifying*

On motion by Senator Hair, by two-thirds vote SB 415 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 552—A bill to be entitled An act relating to milk and milk products; amending s. 381.071, Florida Statutes; clarifying the regulatory authority of the Department of Agriculture and Consumer Services and the Department of Health and Rehabilitative Services; amending s. 502.055, Florida Statutes; assigning jurisdiction and responsibility for inspections of dairy farms and milk plants; amending s. 502.171, Florida Statutes; providing for enforcement; amending s. 502.211(1), Florida Statutes; providing for administration and enforcement;

amending s. 502.232, Florida Statutes; providing for superseding of all conflicting municipal and county laws; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 552 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—3

Gordon Lane, D. Vogt

Vote after roll call:

Yea—Tobiassen

SB 859—A bill to be entitled An act relating to community development; amending s. 153.53(9), Florida Statutes, providing authority and requirements for combination and extensions of special water and sewer districts; amending s. 336.62(8), Florida Statutes, providing authority and requirements for combination and extensions of special road and bridge districts; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 859 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nay—1

Wilson

Vote after roll call:

Yea—Tobiassen

SB 849—A bill to be entitled An act relating to milk and milk products; amending s. 502.012, Florida Statutes; providing definitions for acidified sour cream; acidified sour half-and-half, sour cream dressing, sour half-and-half dressing and ultra-pasteurized; redefining other terms; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 849 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 615—A bill to be entitled An act relating to homicide; amending s. 782.02, Florida Statutes; providing that a person in lawful possession of real or personal property is justified in using deadly force to protect such property against enumerated crimes or to prevent the perpetrator from escaping with the property; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Gallen:

Amendment 1—On page 1, line 13, strike remainder of the bill and insert: Section 1. Section 782.02, Florida Statutes, as re-enacted by Chapter 75-298, Laws of Florida, is renumbered as section 776.015, Florida Statutes, and amended to read:

(Substantial rewording of section. See section 782.02, Florida Statutes, for present text.)

776.015 Justifiable use of deadly force.—

(1) The use of deadly force is justifiable when a person is:

(a) Resisting any attempt to murder such person;

(b) Resisting any attempt to commit any felony, or resisting the actual commission of any felony, upon such person or another; or

(c) Resisting any attempt to commit any felony, or resisting the actual commission of any felony, upon or in any dwelling house in which such person shall be.

(2) The use of deadly force is also justifiable by a person in lawful possession of land or tangible, movable property to protect said land or tangible, movable property when such person reasonably believes that deadly force is necessary:

(a) To prevent the imminent or actual commission of a forcible felony by another; or

(b) To prevent someone who is fleeing immediately after having committed burglary, robbery, or grand larceny from escaping with the stolen property.

Section 2. Presumption of intent to commit crime.—The unauthorized presence of a person in or upon a structure as defined in section 810.011(1), Florida Statutes, of another creates a presumption that such person is there with the intent to commit a criminal offense.

Section 3. Section 776.012, Florida Statutes, as created by Chapter 74-383, Laws of Florida, is hereby repealed.

Section 4. This act shall take effect October 1, 1976.

Senator Firestone moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, insert: Section 1. This act shall be known and may be cited as the Florida Bar Association Act of 1976.

(Renumber subsequent sections)

Senator Spicola moved the following amendment to Amendment 1 which was adopted:

Amendment 1B—On page 2, line 7, strike "burglary, robbery, or grand larceny" and insert: a forcible felony

Senator Dunn moved the following amendment to Amendment 1 which failed:

Amendment 1C—On page 1, strike lines 16-17 and on page 2 strike lines 1-8

The vote was:

Yeas—4

Dunn Gordon Graham MacKay

Nays—32

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

Vote after roll call:

Yea—Scarborough

Senator Spicola moved the following amendment to Amendment 1 which was adopted:

Amendment 1D—On page 2, line 8, strike “with the stolen property”

Senator Johnston moved the following amendment to Amendment 1 which was adopted:

Amendment 1E—On page 2, strike line 2 and insert: When it is reasonable to believe that deadly force is

Senator MacKay offered the following amendment to Amendment 1 which failed:

Amendment 1F—On page 2, strike line 10 and insert: The unauthorized entry of a person into a structure

Amendment 1 as amended was adopted.

