



Journal of the Senate

Number 20

Monday, May 14, 1979

The Senate was called to order by Senator Carlucci 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. Senator Henderson represented the Committee on Rules and Calendar and the Minority Party.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HM 516 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Lippman and others—

HM 516—A memorial to the Congress of the United States, requesting Congress to urge the German Federal Republic to abolish or extend the statute of limitations relating to Nazi war crimes.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1423 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representative O'Malley—

CS for HB 1423—A bill to be entitled An act relating to the Florida Patient's Compensation Fund; adding paragraphs (f)-(i) to subsection (1) and amending s. 768.54(2)(b) and (e) and (3), Florida Statutes, 1978 Supplement; providing definitions; providing a limitation of liability under the fund per occurrence; providing a maximum amount for a health care provider's escrow account; increasing the persons to whom the limitation of liability afforded by the fund applies; providing that the fund shall pay claims arising out of activities of committees, as defined in the act; providing for assessments against hospitals under certain circumstances; vesting management of the fund in the board of governors thereof; prescribing membership of such board; providing for the establishment of certain fees by the Insurance Commissioner after consultation with the board; reducing the maximum amount of the fund; providing that certain documents and assets are subject to the authority of the board; designating the board as the administrator of certain investments; designating an agent for service of process; providing for conditional repeal; 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 Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 725 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gersten (by request)—

HB 725—A bill to be entitled An act relating to private school corporations; amending s. 623.12, Florida Statutes, relat-

ing to boards of directors of such corporations; providing for number of members, election, and terms thereof; providing for separate offices of secretary and treasurer and for other officers as specified by the bylaws or the board; ratifying actions of certain boards; providing for construction; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 575 and CS for HB 1104 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative T. F. Lewis—

HB 575—A bill to be entitled An act relating to emergency medical services; adding a subsection to s. 401.23, Florida Statutes, providing a definition; amending s. 401.46, Florida Statutes, including described organizations among those eligible to contract for certain services; including fire rescue services providing advanced life support services under certification requirements; specifying designation of fire rescue service vehicles; providing an effective date.

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

By the Committee on Agriculture and General Legislation and Representative Mica—

CS for HB 1104—A bill to be entitled An act relating to housing; amending s. 420.201(5), Florida Statutes, deleting reference to the term "rural"; amending s. 420.20, Florida Statutes, renaming the Florida Rural Housing Land Acquisition and Site Development Assistance Act of 1974; amending s. 420.202(2) and (4), Florida Statutes, redefining the terms "eligible borrower" and "fund" for the purposes of the act; amending s. 420.203, Florida Statutes, providing for the Revolving Land Acquisition and Site Development Trust Fund; providing for the reversion of funds; amending s. 420.204(1), Florida Statutes, deleting reference to the term "rural"; amending s. 420.205(1)(c) and (2), Florida Statutes, providing that a pledge of unencumbered revenues of an eligible borrower shall not be reasonable security under the act; eliminating the value of the property as improved with the loan as a factor in computing loan limitations under the act; revising loan limitations; including described sources from which excess amounts of funds may be recovered; amending s. 420.211, Florida Statutes, extending the life of the act; repealing s. 420.207(2), Florida Statutes, relating to loans defaulted upon by local governments; repealing s. 420.202(6), Florida Statutes, relating to the definition of the term "rural areas"; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 182 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Easley and others—

HB 182—A bill to be entitled An act relating to retardation; amending s. 393.063 (6), Florida Statutes, to delete the age

of onset in the definition of the term developmental disability; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 509 HB 715 CS for HB 510

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Watt—

HB 509—A bill to be entitled An act relating to life and disability insurance; amending s. 626.9705(2), Florida Statutes, redefining the term "severe disability" to include neurosensory deafness; providing an effective date.

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

By Representative J. W. Lewis—

HB 715—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 627.7286, Florida Statutes, 1978 Supplement, providing that the driving experience of a person operating a bus with respect to certain private sector bus companies, insofar as such driving experience is reflected in the person's point accumulation under Florida law, shall not be a factor in the removal of his personal motor vehicle liability coverage or in the setting of rates therefor; providing for conditional repeal; providing an effective date.

