



Journal of the Senate

Number 35

Friday, May 26, 1978

The Senate was called to order by Senator Dunn 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 2050 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representatives Gordon and McKnight—

HB 2050—A bill to be entitled An act relating to the Medical Practice Act; creating s. 458.003, Florida Statutes, providing definitions; amending s. 458.01, Florida Statutes, providing that one member of the Board of Medical Examiners shall be a lay person; directing the Department of Legal Affairs to provide legal services to the board; amending s. 458.02(1), Florida Statutes, relating to the make-up of the boards; creating s. 458.022, Florida Statutes, creating a Committee on Medical Licensure and a Committee on Medical Discipline which shall compose the Board of Medical Examiners; amending s. 458.04(1), Florida Statutes, directing the President of the Board of Medical Examiners to designate members of the committees; increasing compensation of board members; providing for attendance at board meetings by legal counsel of the Department of Legal Affairs; amending ss. 458.05(1), (2), (3)(a), and (5) and 458.051(1) and (2), Florida Statutes, conforming language; amending s. 458.06(1) and (2), Florida Statutes, providing education requirements for license renewal; amending s. 458.09, Florida Statutes, conforming language; amending s. 458.11, Florida Statutes, providing for the division of powers among the committees and the Board of Medical Examiners; amending s. 458.1201(1)-(5), Florida Statutes, and adding a new subsection (6) thereto, providing that the Committee on Medical Discipline shall assess a fine of \$500 under certain circumstances; reducing the reporting period with respect to actions taken by the board; providing an additional ground for the discipline of physicians and providing that the Committee on Medical Discipline is charged with the authority of disciplining physicians; providing that the Committee on Medical Discipline shall make public all records gathered in connection with a complaint if legal counsel from the Department of Legal Affairs recommends to the committee that there may be probable cause for disciplinary action against a physician; amending s. 458.121(1)-(3) and (7), Florida Statutes, providing that the Board of Medical Examiners shall forward a complete statement of any complaint about a physician to the local medical society in the county in which the physician practices; providing for hearings; providing an effective date.

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

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1932 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HCR 1932—A concurrent resolution recognizing the twenty-second floor of the New Capitol Building as an area within the public domain, to be kept open for the free use and enjoyment of all the people of Florida.

—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 CS for HB 1068 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Richard and others—

CS for HB 1068—A bill to be entitled An act relating to retail theft; adding paragraph (d) to s. 812.014(2), Florida Statutes, requiring a written judgment and fingerprints in the record of judgment of guilty of petit theft; providing for admissibility as evidence; creating s. 812.015, Florida Statutes, providing definitions; providing minimum jail term for second convictions for certain theft; transferring s. 901.34, Florida Statutes, provisions relating to detention and arrest of persons by merchants or their employees or by peace officers; repealing s. 901.34, Florida Statutes, to conform to the act; providing an effective date.

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

The Senate recessed at 8:32 a.m.

The Senate was called to order by the President at 8:55 a.m. A quorum present—34:

Mr. President	Gorman	Peterson	Tobiassen
Barron	Hair	Poston	Trask
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Saylor	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	
Gordon	Myers	Thomas, Pat	

Excused: Senators Castor, Firestone, Jon Thomas, Winn, Plante

Prayer by the Rev. Thomas M. Johnston, Jr., pastor, Presbyterian Church of the Reconciler, Clearwater:

O, God, by whose laws we are judged and by whose love we are redeemed, help us to be just judges of the conduct of public servants.

We confess that we have all sinned and fallen short of your glory. Yet free us from the temptation to gloss over abuse of public trust or to use another as a sacrifice for sin that we must face.

Keep our standards high, our integrity pure, and our behavior beyond reproach.