The Committee on Judiciary-Criminal offered the following title amendment which was moved by Senator Gallen and adopted:

Amendment 2—On page 1, strike lines 4-10 and insert: An act relating to the justifiable use of force; transferring and amending section 782.02, Florida Statutes, as reenacted by Chapter 75-298, Laws of Florida, relating to the justifiable use of deadly force to section 776.015, Florida Statutes; expanding situations in which the use of deadly force is deemed justifiable to cover the protection of land or tangible property under certain circumstances and to resist attempted or actual commission of a felony on another; creating a presumption of an intent to commit a criminal offense under certain circumstances; repealing section 776.012, Florida Statutes, 1974 Supplement, relating to the use of force in defense of person; providing an effective date.

On motion by Senator Deeb, by two-thirds vote SB 615 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nay—1

Gordon

Vote after roll call:

Yea—Sayler

On motion by Senator Spicola, the rules were waived and SB 615 after being engrossed was ordered immediately certified to the House.

The President Pro Tempore presiding

SB 342 was taken up, together with:

By the Committee on Education and Senator Deeb—

CS for CS for SB 342—A bill to be entitled An act relating to education; creating s. 229.8056, Florida Statutes; creating an educational program in the state educational system to assist students, teachers, and administrators in understanding principles and problems of carrying out, enforcing, and complying with the law; directing the Department of Education to develop and administer such program; authorizing input by district school boards and school principals; requiring an annual report from the Commissioner of Education; creating an advisory council; providing for compensation of advisory council members; authorizing and directing the Department of Education to seek and expend federal funds for this program; providing an effective date.

—which was read the first time by title and SB 342 was laid on the table.

On motions by Senator Deeb, by two-thirds vote CS for CS for SB 342 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—31

Brantley	Hair	Plante	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Trask
Deeb	Lane, J.	Saunders	Vogt
Firestone	Lewis	Scarborough	Wilson
Glisson	MacKay	Spicola	Winn
Gordon	McClain	Stolzenburg	Zinkil
Graham	Peterson	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Dunn, Johnston, Sayler and Sims

SB 609—A bill to be entitled An act relating to credit unions; amending s. 657.161(12), Florida Statutes; allowing credit unions to invest in the Southeast Corporate Federal Credit Union; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 609 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Johnston and Sims

SB 613—A bill to be entitled An act relating to credit unions; amending s. 657.06(3)(b), Florida Statutes; providing that all fees collected under Part I, chapter 657, Florida Statutes, by the Department of Banking and Finance shall be deposited in a special bank and trust company trust fund; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 613 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Johnston and Sims

SB 1183 was taken up, together with:

By the Committee on Commerce and Senators W. D. Childers, Tobiassen, Peterson, Spicola, J. Thomas, P. Thomas, Hair, Deeb, Sayler, Zinkil and Poston—

CS for SB 1183—A bill to be entitled An act relating to county building codes; amending s. 125.56, Florida Statutes; providing that the board of county commissioners of each county may adopt county building codes from a list of nationally recognized model codes for building construction in the unincorporated areas of the county; providing that no county shall adopt any codes in conflict with any existing section of the Florida Statutes prescribing certain standards; providing for notice and hearings; providing for adoption of fee schedules by county governments; providing for enforcement by counties; authorizing the creation of enforcement districts; providing for the issuance and revocation of building permits; providing exemptions; providing for an appeals board; providing penalties; repealing ss. 553.70-553.85, Florida Statutes, the Florida Building Codes Act of 1974; providing an effective date.

—which was read the first time by title and SB 1183 was laid on the table.

