

4-8-1969

Session Law 69-135

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>69-135</i>		Sec. #	LOF cite
Prime Bill # <i>SB. 68</i>		Comp./Sim. Bills <i>HB. 25</i>	
JLMC Hist. Cites	Senate	Comms. of Ref.	Senate <i>Judic; Comm. & Lic. Bus</i>
	House		House <i>Commerce; F&T (w/d)</i>

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	v
H	Commerce	1969	<i>E files begin w/ 1973 session</i>		
S	Judic	1969	<i>"A.S. Johnston's files" Subc Jurisprudence, 1969-70</i>	<i>18/293</i>	<i>Ø</i>
"	"	"	<i>Subc. summaries of prefiled bills: Jurisp.</i>	<i>18/295</i>	<i>?</i>
"	"	"	<i>Bill files: SB. 68 (copy of bill/no SA)</i>	<i>18/296</i>	<i>Ø</i>
"	<i>Com + L.B</i>	1969	<i>Comm Reports on various bills (pro forma)</i>	<i>18/7</i>	<i>Ø</i>
<input type="checkbox"/> continued on reverse					

Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

3

Journals

of the

House of Representatives

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ORGANIZATION SESSION

and

FIRST REGULAR SESSION

of the

FIRST LEGISLATURE

[under the Constitution as Revised in 1968]

NOVEMBER 12, 1968

and

APRIL 8, 1969, through JUNE 6, 1969

[Including a record of transmittal of Acts to the Governor subsequent to sine die adjournment]

shall always be in order. No report of the Committee on Rules & Calendar shall be received by the House unless same shows a quorum of the Committee present in person and a majority of those present agreeing on said report.

15.4—Unless otherwise indicated by these Rules, all action by the House shall be by majority vote of those Members present.

15.5—Whenever in these Rules reference is made to "two-thirds of those present", "two-thirds vote", "two-thirds of the House", "two-thirds of those voting", etc., these shall all be construed to mean two-thirds of those Members present, except that two-thirds of its membership shall be required to consider additional proposed legislation in any extended Session in accordance with Article III, Section 3(d) of the Constitution.

15.6—When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning:

- (a) The singular always includes the plural.
- (b) The masculine always includes the feminine.

On motion by Mr. Rowell, the above report and the attached Rules were adopted.

Appointment of Standing Committees

The Speaker announced the appointment of the standing committees:

AD VALOREM TAXATION (Group II)

D'Alemberte, Taibot "Sandy", Chairman
 Fleece, William H., Vice Chairman
 Bassett, E. Pope Gorman, William D.
 Bird, Richard A. Hector, Robert C.
 Blackburn, Ed, Jr. MacKay, Kenneth H., Jr.
 Clark, John R. Mixson, Wayne
 Crabtree, Granville H., Jr. Tyrrell, Gordon W.
 Davis, Charles E., Jr.

AGRICULTURE (Group I)

Lancaster, Howell E., Chairman
 Mixson, Wayne, Vice Chairman
 Alvarez, Ted Dixon, R. Earl
 Baumgartner, George I. Hector, Robert C.
 Bothwell, Cecil L., Jr. Jordan, John
 Culbreath, John R. McNulty, Clifford A.

APPROPRIATIONS (Group III)

Turlington, Ralph D., Chairman
 Reed, Donald H., Jr., Vice Chairman
 Conway, William R. Gallen, Tom
 Crider, John Gorman, William D.
 Dubbin, Murray H. Graham, Robert
 Fortune, Edmond M. Grizzle, Mary R.

Gustafson, Joel K. Redman, James L.
 Harris, Marshall S. Savage, John J.
 Holloway, Vernon C. Sessums, T. Terrell
 Middlemas, John Robert Shaw, Eugene F.
 Miers, Miley Smith, Ken
 Powell, William E. Tillman, Jim K.
 Randell, Ted Wolfson, Louis II

BANKS & LOANS (Group V)

Stevens, Tommy, Chairman
 Hartnett, Robert C., Vice Chairman
 Culbreath, John R. Redman, James L.
 Gillespie, William M. Shaw, Eugene F.
 King, Charles J. Stafford, Don H.
 Nergard, Charles

CITRUS (Group IV)

Bevis, William H., Chairman
 Fulford, W. E., Vice Chairman
 Blackburn, Ed, Jr. Reedy, W. H.
 Davis, Charles E., Jr. Wilson, Roger H.
 Moudry, Raymond J.