May our judgment, as your judgment, be ultimately redemptive. In thy Holy Name, we pray. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following claims bills to be placed on the Special Order Calendar at a time certain to be announced Monday, May 29, 1978:

SB 356	HB 873	SB 1087	HB 1703
SB 421	HB 64	HB 1711	HB 2061
HB 898			

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Governmental Operations requests an extension of 7 days for consideration of the following:

SB 32 by Senator Jon Thomas	SB 822 by Senator Dunn CS for SB 868 by Committee on Judiciary Criminal and Senator Dunn
SB 76 by Senator Saylor (by request)	SB 894 by Senator Johnston (by request)
SB 82 by Senator Tobiassen	SB 898 by Senator Johnston (by request)
SB 95 by Senator Graham	SB 975 by Senator Jon Thomas
SB 173 by Senator Vogt	SB 977 by Senator Jon Thomas
SB 194 by Senator Vogt	SB 1208 by Senator Jon Thomas
SB 237 by Senator Glisson	SB 1221 by Senator Dunn
CS for SB 243 by Committee on Corrections, Probation and Parole and Senator Renick	SB 1264 by Senator Castor
SB 256 by Senator Dunn	SB 1293 by Senator Plante
SB 322 by Senators Tobiassen and Castor	SB 1297 by Senator Hair
CS for SB's 394 and 751 by Committee on Judiciary Criminal and Senators Williamson, Dunn and Graham	SB 1302 by Senator MacKay (by request)
SB 442 by Senator Gordon	HB 103 by Representative Batchelor and others
SB 424 by Senator Scarborough	CS for HB 332 by Committee on Judiciary and Representatives Kutun, Richard and others
SB 446 by Senator Firestone	HB 2110 by Committee on Standards and Conduct
CS for SB 731 by Committee on Education and Senator MacKay	
SB 821 by Senator Dunn	

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following:

SB 842 by Senators Plante and Dunn	SB 902 by Senator Chamberlin
SB 895 by Senator Johnston (by request)	HB 447 by Committee on Veterans' Affairs
SB 897 by Senator Johnston (by request)	

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 479 by Senator Firestone	SM 766 by Senator Glisson
SJR 745 by Senator Pat Thomas	

On motion by Senator W. D. Childers, the rules were waived and the Senate immediately reconsidered the vote by which—

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.

—passed on May 25.

Senator MacKay moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 1, line 31, insert after the “.”: The seller of a preneed funeral service or preneed burial supply contract may not cancel said contract unless the purchaser is in default.

Senator MacKay moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 7, after the semicolon insert: providing that a seller cannot cancel a contract unless the purchaser is in default;

HB 1981 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gorman	Poston	Trask
Barron	Hair	Renick	Vogt
Childers, Don	Henderson	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	Lewis	Skinner	Zinkil
Gallen	Myers	Spicola	
Glisson	Peterson	Tobiassen	

Nays—2

Gordon MacKay

On motion by Senator MacKay, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 824—A bill to be entitled An act relating to trespass; amending s. 810.09, Florida Statutes, providing for punishment thereof by the confiscation of any vehicle, equipment, or paraphernalia used in such violations; creating s. 810.115, Florida Statutes, relating to destruction or breaking down of fences belonging to or enclosing land of another; providing penalties for violation; providing an effective date.

—as amended passed on May 25.

On motion by Senator MacKay, the Senate reconsidered the vote by which CS for SB 824 was read the third time by title.

On motion by Senator MacKay, the Senate reconsidered the vote by which Amendment 1 was adopted.

Senator MacKay offered the following substitute amendment for Amendment 1 which was adopted:

Amendment 3—On page 1, strike lines 14-31, and on page 2, strike lines 1-16.

On motion by Senator MacKay, by two-thirds vote CS for SB 824 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Poston	Trask
Barron	Henderson	Renick	Vogt
Chamberlin	Holloway	Saylor	Ware
Childers, Don	Johnston	Scarborough	Williamson
Childers, W. D.	Lewis	Scott	Wilson
Dunn	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Pat	
Gorman	Peterson	Tobiassen	

Nays—1

Gordon

Senator W. D. Childers moved that the rules be waived and any matter on reconsideration on the calendar for this day be

left pending for consideration on May 29. The motion was adopted.

Senator W. D. Childers moved that the rules be waived and all bills passed May 25, unless immediately certified to the House, remain in possession of the Senate until the Senate adjourns May 29. The motion was adopted.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved as follows:

Page 535, counting from the bottom of column 1, between lines 13 and 14, insert:

On motion by Senator MacKay, by two-thirds vote CS for HB 1190 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

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

Page 434, counting from bottom of column 2, line 16, strike "918" and insert: 958

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 9:00 a.m. to convene at 8:30 a.m., Monday, May 29, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m.