



Journal of the Senate

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Tuesday, April 19, 1977

The Senate was called to order by Senator Winn at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senators W. D. Childers, Barron and Brantley—

SB 787—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(15), Florida Statutes, 1976 Supplement; deleting requirement that applications for special risk membership be approved by the administrator; redefining "special risk members" to include additional classes of persons; providing severability; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Senators Ware, Gallen and Barron—

SB 788—A bill to be entitled An act relating to coastal construction setback lines; amending s. 161.053, Florida Statutes; making such lines advisory to local governments; providing that property owners who do not abide by such lines are ineligible to receive public funds made available for damages from natural disaster; deleting provisions relating to variance procedures and penalties for violations; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Scarborough—

SB 789—A bill to be entitled An act relating to corporations; creating s. 607.0245, Florida Statutes, prohibiting the use of the words "veteran" or "veterans" in the name of any non-profit association or prospective corporation except upon prior approval of the Advisory Council on Veterans' Affairs of the Department of Community Affairs; providing a penalty; providing an effective date.

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

By Senator Scarborough (by request)—

SB 790—A bill to be entitled An act relating to water management; amending s. 373.0693(8), Florida Statutes, 1976 Supplement, providing for a basin within the St. Johns River Water Management District; providing a governing board therefor; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Governmental Operations, and Appropriations.

By Senator Scarborough—

SB 791—A bill to be entitled An act relating to drivers' licenses; amending s. 322.01(7), Florida Statutes, 1976 Supplement, redefining "chauffeur" for purposes of provisions relating to drivers' licenses; amending s. 322.03(2) and (3), Florida Statutes, and adding a new subsection (4) thereto; requiring chauffeurs to hold both a chauffeur's and an operator's license; permitting a person whose operator's license has been suspended or revoked to obtain a restricted chauffeur's license under certain circumstances; amending s. 322.05(3), Florida Statutes, conforming provisions to the act; amending s. 322.26, Florida Statutes, and adding new paragraphs (g) and (h) to s. 322.27(2), Florida Statutes, 1976 Supplement; requiring the

Department of Highway Safety and Motor Vehicles to assign points under the point system to a person's chauffeur's or operator's license depending upon when the violation occurred; providing for the issuance of a hardship permit to a chauffeur whose chauffeur's license has been revoked under certain circumstances or suspended under the point system; providing restrictions upon the issuance and renewal of hardship permits; providing for the revocation of such permits; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senators Hair, McClain and Barron—

SB 792—A bill to be entitled An act relating to liability insurance; providing for nonjoinder of liability insurer in civil actions determining insured's liability; providing for insurer's filing of statement; providing for insurer's joinder in specified instances; providing for discovery; providing an effective date.

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

By Senator Jon Thomas—

SB 793—A bill to be entitled An act relating to restoration and perpetuation of original government cadastral surveys; creating part III, chapter 177, Florida Statutes, entitled Restoration of Corners; providing a short title and legislative declaration of policy; providing definitions; providing powers and duties of the Department of Natural Resources; providing for establishment of an advisory board; providing for records exchange; providing for the validation and certification of corners; providing no limitation on the practice of land surveying under chapter 472, Florida Statutes; establishing personnel requirements; providing penalties for willful damage or destruction of cadastral monuments and corner records; providing severability; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, and Appropriations.

By Senator Lewis (by request)—*

SB 794—A bill to be entitled An act relating to applicants for examination as dentists or dental hygienists; amending s. 466.13, Florida Statutes, 1976 Supplement; amending s. 466.37, Florida Statutes; providing that no examination or test be required as a prerequisite to taking the Florida State Board of Dentistry examination for admission into the practice of dentistry or dental hygiene; prohibiting the board from limiting the number of times the examination for admission into the practice of dentistry may be retaken; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Lewis (by request)—*

SB 795—A bill to be entitled An act relating to correctional officers; amending s. 944.585(2), Florida Statutes, to prohibit the employment of noncertificated correctional officers on a probationary basis or on any basis contingent upon future certification; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Lewis (by request)—*

SB 796—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.17(1), Florida Statutes; providing that failure of the applicant to submit fingerprints is not a ground for denial of an application for an alcoholic beverage license; providing an effective date.

