



Journal of the Senate

Number 7

Wednesday, April 12, 1978

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

INTRODUCTION

By Senator Hair—

SB 700—A bill to be entitled An act relating to freshwater fishing; amending s. 372.571, Florida Statutes, providing that annual freshwater fishing licenses shall be issued for the period beginning January 1 and ending December 31 of each year; providing for a 6-month interim license; 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 Renick—

SB 701—A bill to be entitled An act relating to governmental reorganization; creating s. 20.36, Florida Statutes; providing intent; creating a Department of Veterans' Affairs; providing qualifications for the executive director of the department; transferring the Division of Veterans' Affairs of the Department of Community Affairs to the Department of Veterans' Affairs; providing powers and duties of the department; providing for the applicability of the act to existing employees of the division; directing that conforming editorial changes be made in the Florida Statutes; repealing s. 20.18(2)(c) and (10), Florida Statutes, 1977, to conform to this act; providing an appropriation; providing an effective date.

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

By Senator Henderson—

SB 702—A bill to be entitled An act relating to otters; adding subsection (20) to s. 372.57, Florida Statutes, requiring an additional permit for persons taking otters in this state; providing a fee; adding subsection (7) to s. 372.66, Florida Statutes, requiring an additional permit for dealers or buyers of dried or green otter furs in this state; providing a fee; 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 Trask—

SB 703—A bill to be entitled An act relating to citrus; amending s. 601.901(1), (2), Florida Statutes; authorizing the Florida Citrus Commission to establish by order the maximum extent of freeze damage or freeze related injury to be permitted in fruit used in preparation of frozen concentrated products; providing an exception from chapter 120, Florida Statutes; prescribing effective date and expiration date of such orders; providing an effective date.

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

By Senator Trask—

SB 704—A bill to be entitled An act relating to grapefruit; amending s. 601.16, Florida Statutes; prescribing minimum maturity standards for grapefruit for fresh and processed use; providing exceptions; permitting the Florida Citrus Commis-

sion to reduce the minimum soluble solids requirements for pink and red seedless grapefruit and for all processed grapefruit; providing an effective date.

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

By Senator Childers—

SB 705—A bill to be entitled An act relating to the Beverage Law; creating s. 561.155, Florida Statutes; prohibiting the issuance or renewal of a license under the Beverage Law if the licensed premises are located within a certain distance of any church or school; providing an effective date.

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

By Senator Castor—

SB 706—A bill to be entitled An act relating to Florida radiation protection; creating ss. 290.011, 290.021, 290.031, 290.041, 290.052, 290.061, 290.072, 290.081, 290.091, 290.101, 290.111, 290.121, 290.131, 290.141, 290.151, 290.161, and 290.171, Florida Statutes; providing a short title; providing declaration of policy; providing definitions; designating a state radiation protection agency; authorizing the Department of Health and Rehabilitative Services to perform radiological environmental surveillance; providing powers and duties of the department; authorizing licensing of sources of ionizing radiation; providing rulemaking authority for the department; providing for inspections; authorizing training and educational programs; authorizing the department to require records of persons who possess or use sources of ionizing radiation; providing authority to respond to emergencies involving the release of radioactive materials; authorizing the department to impound certain materials in emergencies; authorizing the department to require posting of a bond by licensees; authorizing the department to require a perpetual care trust fund; authorizing the department to charge and collect fees; providing prohibited uses for sources of radiation; providing for injunctive relief against violators; providing penalties; providing severability; amending s. 290.32, Florida Statutes; providing for the appointment of a board member from Florida to the Southern Interstate Nuclear Board; repealing ss. 290.01, 290.02, 290.03, 290.04, 295.051, 290.06, 290.07, 290.071, 290.08, 290.09, 290.10, 290.11, 290.12, 290.13, 290.14, 290.15, 290.16, 290.17, 290.18, and 290.19, Florida Statutes, which relate to the Florida Nuclear Code and Southern Interstate Nuclear Compact Law; 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 Glisson—

SB 707—A bill to be entitled An act relating to automobile liability insurance; requiring an insurer to provide a premium discount to certain persons who have successfully completed the National Safety Council's Defensive Driving Course; providing an effective date.

