



Journal of the Senate

Number 32

Tuesday, May 23, 1978

The Senate was called to order by Senator Johnston 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.

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 109	HB 1501	HB 628
HB 1330	HB 237	
HB 963	HB 972	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Barrett—

HB 109—A bill to be entitled An act relating to the beverage law; creating s. 562.101, Florida Statutes, permitting ejection of undesirable customers from licensed premises; providing for notice, procedure, and enforcement; providing a penalty; providing an effective date.

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

By the Committee on Tourism & Economic Development and Representatives Melvin and Bloom—

HB 963—A bill to be entitled An act relating to environmental permitting of commercial development; creating part VII of chapter 403, Florida Statutes, the Florida Optional Licensing Coordination Act of 1978; establishing an optional centralized certification procedure for certain projects, to be administered by the Department of Environmental Regulation; providing for notices of intent to file an application and for application for certification; requiring prior local governmental approval; providing for fees; providing for appointment of hearing officers by the Division of Administrative Hearings; providing for determination of completeness and sufficiency of applications; providing for reports by the Division of State Planning and water management districts and for studies by the department; providing for parties to the proceedings; providing for certification by the Governor and Cabinet; specifying that such certification is in lieu of certain other state permitting or certification requirements; providing for amendment, revocation, or suspension of certificates; providing for penalties and enforcement; providing effective dates.

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

By Representatives Fulford and Mann—

HB 972—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 penalties; 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 Finance, Taxation and Claims.

By Representative Ogden—

HB 1330—A bill to be entitled An act relating to the Real Estate License Law; amending s. 475.13(1), Florida Statutes, providing a separate fee for broker-salesman registration; providing an effective date.

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

By Representative Hill—

HB 1501—A bill to be entitled An act relating to hospitalization insurance coverage for officers and employees of counties; authorizing the governing bodies of such counties to provide such coverage; providing an effective date.

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

By Representative Easley and others—

HB 628—A bill to be entitled An act relating to adoption; amending s. 63.022(2)(j), Florida Statutes, providing an exception to certain intent provisions; amending s. 63.082(3), Florida Statutes; providing that a consent to adoption executed by the natural parent or parents, the Department of Health and Rehabilitative Services, a licensed child-placing agency, or the court shall be accompanied by a family medical history which shall contain certain information relating to the adoptive child and his natural parents, if such information is available or readily obtainable; requiring the department to provide forms in certain cases; adding subsection (5) to s. 63.162, Florida Statutes; requiring that said information be furnished to the adopting parents and to the adopted child under certain circumstances; providing for confidentiality with respect to natural parents' names; adding subsection (5) to s. 409.145, Florida Statutes, requiring the Department of Health and Rehabilitative Services and licensed child-placing agencies to endeavor to obtain family medical histories whenever children are placed under their care; amending s. 63.092(1), Florida Statutes, and adding a subsection removing the authority of the Department of Health and Rehabilitative Services to waive certain reporting requirements; providing for injunction against future actions by an intermediary; amending s. 63.097, Florida Statutes, requiring prior court approval of fees paid to an intermediary; amending s. 63.202, Florida Statutes, requiring an agency placing minors for adoption to be licensed by the department; amending s. 63.207, Florida Statutes, prohibiting certain counseling with respect to placing a child for adoption outside the state; amending s. 63.212(3) and (4), Florida Statutes, and adding paragraph (1)(e) and subsection (5) thereto; modifying penalty provisions to conform; prohibiting any person from charging or accepting compensation from an intermediary for making a referral in connection with an adoption; providing an effective date.

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

By the Committee on Veterans Affairs and Representative Lockward and others—

HB 237—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(7)(a) and (c), Florida Statutes, to exempt from such tax personal property sold or leased to state headquarters of veteran organizations; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1981 and HB 1209 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1981—A bill to be entitled An act relating to preneed funeral service and preneed burial supply contracts; amending ss. 639.13, 639.14, and 639.15, Florida Statutes; providing for refunds in cases of cancellation or default; providing for written requests for such refunds; deleting the requirement that interest be paid on such refunds; authorizing contract purchasers who receive public assistance to enter irrevocable preneed funeral service or burial supply contracts; requiring the Department of Insurance to examine the business of any person writing such contracts at least once every 1 year; providing an effective date.

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

By Representative Rish—

HB 1209—A bill to be entitled An act relating to district courts of appeal; amending s. 35.22(1), Florida Statutes, relating to the qualifications and salary of clerks of the district courts of appeal; providing an effective date.

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

The Honorable Lew Brantley, President

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

HB 1448 CS for HB 300 HB 1958

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richard—

HB 1448—A bill to be entitled An act relating to the Attorney General; creating s. 16.53, Florida Statutes, providing that the Attorney General shall be a nonvoting member of any board or commission on which he sits pursuant to statute when the Attorney General or the Department of Legal Affairs is legal counsel to such board; providing an effective date.