Senator Deeb moved the following amendment which was adopted:

Amendment 1—On page 6, line 8, insert: *(8) Nothing in this section shall be construed to repeal, amend, or supersede any special act relating to a uniform building code for any county.*

Senators Holloway, McClain and Poston offered the following amendments which were moved by Senator Holloway and adopted:

Amendment 2—On page 2, strike lines 2 and 3 and insert: the several counties of the state are required to adopt a building code to provide for the

Amendment 3—On page 2, line 15, strike "Upon a determination to consider" and insert: In considering

Amendment 4—On page 2, line 6, strike "shall" and insert: may

Senator Graham moved the following amendments which were adopted:

Amendment 5—On page 2, line 31, strike "may" and insert: shall

Amendment 6—On page 2, line 15, after the word "structures" insert: the building codes shall include the provisions of Part V of Chapter 553, F.S., relating to accessibility of handicapped persons and provide for the enforcement thereof

Senator Graham moved the following amendment which failed:

Amendment 7—On page 3, strike lines 17-25 and insert: *(2)(a) The board of county commissioners of each of the several counties may provide a schedule of inspection fees providing that the revenues derived therefrom shall be used solely to defray the costs of inspection and enforcement of the building codes adopted pursuant to the terms of this section.*

The board of county commissioners of each of the several counties may provide a schedule of inspection fees in order to defer the costs of inspection and enforcement of the provisions of this act, and of any building code adopted pursuant to the terms of this act, providing said schedule of fees shall not in any event exceed 1/5 of 1 percent of the total costs of the construction, erection, alteration or repair, as the case may be, of any building or proposed building.

Senator Graham moved the following amendment:

Amendment 8—On page 6, between lines 7 and 8, insert: Section 2. Section 166.042, Florida Statutes, is created to read:

166.042 Adoption of building codes.—

(1) The governing body of each municipality of this state is required to adopt building codes to provide for the safe construction, erection, alteration, and repair of any building within its territorial limits. The codes shall consist of the requirements set forth in one of the following nationally recognized model codes: The Standard Building Code, Basic Building Code, Uniform Building Code, National Building Code, EPCOT Code, One and Two Family Dwelling Code, or the South Florida Building Code. If the One and Two Family Dwelling Code is adopted by a municipality for residential construction, then one of the other recognized model codes shall be adopted for the regulation of other residential and nonresidential structures. Upon a determination to consider the adoption of a building code by a majority of the members of the governing body of such municipality, the governing body shall call at least two public hearings not less than 30 days nor more than 60 days from the date of such determination. Notice of said public hearings shall be posted at the city clerk's office for not less than 30 days prior to the earliest date set for a public hearing, published once each week for 4 consecutive weeks prior to the earliest date set for a hearing in at least two newspapers of general circulation within such municipality, and such notice shall contain the time, date, and place for each such hearing. At each such hearing, the governing body shall hear all interested parties. Thereafter, at any regular meeting of the governing body of such municipality, or at any special meeting of such governing body called for such purpose, the governing body shall adopt building codes consistent with the terms and purposes of this act, which shall be known thereafter as the municipal building codes. Upon adoption, the codes shall be in full force and effect throughout the territorial limits of such municipality.

(2) Nothing herein contained shall be construed to prevent the governing body of such municipality from amending or repealing such codes at any regular meeting of such governing body. However, no amendment to the municipal minimum building codes shall discriminate against the use of any material, product, or construction technique of demonstrated capability.

(3) No municipality shall adopt any portions of a code or any amendments thereto which are in conflict with any section of the existing Florida Statutes on the effective date of this act prescribing gas, plumbing, electrical, glass, fire, factory-built housing, or accessibility of handicapped persons' standards.

(4) The governing body of each municipality may provide a schedule of inspection fees providing that the revenues derived therefrom shall be used solely to defray the costs of inspection and enforcement of the building codes adopted pursuant to the terms of this section.

(5) The governing body of each municipality may employ a building inspector and such other personnel as it deems necessary to carry out the provisions of this act and may pay reasonable salaries for such services.

(6) After adoption of the municipal building codes as herein provided, it shall be unlawful for any person, firm, or corporation to construct, erect, alter, or repair any building within the territory embraced by the terms of this act, without first obtaining a permit therefor from the appropriate municipal governing body, or from such persons as may by resolution of such governing body be directed to issue such permits, upon the payment of such reasonable fees as shall be set forth in the schedule of fees adopted by such governing body. Such governing body is hereby empowered to revoke any such permit upon a determination by such governing body that the construction, erection, alteration, or repair of the building for which the permit was issued is in violation of, or not in conformity with, such building codes.