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

By the Committee on Judiciary and Representative Hector—

CS for HB 510—A bill to be entitled An act relating to landlord and tenant law; creating part IV of chapter 83, Florida Statutes, consisting of ss. 83.801 through 83.808, Florida Statutes, entitled the "Mini-self-storage Landlord and Tenant Act"; providing for the application of the act; providing definitions; providing that rental agreements under the act impose an obligation of good faith on the parties; providing for a mini-self-storage owner's lien for rent; providing remedies for mini-self-storage owners; providing for postjudgment procedures; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 302 and HB 538 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Morgan, Price and others—

HB 302—A bill to be entitled An act relating to district school systems; amending s. 230.23(5)(h), Florida Statutes, 1978 Supplement, increasing the maximum limits of certain awards which may be made to personnel of the district school systems; adding s. 230.754(2)(k), Florida Statutes; permitting the board of trustees of a community college to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to implement a program of awards to employees who propose procedures which are adopted and which result in reduced expenditures or improved operations; adding s. 240.042(2)(r), Florida Statutes; authorizing the Board of Regents to provide for recognition of employees who have contributed outstanding service in their fields, to adopt and implement a program to provide awards to employees who propose procedures which are adopted which eliminate or reduce expenditures or improve operations, and to expend funds

for such awards; limiting the amount of any such award; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Representative Hall and others—

HB 538—A bill to be entitled An act relating to compulsory school attendance; amending the introductory paragraph of s. 232.09, Florida Statutes, and subsection (2) thereof, prohibiting criminal prosecution with respect to nonattendance of children under certain circumstances; deleting an exception to parental responsibility for a child's nonattendance at school; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1713 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Easley and others—

HCR 1713—A concurrent resolution recognizing the exemplary career and accomplishments attained by Rebecca A. Doyle, American Business Woman of the Year for 1978-1979.