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

By Senator Lewis (by request)—*

SB 797—A bill to be entitled An act relating to the acquisition of professional services for state agencies; renumbering s. 287.055(7)-(10), Florida Statutes, and adding a new subsection (7) to said sections; authorizing state agencies to delegate to the Department of General Services certain authority with respect to the negotiation for and the selection of suppliers of professional services; providing an effective date.

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

By Senator Lewis (by request)—*

SB 798—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(21), Florida Statutes, 1976 Supplement; to prohibit the department from appointing any advisory council other than that assigned to a specific program office; providing an effective date.

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

By Senator Lewis (by request)—*

SB 799—A bill to be entitled An act relating to facilities providing elective surgical care; amending s. 381.493(3)(j), Florida Statutes; requiring any rule implementing the definition of "ambulatory surgical center" under the Health Facilities Planning Act to state that only a center whose primary purpose is to offer elective surgery may be designated as such a center; providing an effective date.

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

By Senator Lewis (by request)—*

SB 800—A bill to be entitled An act relating to the practice of psychology; amending s. 490.19(1)(e), Florida Statutes; providing that the experience requirement for an applicant for examination as a psychologist may be met by work performed on or off the premises of the supervising psychologist; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Lewis (by request)—*

SB 801—A bill to be entitled An act relating to the Florida Air and Water Pollution Control Act; amending s. 403.031(3), Florida Statutes, to prohibit the establishment of transitional zones between waters and land and to prohibit the use of plant indicators to determine the landward extent of waters; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Lewis (by request)—*

SB 802—A bill to be entitled An act relating to motor carriers; amending ss. 323.06(1), 323.15(6) and 323.151(2), Florida Statutes; providing that the amount of bond required for motor carrier certificates or permits not be changed during the life of the certificate or permit; providing that certain taxes imposed pursuant to said sections are in lieu of all other taxes and fees, whether or not such taxes and fees are imposed by chapter 323, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Lewis (by request)—*

SB 803—A bill to be entitled An act relating to mobile home parks; amending s. 513.01, Florida Statutes; excluding mobile home parks from the definition of tourist and trailer camps; providing an effective date.

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

By Senator Lewis (by request)—*

SB 804—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; adding s. 381.031(1)(h), Florida Statutes; prohibiting the adoption of rules by the department which imposes any requirements for permits, licenses, or approvals not specifically imposed by law; providing an effective date.

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

By Senator Lewis (by request)—*

SB 805—A bill to be entitled An act relating to the sale of securities; amending s. 517.12(2), Florida Statutes, to provide that, when an applicant for registration as a dealer is a corporation or a partnership, any examination requirement imposed by the Department of Banking and Finance may be met by the successful completion of the examination by any one person holding a position of management with the applicant; providing an effective date.

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

By Senator Lewis (by request)—*

SB 806—A bill to be entitled An act relating to the sale of securities; amending s. 517.12(4), Florida Statutes; prohibiting the Department of Banking and Finance from defining financial responsibility of dealers in securities to require the maintenance or establishment of any minimum net capital or net worth; providing an effective date.

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

By Senator Lewis (by request)—*

SB 807—A bill to be entitled An act relating to emergency medical services; amending s. 401.27(2), (3)(b), Florida Statutes; prohibiting the Department of Health and Rehabilitative Services from requiring examination for licensure as an emergency medical technician or emergency ambulance driver; limiting the content of prescribed refresher training; providing an effective date.

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

By Senator Lewis (by request)—*

SB 808—A bill to be entitled An act relating to mortgage loan transactions; amending s. 494.08(3), Florida Statutes, to prohibit any requirement that a borrower provide an abstract of title at his own expense; providing an effective date.

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

By Senator Lewis (by request)—*

SB 809—A bill to be entitled An act relating to hospital licensing; amending s. 395.05, Florida Statutes, to prohibit the issuance of provisional, temporary, or restricted licenses unless the applicants and the hospital facilities meet all the requirements of chapter 395, Florida Statutes; providing an effective date.

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

By Senator Lewis (by request)—*

SB 810—A bill to be entitled An act relating to The Florida Clinical Laboratory Law; amending s. 483.031(2), Florida Stat-

utes; to provide that the exemption from chapter 483, Florida Statutes, for clinical laboratories operated by physicians applies to a clinical laboratory operated by one or more physicians; providing an effective date.