(7) Any person, firm, or corporation that violates any of the provisions of this section or the duly adopted minimum building codes of any municipality is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

[Renumber subsequent sections]

The President presiding

Senator Vogt moved the following amendment to Amendment 8 which was adopted:

Amendment 8A—On page 4, strike lines 6-15 and renumber subsequent sections.

On motion by Senator W. D. Childers, further consideration of CS for SB 1183 was deferred.

SB 1386—A bill to be entitled An act relating to motor carriers; adding s. 323.01(19), Florida Statutes; defining non-emergency service; amending s. 323.02, Florida Statutes; requiring motor carriers supplying nonemergency service to obtain certificate or permit; providing an effective date.

—was read the second time by title.

Senator Sims moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of line 1 and insert: Section 3. Section 316.201, Florida Statutes, is amended to read:

316.201 Reregistration of certain motor vehicles not conforming with s. 316.199.—Any motor vehicles or combination of vehicles which conformed to the requirements of motor vehicle laws relative to weights and sizes prior to the enactment of chapter 25342, Laws of Florida, 1949, which are now registered and continue to reregister yearly for operation in this state, and due to their peculiar construction and design may not, in the opinion of the department, be made to conform to the axle spacing requirements of s. 316.199 without excessive expenses, may be continued in operation for the life of the vehicle, subject to all safety and operational requirements of law, without being made to conform to the axle spacing requirements of s. 316.199 provided that such vehicles or combination of vehicles shall be limited to a total gross load, including weight of vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface. Such vehicles equipped with more than 3 axles shall not exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds provided such gross weight shall not exceed 20,000 pounds per axle and 550 pounds per inch width of tire surface plus scale tolerances. Such reregistration may be made only by the department and shall show that the license is a specially issued one. Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use need not be registered as required herein, but shall meet the requirements of this section as to load limits. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.200.

Section 4. This act shall take effect July 1, 1976.

Amendment 2—On page 1 in title, line 9, after the semicolon insert: amending s. 316.201, Florida Statutes; exempting certain trucks engaged in waste collection and disposal from certain registration requirements;

On motion by Senator Brantley, by two-thirds vote SB 1386 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gallen	Lane, D.	Plante
Brantley	Gordon	Lane, J.	Poston
Childers, D.	Graham	Lewis	Renick
Childers, W. D.	Hair	MacKay	Saunders
Dunn	Holloway	McClain	Scarborough
Firestone	Johnston	Peterson	Sims

Spicola	Thomas, P.	Vogt	Winn
Stolzenburg	Tobiassen	Ware	Zinkil
Thomas, J.	Trask	Wilson	

Nays—None

Vote after roll call:

Yea—Glisson

SB 785—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.031(1), Florida Statutes; changing the amounts of the loan principal subject to the various maximum interest rates; repealing s. 516.031(2), (3), Florida Statutes, which provide for the collection and waiver of charges for delinquent accounts; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 785 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Brantley	Holloway	Plante	Thomas, J.
Childers, W. D.	Johnston	Poston	Thomas, P.
Gallen	Lane, D.	Sayler	Tobiassen
Glisson	Lane, J.	Scarborough	Trask
Graham	McClain	Spicola	Ware
Hair	Peterson	Stolzenburg	

Nays—12

Mr. President	Firestone	MacKay	Vogt
Childers, D.	Gordon	Renick	Wilson
Dunn	Lewis	Saunders	Zinkil

Votes after roll call:

Yea—Sims

Yea to Nay—Poston

Senator W. D. Childers moved that the Senate reconsider the vote by which SB 785 passed this day.

The motion was placed on the calendar for consideration May 20.

On motion by Senator Wilson, by two-thirds vote SB 568 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar. On motion by Senator Wilson—

HB 2694—A bill to be entitled An act relating to trespass; creating s. 810.12, Florida Statutes; specifying circumstances under which unauthorized entry upon land is prima facie evidence of intent to trespass or commit other acts pertaining thereto; providing an effective date.

—a companion measure to SB 568 was substituted therefor and read the second time by title.