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

The Honorable Philip D. Lewis, President

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

HB 1674 HB 1675 HB 1676 HB 1677

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Rules & Calendar—

HB 1674—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.075, 11.60(2)(i), 13.211(6), 13.241, 17.075, 18.11(1)(g), 27.36(4), 27.37(8), 27.56(1)(a), (3), (6), (7), 27.562, 30.09(4), 34.041(1), 61.1304(9), 61.1306(5), (10), 69.021(1), 73.071(3)(c), 83.49(4), 83.770, 83.776(2), 83.784(4), 97.021(6), (9)(a), 97.063(1), 98.212(3), 99.021(1)(a), 99.092(3), 99.095(3), (4), 100.111(3)(a), 101.031(2), 101.141, 101.151, 101.21(1), 101.22, 101.27(4), 101.47(12), 101.5609(6), 101.5612(1), 101.62(3), (4), 101.68(2), 101.73, 102.012(1), (2), 102.061, 102.071, 102.131, 102.141(3), 102.166, 102.168, 103.121(1)(g), 104.061, 104.071(2), 104.29, 105.041(2), 106.021(1)(c), 106.04(5), 106.07(4)(a)-(c), (e), (g), (h), 106.141(8), 106.15(2), 106.19(2), 106.24(2), 106.29(1), 112.045(2)(b), 112.08(1), (2), 114.04, 120.63(2)(b), 125.0103(5)(c), 125.0104(3)(c), (i), (4)(e), (5)(a), 129.02(2), 154.03(2), 163.357(2), 163.367(2), 163.385(3), 163.387(1)(b), (3), (4), 163.400(1)(d), 163.708(3), 177.503, 177.507(5), 196.0011(4), 196.032(3)(a), 196.1975(4)(a), 196.1976, 197.361, 200.011(6), 201.08(1), 201.23(2)(b), 205.171(3), 211.33(1)(b), 215.515(1), 216.141(2), 233.16(1), 235.018, 235.055(1), (2), 235.19(4), 235.31(2)(c), (e), (5), 235.4235(2), 239.56(1), 239.58(4), 239.685(7), 239.686(2), 240.103(2), 240.191(5), 246.101, 246.207(1)(j), 250.10(1)(j), 258.30(2)(g), 286.26, 287.084, 289.031(8), 292.11(4), 292.12, 316.1955(1), (2)(b), (4), (6), 316.530(3), 320.0806(1), 320.13(1)(a), 320.60(1), 323.03(9), 323.06(1), 323.22(2), 323.29(7), 324.011, 324.021(1), 334.03(22)-(24), 336.03(2), 336.63(3)(a), 364.05(4), 372.9905, 373.209(3)(b), 373.563(6), 380.06(2)(b), (4)(a)-(c), (7)(b), (h), (12)(b), 382.16(5)(b), 382.17(1), (2), 383.19(1), 393.063(8), (10), 393.067(2)(f), 393.11(2)(c), (e), 394.4781(3)(b), 394.69(4), 395.045(2), 403.101(3), 403.851(2), 403.855(2), 403.859(6), 403.861(1), 403.862(3), 403.863(6), 413.012(1), 413.013, 413.031(1)(a), 413.051(1), 413.069, 413.08(4)(c), 443.04(5)(a), 443.16(2)(d), 447.02(1), 447.203(4)(a), 447.205(10), 447.207(2), 447.301, 447.403(4), 448.09(3), 455.016(1), 458.131(1)(b), 458.24(2), 466.37, 468.106(1), (3)(a)-(d), 474.49(2), 475.17(4), 483.285(2), 483.291(3), 494.044(3), 494.08(3), 494.081, 501.138(1), 509.404, 509.410, 517.355(2), 517.359(2), (4), (5), 520.07(4), 520.34(7), 535.11(5),

540.11(3)(a), (4), 542.13(1)(b), 550.181(1)(a), (3), 552.22(1), 553.73(2), (6), 553.89(2)(a), 555.01, 555.08, 570.30, 588.13(3), (4), 590.02(4)(d), 607.224(1)(a), 618.221, 626.740(1), 626.9551(2), 631.397(3), 633.44, 634.313(1), 634.323(2), 639.07(1), 639.10(2)(c), 639.11(1), 639.17, 651.015(1), 651.026(4)(i), (8), 651.081, 651.085, 651.095(1), (3), 657.061(3)(b), 658.10(3)(b), 659.291(1), (2), 659.67(7)(c), (9)(c), (12), 687.12(1), 713.31(2)(c), 717.195, 718.123(1), 718.124, 718.301(1), 719.109(1), 719.110, 731.302, 732.504(2), 732.505(1), 733.602(1), 733.612(2), (13), 733.802(1), 733.817(1), 734.104, 735.301(1), 738.04(2), 738.06(2), 738.07(2), 741.041, 741.24(1), 744.441(2), (3), (7), (14), 744.444(4), 768.043(2)(c), (d), (3), 768.28(13), 768.40(1), 768.41(1), (4), 768.50(2)(c), 775.089(2), 776.08, 782.04(1)(a), (3), (4), 800.04, 812.012(2)(d), (9), 812.035(3)(c), (8), (10), 812.037, 918.15(3), 925.10(1)(b), 936.003(1), (2), 943.22(1)(b), (2)(g), 943.461(1)(a), 943.464(8), (10), 943.512(2)(d), 943.585(2), 947.181(2), 959.24(1), 960.06(1)(e), 960.09(3), 960.13(6), 960.14, 960.17(1), 960.20, and 960.21(2), Florida Statutes, and ss. 13.261(12), 28.24(9)(a), (29), 28.2401(4), 105.031(4), 106.14(4), 106.26(6), (7), (8), (12), 120.54(12)(a), 163.704(2), 212.031(1)(b), (5), 212.08(2), 235.26(1), 288.34(1)(c), 288.39(5)(b), 320.01(18)(b), 320.08(3)(b), 335.02(3), (4), 335.04(5), 337.25(2), (5), 372.57(19), 372.99(2)-(4), 381.493(3)(j), 394.86(2), 403.061(25), 410.034, 410.105, 410.107, 410.108(1), 410.109, 440.20(11)(c), 440.25(4)(b), 443.03(3), (4), (12), (13)(a), (14), 443.06(1)(b), 443.07(1), (2), (3)(d), 443.08(1), (2)(a), (3)(a), (4)(a), (e), 446.101(4), 459.225(9), 461.08(1)(d), 468.112(2)(c), 517.351(8), (9), 601.9914(4), (5), (6)(a), 626.989(3), 627.311(4), 627.736(2)(b), (5), (6)(b), (c), 627.7375(1)(a), 687.03(3), and 943.12(1), Florida Statutes (1978 Supplement), to conform said sections and subunits of sections to editorial additions or substitutions marked by bracketed insertions, and editorial deletions marked by ellipsis, in the Florida Statutes 1977 in order to remove inconsistencies, redundancies, and unnecessary repetition in the statutes and to otherwise improve the clarity of the statutes and facilitate their correct interpretation; creating ss. 166.043, 459.031, 459.24, and 460.263, Florida Statutes, to ratify the duplicate publication of ss. 1-6 of ch. 77-50, s. 4 of ch. 77-398, ss. 2-4 of ch. 77-30, and s. 4 of ch. 77-398, Laws of Florida, respectively.