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

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

CS for HB 300—A bill to be entitled An act relating to the beverage law; adding subsections to s. 561.01, Florida Statutes, providing definitions; amending s. 561.20(2)(a), Florida Statutes, and adding paragraph (f) thereto, removing certain statutory language relating to the exemption on seating capacity and minimum size requirements granted to certain restaurants which serve alcoholic beverages which are part of publicly-owned or leased airports; exempting certain alcoholic beverage vendors operating in airports publicly owned or leased by a county or municipality from the quota alcoholic beverage license limitations; providing for the issuance of "special airport licenses"; providing an effective date.

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

By Representatives Gallagher and Cherry—

HB 1958—A bill to be entitled An act relating to special assessments; amending s. 170.01, Florida Statutes; allowing municipalities to levy special assessments for the construction of off-street parking facilities; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed HB 2057 and CS for HB 849 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 2057—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08(1), Florida Statutes; providing that the tax shall be paid on mortgages, trust deeds, security agreements, or other evidences of indebtedness which secure future advances only on the initial debt at the time of recordation; providing that the tax shall be paid on future advances at the time the advances are made; providing penalties; amending s. 201.09, Florida Statutes; providing that any mortgage, trust deed, or security agreement evidencing an exempt promissory note shall also be exempt; providing an effective date.

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

By the Committee on Elections and Representative Kershaw and others—

CS for HB 849—A bill to be entitled An act relating to fair campaign practices; creating s. 99.024, Florida Statutes; providing that a pledge of fair campaign practices may be subscribed to and filed by candidates for state, county, district, or municipal elective office; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 239 and HB 1959 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance & Taxation and Veterans Affairs and Representative Lockward and others—

CS for HB 239—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.57(4)(e), Florida Statutes, providing that a permanent state hunting and fishing license shall be issued, upon request, to a resident of the state who is totally and permanently disabled; amending s. 372.573(2), Florida Statutes, providing a permit fee exemption for totally and permanently disabled persons with respect to permits for hunting on certain recreational lands; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 1959—A bill to be entitled An act relating to jai alai; creating s. 551.18, Florida Statutes, prohibiting the prearrangement of results of any jai alai game; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce 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 854 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Langley and others—

HB 854—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.03(1), (3), Florida Statutes; requiring tax collectors to deliver and account for mobile home stickers; amending s. 320.031, Florida Statutes; providing for the mailing of mobile home stickers and for the collection of a service charge for such mailing; amending s. 320.04(1), Florida Statutes; providing a service charge for applications for such stickers; amending s. 320.06(2)(a), Florida Statutes, and adding s. 320.06(2)(g), (4)(c), Florida Statutes; deleting a reference to mobile home license plates; providing for exchange of mobile home stickers; prohibiting the giving of credit or refunds in connection with such exchange; providing for size, coloring; and numbering of mobile home stickers; providing for the annual issuance of such stickers; amending s. 320.081(1), Florida Statutes; providing for issuance of an RV license plate or mobile home sticker to evidence payment of certain fees; amending s. 320.0815, Florida Statutes; requiring issuance of RV license plates to certain vehicles; requiring issuance of mobile home stickers to certain recreational vehicles and mobile homes; requiring issuance of RP stickers to recreational vehicles or mobile homes which are taxed as real property; providing for the display of such plates or stickers; amending s. 320.35, Florida Statutes; exempting a mobile home bearing the appropriate sticker from certain license plate display requirements; providing that the operation over the public streets or the use for housing of a vehicle without the plate or sticker assigned to that vehicle be deemed operation or use without proper license; amending s. 320.37, Florida Statutes; limiting, with respect to certain vehicles owned by nonresidents, the exemption from certain registration requirements; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 959 and HB 2040 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Melvin and others—

CS for HB 959—A bill to be entitled An act relating to ad valorem tax administration; creating s. 192.047, Florida Statutes; providing that an official postmark of an ad valorem tax return, exemption application, or application for special assessment filed by mail shall be considered the date of filing; providing for extension of filing deadlines which fall on a Saturday, Sunday, or legal holiday; providing an effective date.