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

By Senator Lewis (by request)—*

SB 811—A bill to be entitled An act relating to pest control; adding s. 482.051(4), Florida Statutes, to prohibit the Department of Health and Rehabilitative Services from adopting rules requiring written contracts or specifying the terms of contracts between a pest control licensee and a customer or requiring identification of vehicles used in pest control; providing an effective date.

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

By Senator Lewis (by request)—*

SB 812—A bill to be entitled An act relating to aid to families with dependent children; amending s. 409.235(2), Florida Statutes, requiring the Department of Health and Rehabilitative Services to determine the amount to be paid to dependent children by a method which will insure that no eligible child will be denied payments due to exhaustion of funds; providing an effective date.

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

By Senator Lewis (by request)—*

SB 813—A bill to be entitled An act relating to public health regulation by the Department of Health and Rehabilitative Services; amending s. 381.031(1)(g), Florida Statutes; excluding mobile home parks and camps restricting accommodations to members of the sponsoring organization from regulation by the department; providing an effective date.

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

By Senator Lewis (by request)—*

SB 814—A bill to be entitled An act relating to the control of diseased animals; amending s. 381.031(1)(g), Florida Statutes, prohibiting the destruction of diseased animals or birds by the Department of Health and Rehabilitative Services; requiring the department to notify the appropriate agency whenever it determines that the destruction of an animal or bird is necessary; providing an effective date.

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

By Senator Lewis (by request)—*

SB 815—A bill to be entitled An act relating to public employee labor relations; amending s. 447.307(2), Florida Statutes; requiring a showing of a 30 percent employee interest for intervention by a registered employee organization in certain certification proceedings before the Public Employees Relations Commission; adding s. 447.605(4), Florida Statutes; requiring the commission to allow public inspection and copying of certain records; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Senator Lewis (by request)—*

SB 816—A bill to be entitled An act relating to printing or reproduction facilities; amending s. 287.043, Florida Statutes; prohibits the Division of Purchasing of the Department of General Services from adopting any rules regulating the use of printing or reproduction equipment after purchase; providing an effective date.

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

By Senator Lewis (by request)—*

SB 817—A bill to be entitled An act relating to the sale of securities; amending s. 517.12(8), Florida Statutes, to provide that an issuer of securities, when registered as a dealer in securities is entitled to the rights and privileges accorded a dealer in securities; providing an effective date.

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

By Senator Lewis (by request)—*

SB 818—A bill to be entitled An act relating to the sale of securities; amending s. 517.12(2), Florida Statutes; providing that applications from corporations and partnerships for registration as dealers in securities shall be registered in the name of the corporation or partnership, and that the listing of names of principals, officers, directors or copartners on the application shall not constitute registration of individual persons; providing an effective date.

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

By Senator Renick—

SB 819—A bill to be entitled An act relating to aliens; prohibiting state agencies from making state or federal funds available to certain aliens; providing an effective date.

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

By Senator Brantley—

SCR 820—A concurrent resolution honoring all secretaries throughout the State of Florida during National Secretaries Week, April 24-30.

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

By Senator Firestone—

SB 821—A bill to be entitled An act relating to cancer; requiring certain hospitals to report information relating to cancer patients and treatment to the Department of Health and Rehabilitative Services; providing that failure of a hospital to comply with reporting requirements is grounds for suspension or revocation of its license; requiring the department to establish a statewide cancer registry program; providing uses for information; providing for confidentiality; providing an effective date.

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

By Senator Johnston—

SB 822—A bill to be entitled An act relating to the career service system; creating s. 110.032, Florida Statutes; providing for competitive and noncompetitive positions within the career service system; providing for appointment to positions in competitive classes from a limited number; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Senator Johnston—

SB 823—A bill to be entitled An act relating to firemen; amending s. 112.191(2)(a), Florida Statutes, relating to eligibility of firemen for death benefits, extending from 180 days to one year the specified period within which death must occur after an injury is received; providing for purchase of insurance through the Department of General Services by any governmental entity; providing an effective date.