Senators Dunn, MacKay, Firestone and Wilson offered the following amendment which was moved by Senator Wilson:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Subsection (4) of s. 810.011, Florida Statutes, is amended to read:

810.011 Definitions.—As used in this chapter:

(4) "Posted land" is that land upon which signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than two inches in height, the words "no trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside of the boundary line. It shall not be necessary to give notice by posting poster on any enclosed land or place not exceeding 200 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to the statutes of this state prohibiting trespass on enclosed lands.

Section 2. Section 810.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 810.08, F.S., for present text.)

810.08 Trespass in structure or conveyance.—

(1) Whoever, without being authorized, licensed or invited, or having been authorized, licensed or invited to depart and refuses to do so, willfully enters or remains in any structure or conveyance commits the offense of trespass in a structure or conveyance.

(2)(a) Except as otherwise provided in this subsection trespass in a structure or conveyance is a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If there is a human being in the structure or conveyance at the time the offender trespassed, attempted to trespass, or was in the structure or conveyance, the trespass in a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the offender is armed with a firearm or other dangerous weapon, or arms himself with such while in the structure or conveyance, the trespass in a structure or conveyance is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Section 810.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 810.09, F.S., for present text.)

810.09 Trespass on property other than structure or conveyance.—

(1) Whoever without being authorized, licensed, or invited willfully enters upon or remains in any property other than a structure or conveyance as to which notice against entering or remaining is given either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011 commits the offense of trespass on property other than a structure or conveyance.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to him by the owner of the premises or by an authorized person or if the offender willfully opens any door, fence, or gate or does any act which exposes animals, crops, or other property to waste, destruction, or freedom, or trespasses on property other than a structure or conveyance, he is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 810.12, Florida Statutes, is created to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(1) The unauthorized entry by any person into or upon any enclosed and posted land shall be prima facie evidence of the intention of such person to commit an act of trespass.

(2) The act of entry upon enclosed and posted land without permission of the owner of said land by any workman, servant, employee or agent while actually engaged in the performance of his work or his duties incident to such employment and while under the supervision, direction or through the procurement of any other person acting as supervisor, foreman, employer, prin-

cipal, or in any other capacity, shall be prima facie evidence of the causing and of the procurement of such act by the supervisor, foreman, employer, principal or other person.

(3) The act committed by any person or persons of taking, transporting, operating or driving, or the act of permitting or consenting to the taking or transporting of any machine, tool, motor vehicle or draft animal into or upon any enclosed and posted land without the permission of the owner of said land by any person who is not the owner of such machine, tool, vehicle or animal, but with the knowledge or consent of the owner of such machine, tool, vehicle or animal or the person then having the right to possession thereof, shall be prima facie evidence of the intent of such owner of such machine, tool, vehicle or animal, or of the person then entitled to the possession thereof, to cause or procure an act of trespass.

(4) As used herein, the term "owner of said land" shall include the beneficial owner, lessee, occupant, or other person having any interest in said land under and by virtue of which that person is entitled to possession thereof and shall also include the agents or authorized employees of such owner. However, this section shall not apply to any official or employee of the state or a county, municipality or other governmental agency now authorized by law to enter upon lands. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 5. Sections 810.112 and 810.113, Florida Statutes, are hereby repealed.

Section 6. This act shall take effect July 1, 1976.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until final consideration of HB 2694.

Senator Scarborough moved that HB 2694 with pending Amendment 1 be referred to the Committee on Judiciary-Criminal. The motion failed.

Senator Ware moved the following amendment to Amendment 1:

Amendment 1A—On page 1, line 14, strike "200" and insert: 5

On motion by Senator Graham, the rules were waived and the Committee on Health and Rehabilitative Services was granted permission to meet from 9:00 a.m. until 12:00 noon, Friday, May 21.

CO-INTRODUCERS

Senators Glisson and Trask—SB 615

The Journal of May 18 was corrected and approved as follows:

Page 332, counting from bottom of column 2, between lines 6 and 7 insert:

By Senators Sayler, Deeb, Ware, McClain, J. Lane and Spicola—

SCR 1440—A concurrent resolution recognizing the contribution to education made by St. Petersburg Junior College during its fifty years of existence and commending Dr. Michael M. Bennett for his more than thirty-six years of loyal service to the College.

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

On motion by Senator McClain, the Senate adjourned at 12:16 p.m., to reconvene at 9:00 a.m., May 20, 1976.