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

By the Committee on Regulated Industries & Licensing and Representatives Hollingsworth and Williams—

HB 2040—A bill to be entitled An act relating to minors; creating s. 562.485, Florida Statutes, prohibiting minors from attending certain establishments licensed to sell alcoholic beverages which permit certain types of sexual conduct on the premises; providing a penalty; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1283 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative T. Lewis and others—

HCR 1283—A concurrent resolution recognizing the extraordinary accomplishments of the Palm Beach Junior College

basketball team and commending Coach Joe Ceravolo for his efforts in guiding the team to a state championship.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2137 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 2137—A bill to be entitled An act relating to the lease of buildings by state agencies; amending s. 255.21(3) and (4), Florida Statutes, and adding subsection (5) thereto, providing that state agencies, with respect to private sector leased space, shall be responsible for insuring compliance with rules promulgated by the Department of General Services with respect to special facilities for the physically handicapped; authorizing state agencies to conduct surveys and investigations deemed necessary to insure compliance; requiring each state agency to establish a committee to consider modification or waiver requests with respect to such facilities; amending s. 255.249(2)(b), (h), and (i), Florida Statutes, adding paragraphs (j) and (k) to subsection (2), and adding subsection (3) to said section, requiring the Department of General Services to adopt rules relating to procedures for soliciting and accepting competitive proposals for certain leased space, exemptions from such procedures, exemptions from full disclosure of certain beneficial and leasehold interests, methods for reporting certain exempted leases, and methods for certifying compliance with leasing criteria in certain circumstances; amending s. 255.25(2), (3), (4), and (5), Florida Statutes, and adding subsections (7) and (8) to said section, providing certification procedures for leases of less than 2,000 square feet of space; requiring state agencies to adopt rules to ensure compliance with leasing requirements; limiting application of certain leasing requirements; authorizing the Division of Building Construction and Property Management to approve extension of leases for limited periods in certain circumstances; authorizing the division to delegate certain authority relating to compliance with fire safety standards to ex officio agents of the State Fire Marshal; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2035 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 2035—A bill to be entitled An act relating to rights of patients; amending s. 394.459(9)(a), Florida Statutes; providing that a medical discharge summary of the clinical record of a patient committed to, or to be returned to, the Department of Offender Rehabilitation from the Department of Health and Rehabilitative Services will be furnished to the Department of Offender Rehabilitation without charge upon its request; providing for the confidentiality of such information; amending s. 394.50, Florida Statutes; establishing children's residential and day treatment centers under the supervision and control of the Department of Health and Rehabilitative Services; amending ss. 394.56-394.62, Florida Statutes; providing for voluntary admission, involuntary admission, transfer of records, fees for care and treatment, transfer of patients, discharge from a center, and age limits; repealing ss. 394.51, 394.52, 394.53, 394.54, and 394.55, Florida Statutes, relating, respectively, to employment of the director of the Children's Division of the South Florida State Hospital, and of other necessary personnel, to powers, duties, and compensation of the director and other employees, to bonds required of employees, and to removal of employees; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1052 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Elections and Representative Sadowski and others—

CS for HB 1052—A bill to be entitled An act relating to non-partisan elections for judicial officers; creating s. 105.085, Florida Statutes; providing for establishment of judicial campaign trust funds consisting of contributions to candidates for circuit and county court judge; providing for approval thereof; providing restrictions and limitations with respect thereto; providing for certain reports; providing that judicial campaign trust funds shall not be considered "political committees" or "committees of continuous existence"; providing for enforcement and penalties; providing for applicability; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2056 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 2056—A bill to be entitled An act relating to ad valorem tax administration; amending s. 192.001(2), Florida Statutes, to define "assessed value" with respect to agricultural lands and outdoor recreational or park lands; amending s. 192.032(2) and (3), Florida Statutes, relating to situs of property for assessment purposes, and transferring s. 196.0011, Florida Statutes, relating to goods-in-transit, to said section; adding subsection (4) to s. 193.062, Florida Statutes, providing date for filing of returns and applications when not otherwise specified by law; repealing s. 193.035(4), Florida Statutes, and creating ss. 193.086 and 193.087, Florida Statutes, to provide for valuation of operating property of railroad and railroad terminal companies and rolling stock of private car and freight line and equipment companies by the Department of Revenue; amending ss. 193.122(2), 194.032(6), and 194.181(2), Florida Statutes; revising procedures relating to challenges of decisions of the property appraisal adjustment board; providing for parties to tax suits; repealing s. 194.042, Florida Statutes, relating to procedures by which a property owner may challenge assessment value; repealing s. 195.027(4), Florida Statutes, relating to

requirements for tangible personal property tax returns, and amending subsection (3) thereof to provide for confidentiality of certain taxpayers' records to which the property appraisers, Department of Revenue, and Auditor General are allowed access under certain conditions; amending s. 196.011(2), Florida Statutes, to delete requirement for annual application for exemption for household goods and personal effects of residents; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1007 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rish—

HB 1007—A bill to be entitled An act relating to Sunland Recreational Park; providing an appropriation for the construction of phase VI of the park; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House HJR 424 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Margolis and Bloom—

HJR 424—A joint resolution proposing an amendment to Section 10 of Article VII of the State Constitution providing for the issuance of revenue bonds to promote trade, commerce, tourism related attractions, or essential services.

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

The Senate adjourned at 8:35 a.m. to convene at 8:30 a.m., Wednesday, May 24, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.