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

By Senator Dunn—

SB 708—A bill to be entitled An act relating to automated information management systems; defining terms; requiring entities maintaining such systems to file certain notice with the Secretary of State; providing for the contents of such notice; providing a civil penalty for failure to file or false or incomplete filing; providing for prosecution of an action

to recover such penalty; providing for disposition of money collected as civil penalties; requiring that certain notice be given to each person on whom information is maintained; limiting disclosure of personal information to certain persons, entities, and agencies; providing for access to information by a person on whom information is maintained; providing an opportunity for correction of a file; providing for notation of disputed information; providing for an action for declaratory judgment to correct a file; providing for the award of attorney's fees and court costs; providing that certain fees may be charged for copies of files; providing for a civil cause of action for damages arising from noncompliance; providing for the award of attorney's fees, court costs, minimum damages, or treble damages in certain circumstances; prescribing statute of limitations for such actions; providing that the intentional attempt to obtain, obtaining, using, or disclosing of certain personal information without authorization is unlawful; providing penalties; providing exemptions; providing for application to certain state records; providing rules of construction; providing for conflicts of law; providing an effective date.

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

By Senator Dunn—

SM 709—A memorial to the Congress of the United States urging Congress to direct the Veterans Administration to establish an out-patient medical facility in Volusia County.

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

By Senator Dunn (by request)—

SB 710—A bill to be entitled An act relating to monopolistic and restrictive economic practices; creating the Florida Anti-Trust Act; creating ss. 542.15-542.37, 542.39, Florida Statutes; providing that "trade or commerce" means any type of economic activity involving any tangible or intangible property or any kind of activity performed in whole or in part for financial gain; providing exemptions; providing that contracts, combinations, and conspiracies in restraint of trade or commerce are illegal; prohibiting monopolizing, attempts to monopolize, combining or conspiring to monopolize, exclusive dealing and tying arrangements, and certain mergers; providing penalties; providing actions for treble damages; providing reasonable attorney's fees; providing injunctive relief; providing for consent judgments; providing liability for acts of officers, directors, representatives, agents, etc.; providing for forfeiture of charter rights and privileges to do business; providing for dissolution of business entity; providing for judgment in favor of state as prima facie evidence against the defendant in a private civil action against such defendant; requiring notification to the Attorney General and State Attorney of commencement of a civil action; providing a statute of limitations; prescribing venue; providing enforcement authority; providing for a civil investigative demand; providing duties of public officers; providing rules of construction; renumbering s. 542.12, Florida Statutes, as s. 542.38, Florida Statutes, and amending said section to delete an obsolete provision; repealing ss. 542.01-542.11, Florida Statutes, which relate to combinations restricting trade or commerce; providing an effective date.

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

By Senator Johnston—

SB 711—A bill to be entitled An act relating to indigent defendants in criminal cases; amending ss. 914.06, 914.11, and 939.07, Florida Statutes; providing for the award of reasonable compensation to an expert witness summoned by an indigent defendant in a criminal case; allowing an indigent defendant in a criminal case to subpoena witnesses without a court determination of necessity; deleting certain limitations on the right of an indigent criminal defendant to summon witnesses; providing an effective date.

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

By Senators Tobiassen and Scott—

SB 712—A bill to be entitled An act relating to theft; amending s. 812.014(2)(b), Florida Statutes, to provide that taking money, or any other thing, of the value of \$5 or more from the person of another is grand theft; providing an effective date.

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

By Senator Tobiassen—

SB 713—A bill to be entitled An act relating to the powers and duties of the Department of Administration in personnel matters; repealing s. 110.022(1)(d), Florida Statutes, which authorizes the Department of Administration, through the Division of Personnel, to establish and maintain geographical differential pay rates for selected positions in the career service system; providing an effective date.