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

By the Committee on Rules & Calendar—

HB 1675—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 231.07, 526.111(1), and 839.11, Florida Statutes, and s. 323.31(6), Florida Statutes (1978 Supplement), to conform them to judicial decisions holding parts of said provisions unconstitutional; repealing ss. 123.09, 123.20, 561.14(4), 768.05, 768.06, 812.14(3), 839.25(1)(c), 849.06, and 867.01, Florida Statutes, to conform to judicial decisions holding said provisions unconstitutional; repealing s. 839.07, Florida Statutes, to conform to judicial decision holding said section repealed by implication; and repealing s. 924.03, Florida Statutes, to conform to judicial decision holding said section superseded by appellate rule.

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

By the Committee on Rules & Calendar—

HB 1676—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.149, 20.10(2), 26.011(1), 27.52(2)(b), 48.151(5), 57.091, 61.191(1), (2), 83.780(1), 112.045(1), (2)(c), (3)(a), 121.011(3)(e), 163.612(3), 177.011, 200.132(1), 211.17, 213.05, 214.71(3)(b), 215.321, 215.48, 218.32(4), 228.091(1), (2), 229.808(2), 240.042(1), 241.461(1), 288.24(2), 298.401(1), 320.0843(1), 320.824(1), 334.01, 350.79, 367.141, 370.153(8)(c), 399.05(1)(b), 399.06(3), 401.36, 413.20, 413.23, 413.29, 413.31, 413.32(2), 413.36, 443.09(1)(b), (c), (2)(a), 447.601, 447.603, 455.001(1), (3), 468.187(1), 473.07(1), 483.051(5), 494.04(5), 516.03(2), 520.03(3), 520.32(2), 520.52(2), 520.65(9), 562.39(1), 617.532(3), 620.27, 627.826(2), 639.10(1), 651.011(4),