—was read the first time by title and referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

*Introduced by request of Administrative Procedures Committee

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 544 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Patchett and Fontana—

HB 544—A bill to be entitled An act relating to jurors; amending s. 40.07(2), Florida Statutes, disqualifying municipal police officers from jury duty; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 506 HB 933 HB 994 HB 1255

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 506—A bill to be entitled An act relating to the National Guard; amending s. 250.20, Florida Statutes, providing for the payment of maintenance allowances to National Guard armories in an amount determined by the Adjutant General from funds of the Department of Military Affairs; deleting provisions which specify an amount for such allowances to be paid to certain commanders; providing an effective date.

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

By the Committee on Transportation—

HB 933—A bill to be entitled An act relating to traffic control; amending ss. 320.06(3) and 322.15(2), Florida Statutes, providing that a person charged with certain violations may not be convicted or fined if, prior to or at the time of his court or hearing appearance, he produces a driver's license or registration certificate valid at the time of his arrest; authorizing the clerk of the court to dismiss such a case prior to the defendant's appearance in court; providing an effective date.

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

By the Committee on Community Affairs—

HB 994—A bill to be entitled An act relating to state financial assistance for community services; amending s. 409.503(4), Florida Statutes, redefining the term "program for community services" with respect to the "Florida Financial Assistance for Community Services Act of 1974"; amending s. 409.504(2), (3), and (4)(b), Florida Statutes, providing with respect to the Community Service Trust Fund, that federally recognized Indian tribes may apply for financial assistance; deleting the requirement that trust funds be distributed in equal monthly payments; directing the Department of Community Affairs to establish certain procedures with respect to certain committees appointed to consider applications under the fund; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Appropriations.

By the Committee on Regulated Industries & Licensing and Representative Gustafson—

HB 1255—A bill to be entitled An act relating to bookmaking; amending s. 849.24, Florida Statutes, and renumber-

ing said section as s. 550.363, Florida Statutes; prohibiting bookmaking at a pari-mutuel track or jai alai fronton; specifying duties of track or fronton employees with respect to bookmaking; providing penalties; providing exceptions; amending s. 849.25, Florida Statutes, redefining the term "bookmaking"; providing penalties, including a penalty for conspiracy to commit bookmaking; providing exceptions; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 507 and HB 303 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 507—A bill to be entitled An act relating to the Legislature; amending s. 11.143, Florida Statutes, to clarify existing language to authorize standing or select committees or subcommittees thereof to issue subpoenas and perform certain other functions which are necessary to conduct hearings, and which are presently permitted to such committees; authorizing the chairman of each such committee or subcommittee to issue process; authorizing the chairman or any other member thereof to administer oaths or affirmations; providing that any such committee or subcommittee which conducts hearings to take sworn testimony must consist of at least five members; authorizing the presiding officer to direct witnesses to respond to certain requirements upon penalty of contempt; requiring the issuance of certain information to witnesses; authorizing witnesses, upon timely request and upon payment therefor, to be furnished with transcripts of proceedings; providing procedure for the issuance of civil action and legislative subpoenas; providing for service; providing for reimbursement of certain expenses of witnesses; extending the prohibition against false swearing before any standing or select committee to false swearing before any subcommittee thereof; providing penalties; providing an effective date.

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

By Representative Barrett—

HB 303—A bill to be entitled An act relating to county detention facilities; amending s. 951.22, Florida Statutes, adding written or recorded communications, coins and currency, food, clothing and certain drugs and medicines to the list of contraband articles for which the unauthorized taking to or receiving from a prisoner in a county detention facility, or the attempt to do so, is a felony of the third degree; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; and Judiciary-Criminal.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 441 and HB 120 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazelton and others—

HB 441—A bill to be entitled An act relating to restitution to victims of crimes; creating s. 947.181, Florida Statutes, allowing the Parole and Probation Commission to require victim restitution as a condition of parole; amending s. 945.091(1), Florida Statutes, 1976 Supplement, adding a subsection, allowing the Department of Offender Rehabilitation to require victim restitution of offenders working at paid employment; adding a subsection, allowing the offender to peti-

tion the court to amend the amount of restitution or the payment schedule; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; Governmental Operations; and Judiciary-Criminal.

By Representatives Maxwell and J. W. Lewis—

HB 120—A bill to be entitled An act relating to the education of exceptional students; amending s. 233.056, Florida Stat-

utes, providing specialized educational materials and other available services to exceptional students; providing an effective date.

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

The Senate adjourned at 8:38 a.m. to convene at at 8:30 a.m. April 20, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.