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

By Senator Henderson—

SB 714—A bill to be entitled An act relating to public records; amending s. 119.07, Florida Statutes; providing times, terms, and conditions for inspection or examination of public records; providing circumstances under which a person who has custody of public records may limit or deny inspection or examination thereof; providing circumstances for the rescheduling of such inspection or examination; providing circumstances for the assessment of certain costs against a person who requests to examine or inspect public records; providing an effective date.

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

By Senator MacKay—

SCR 715—A concurrent resolution recommending certain guidelines as a responsible approach to the prevention of problems of alcohol abuse and alcoholism.

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

By Senator MacKay—

SB 716—A bill to be entitled An act relating to products liability actions; providing that the liability of a manufacturer or seller of a product be based on the knowledge and technology in existence at the time the product was originally sold; prohibiting the admission of certain evidence; providing that negligence is to be allocated on the basis of the fault of each party; providing defenses; defining "products liability action;" prohibiting the pleading of dollar amounts of unliquidated damages; authorizing a court to allow payment of certain judgments in installments; amending s. 95.031(2), Florida Statutes; providing a statute of limitations for certain products liability actions; providing for nonjoinder of products liability insurers; providing for applicability to certain causes of action; providing severability; providing an effective date.

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

By Senators MacKay and Dunn—

SB 717—A bill to be entitled An act relating to minors; creating s. 562.485, Florida Statutes, prohibiting any person from knowingly permitting a person under 18 years of age to attend any dance hall or establishment licensed to sell alcoholic beverages which permits nude dancing or caters primarily to homosexual patrons; providing a penalty; providing an effective date.

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

By Senator MacKay—

SB 718—A bill to be entitled An act relating to developments presumed to be of regional impact; approving and adopting,

pursuant to s. 380.10, Florida Statutes, amendments to the guidelines and standards contained in 22F-2, Florida Administrative Code, adopted by the Administration Commission pursuant to ss. 380.06(2) and 380.10, Florida Statutes; providing an effective date.

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

By Senators MacKay and Graham—

SB 719—A bill to be entitled An act relating to horse-racing; amending s. 550.38(1), Florida Statutes; providing eligibility requirements for stallion awards made to the owners of the sires of certain winning Florida-bred horses; providing that s. 550.38, Florida Statutes, as amended by chapter 77-167, Laws of Florida, relating to breeder awards and stallion awards for Florida-bred horses, shall not expire on July 1, 1979; providing an effective date.

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

By Senator MacKay—

SB 720—A bill to be entitled An act relating to federal stock associations; amending s. 665.710, Florida Statutes; providing that such associations may convert to capital stock associations; providing an effective date.

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

By Senator MacKay—

SB 721—A bill to be entitled An act relating to real estate licensing; amending s. 475.25(1)(i), Florida Statutes; providing for placement, by a broker, of funds entrusted to him in escrow or in a noninterest-bearing account with a savings and loan association located and doing business in Florida; providing an effective date.

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

By Senators Saylor and Wilson—

SB 722—A bill to be entitled An act relating to executive appointments; prohibiting special laws and general laws of local application which provide for appointment by the Governor of any officer or member of any commission, authority, bureau, council, agency, board, or special district, the geographical jurisdiction of which does not extend beyond the boundaries of a single county; providing an effective date.

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

By Senator Glisson—

SB 723—A bill to be entitled An act relating to university and community college students; repealing s. 239.582, Florida Statutes, which provides for the suspension or expulsion of students for the unlawful possession or sale of certain substances controlled under chapter 893, Florida Statutes; providing an effective date.

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

By Senator Gallen—

SB 724—A bill to be entitled An act relating to real estate licensing; amending s. 475.131, Florida Statutes; providing that no manager of a residential apartment complex or person acting in a renting or leasing capacity shall be required to be licensed under the provisions of chapter 475, Florida Statutes, with regard to leasing or renting of individual apartment units; providing an effective date.