651.121(4), 674.106, 680.104(2), 717.30, 790.06(3), 817.43, 817.45, 876.50, 893.02(10), 893.12(1)(a), (c), and 945.161, Florida Statutes, and ss. 20.18(3), 23.146(1)(c), 39.01(25), 39.03(2), 39.031(4), 39.11(1)(b), 39.12(4), 39.41(1)(d), 39.411(4), 61.13(2)(b), 100.041(3)(a), 122.07(4), 161.053(11), 170.01, 196.041, 212.08(12), 230.66(5), 235.435, 236.081(6)(c), 246.203(6), 295.14(1), 370.01(18), 370.101(3), 370.12(2)(f), (g), (h), 372.57(19), 372.921(3)(b), 373.033(4), 375.314(2), 380.055(4), 403.061(14), 403.088(1), 403.415(8), (9), 409.145(2)(a), (b), 409.165(3), 409.345(5)(b), 410.021, 410.031, 410.032, 410.033, 410.10, 410.102, 410.103(2), 440.37(2)(b), 475.451(2)(d), 477.038, 479.02, 487.031(10), 496.03(10), 496.105, 517.021(11), 517.081(3)(b), 517.12(9), 550.48(4)(b), 581.185(3)(d), 627.351(4)(a), 637.141, 637.301, 665.710(3), 812.015(1)(b), (5), 817.52(1), 827.07(4)(c), 872.04(1), 934.03(2)(g), 943.25(3), (9)(a), 943.405(1), (2), 947.135(3), 947.16(3)(d), (f), and 947.173(2), Florida Statutes (1978 Supplement); repealing ss. 18.11(4), 20.30(5)(h), (i), 121.052(8), 196.011(3), (5), 197.111(2), 197.341, 199.025, 220.66, 238.09(5)(e), 240.031(2), 241.361(2), 241.755(5), 298.401(3), 298.79, 318.22(7), 370.02(3)(a), 371.65(2), 377.05, 381.502, 403.4152, 403.864(3), 443.10(6), 455.01(26), (29), 466.09(6), 483.041(7), 493.24, 493.27, 493.55, 550.035, 550.062, 550.063, 550.064, 918.017, 941.48, 944.062(2), 944.071, and 959.022(3), Florida Statutes; and reenacting ss. 106.07(1)(a), 125.0105, 166.251, 323.05(4), 324.061(1), 324.071, 336.59(2), 381.494(1), 393.064, and 466.14(4), Florida Statutes, and ss. 103.091(1), (4), 236.081(5), 320.06(2), 325.19(7), 372.072(3)(c), 373.33(3), 468.1279, 476.174(2), 476.204, 476.254, 516.07(1), 516.22(2), 601.9909(2), and 627.736(1), Florida Statutes (1978 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have been held invalid by a court of last resort, have had their effect, or have served their purpose; replacing incorrect cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming duplicate publications and the restoration of provisions inadvertently omitted from republication in the amendatory process.

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

By the Committee on Rules & Calendar—

HB 1677—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 457.011, 457.021, 457.031, 457.041, 457.051, 457.061, 457.071, 457.081, 457.10, 457.11, 457.12, 457.13, 457.14, 457.15, 457.16, 476.01, 476.02, 476.03, 476.031, 476.04, 476.05, 476.06, 476.061, 476.065, 476.07, 476.071, 476.072, 476.08, 476.09, 476.10, 476.11, 476.12, 476.13, 476.14, 476.16, 476.17, 476.18, 476.19, 476.20, 476.21, 476.22, 476.221, 476.222, 476.23, 476.24, 476.25, 476.26, 476.27, 476.28, 476.29, 476.30, 476.31, 476.32, 476.34, 489.01, 489.02, 489.03, 489.04, 489.05, 489.06, 489.061, 489.07, 489.08, 489.09, 489.10, 489.11, 491.01, 491.02, 491.03, 491.04, 491.05, 491.06, 491.08, 491.09, 491.10, 491.11, 491.12, 491.13, 491.14, 491.15, 491.16, 491.17, 491.18, 491.19, 514.01, 514.08, 537.01, 537.02, 537.03, 537.04, 537.05, 537.06, 537.07, 537.08, 537.09, 537.10, 537.12, and 633.544, Florida Statutes, which sections were repealed by s. 3, ch. 76-168, Laws of Florida, as amended by s. 1, ch. 77-457, Laws of Florida, effective July 1, 1978, but which sections were not repealed by a "current session" of the Legislature, as is required by s. 11.242(5)(b), Florida Statutes, in order for such sections to be omitted from publication in Florida Statutes 1979 without further legislative action.

—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., Tuesday, May 15, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.