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

By Senator Gallen—

SB 725—A bill to be entitled An act relating to taxation; adding s. 212.08(7)(1), Florida Statutes; exempting the sales, use, or storage of certain aircraft by a manufacturer located in

the state from the sales and use tax; 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 McClain—

SB 726—A bill to be entitled An act relating to the duties of the Board of Regents of the Division of Universities of the Department of Education; amending s. 241.731(2)(c), Florida Statutes; restricting the uses of student evaluations of faculty members in an institution of the state university system; providing an effective date.

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

By Senator Castor—

SB 727—A bill to be entitled An act relating to secondary school education; amending s. 232.245(3), Florida Statutes, and adding a subsection; specifying criteria for award of certificates of attendance, regular diplomas, and differentiated diplomas to students upon graduation; providing for establishment of special minimum student performance standards for graduation for exceptional students who are mentally retarded; stipulating that all other exceptional students shall be required to meet regular performance standards for graduation; requiring development of special forms and special procedures for administering the state assessment test to certain exceptional students; providing an effective date.

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

By Senator Gordon—

SB 728—A bill to be entitled An act relating to the regulation of public utilities; requiring each regulated public utility to establish a specific ledger account to record certain expenditures and purchases of services; requiring regulated public utilities to bear the burden of proof in justifying such expenditures and purchases of services; excluding unjustified expenditures and purchases of services from the cost of providing utility services for rate fixing purposes; providing an effective date.

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

By Senator Williamson—

SB 729—A bill to be entitled An act relating to charitable organizations; adding a paragraph to s. 496.04(1), Florida Statutes, to exempt little league baseball organizations from the registration provisions of chapter 496; providing an effective date.

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

By Senator MacKay—

SB 730—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08(5), Florida Statutes, to include feed for race horses and certain other horses under the exemption from sales and use tax; 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 MacKay—

SB 731—A bill to be entitled An act relating to public community colleges; creating the State Community College Coordinating Board; providing for the powers, duties, organization, and membership of such board; transferring certain powers and duties from the Department of Education to such board; amending s. 20.15(3), Florida Statutes; designating the State Community College Coordinating Board as the Director of the Division of Community Colleges; repealing s. 230.751, Florida Statutes, relating to the State Community College Council; providing an effective date.

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

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 as amended HB 601 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Culbreath and others—

HB 601—A bill to be entitled An act relating to medical conduct; amending s. 458.121(7), Florida Statutes, authorizing the temporary suspension of the license of a physician who is guilty of certain misconduct or negligence or who is charged by the organized staff of a hospital, health maintenance organization, or ambulatory surgical center with certain conduct, willful misconduct, or negligence, pending a hearing; 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 Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 18 and HB 129 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin—

HB 18—A bill to be entitled An act relating to purchasing; creating s. 287.057, Florida Statutes; placing certain conditions upon the purchase of professional and technical services by the state and its agencies; providing for written agreement and for methods of billing for such services; providing that the conditions of this act do not apply to contracts for such services in effect on the effective date of this act; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, and Rules and Calendar.

By Representative Hutto—

HB 129—A bill to be entitled An act relating to death registration; amending s. 382.081(3), Florida Statutes; allowing

the physician last in attendance to make medical certification; 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 192 and CS for HB 274 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Mica and Adams—

HB 192—A bill to be entitled An act relating to district school depositories; adding subsection (4) to s. 237.211, Florida Statutes; authorizing district school boards to establish the form of warrants for the payment or disbursement of moneys out of the school depository; authorizing direct deposit of funds under certain circumstances; providing an effective date.

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

By the Committee on Regulated Industries & Licensing and Representatives Culbreath and others—

CS for HB 274—A bill to be entitled An act relating to motion picture distributors; creating ss. 468.09—468.098, Florida Statutes; creating the Motion Picture Fair Competition Act; providing purpose; providing definitions; prohibiting blind bidding for motion pictures; establishing bidding procedures; prohibiting guarantees; prohibiting advances; prohibiting certain solicitation of bids; amending s. 468.08, Florida Statutes, to clarify provisions thereof; providing severability; providing an effective date.

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

The Senate adjourned at 8:40 a.m. to convene at 8:30 a.m., Thursday, April 13, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.