CLAIMS

Tucker, Donald L., Chairman/Coordinator
 (Subcommittees to be selected on ad hoc basis by Speaker from entire membership of House)

COMMERCE (Group I)

Dubbin, Murray H., Chairman
 Register, William M., Jr., Vice Chairman
 Andrews, William C. Martinez, Elvin L.
 Brantley, Lew Murphy, Jack
 Caldwell, George L. Pettigrew, Richard A.
 Clark, Dick Prominski, Henry J.
 Crider, John Shaw, Eugene F.
 Fulford, W. E. Singleton, Carl A.
 Gallen, Tom Sweeny, James H., Jr.
 Gillespie, William M. Whitson, Ed S., Jr.
 Glisson, James A. Wood, Leonard V.
 James, William G.

CONSERVATION (Group III)

Craig, A. H., Chairman
 Whitson, Ed S., Jr., Vice Chairman
 Arnold, Lynwood Melvin, J. G.
 Baumgartner, George I. Moudry, Raymond J.
 Chapman, Joe Renick, Dick
 Clark, Dick Roberts, William G.
 Fulford, W. E. Robinson, A. S. Jim
 Hess, Roy L. Tillman, Richard J.

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Journal
of the
SENATE
State of Florida

FIRST REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 8 THROUGH JUNE 6, 1969



JOURNAL OF THE SENATE

Beginning the First Regular Session of the First Legislature convened under the Constitution as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the eighth day of April A.D., 1969, being the day fixed by the Constitution of the State of Florida for the convening of the Legislature.

Tuesday, April 8, 1969

The Senate was called to order by Senator John E. Mathews, President of the Senate, at 11:00 a.m. The Secretary of the Senate, Edwin G. Fraser; and the Sergeant at Arms of the Senate, LeRoy Adkison, being at their posts.

By direction of the President the roll was called and the following Senators were recorded present:

Mr. President	de la Parte	Knopke	Slade
Askew	Ducker	Lane	Stolzenburg
Bafalis	Fincher	McClain	Stone
Barron	Friday	Myers	Thomas
Barrow	Gong	Ott	Trask
Beaufort	Gunter	Pope	Weber
Bishop	Haverfield	Poston	Weissenborn
Boyd	Henderson	Reuter	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Sayler	Young
Daniel	Johnson	Scarborough	
Deeb	Karl	Shevin	

46. A quorum present.

Excused: Senators Plante and Bell.

Prayer by the Senate Chaplain, Reverend Alva H. Brock, Pastor of Ortega Methodist Church, Jacksonville:

"Trust in the Lord with all your heart and do not rely on your own insight. In all your ways acknowledge him and he will make straight your paths." Proverbs 3:56

God of our Fathers, our God, whose Almighty Hand has brought us to this high hour—we praise you, we thank you, we love you, we do seek your divine guidance.

May these your servants elected by the people have: the wisdom to see the direction in which our state should move, the insight to grasp the nature of our problems and our opportunities, the courage to follow the highest that they know, the imagination to walk in new paths, the power to think creatively and unselfishly, the capacity to love mercy, to do justly, and to walk humbly with you, O God.

Especially sustain the President, John Mathews, the officers and the members of the Senate in the tedious details their responsibilities require. Strengthen them by your spirit, encourage them with your love and joy. Help them to listen for your leading in their own souls, in each other, and in their fellow citizens. May they carry on their work with a deep awareness that it is your work, that you are in this place and what they do is done as unto you. May it be done to your Glory, O God, and to the good of all of our citizens. Thank you Father, for hearing and answering this prayer in the powerful name of Jesus. Amen.

Senator Askew led the Senate in the pledge of allegiance to the flag of the United States of America.

The President reaffirmed the appointment of the following standing committees and subcommittees:

AGRICULTURE

Senator Thomas, Chairman; Senator Gunter, Vice-Chairman; Senators Bafalis, Bishop, Slade and Williams.

Citrus Subcommittee: Senator Gunter, Chairman; Senators Barron, Karl, Stolzenburg and Trask.

COMMERCE AND LICENSED BUSINESSES

Senator Barrow, Chairman; Senator Karl, Vice-Chairman.

Financial Institutions and Consumer Protection Subcommittee: Senator Karl, Chairman; Senators Beaufort, Poston, Scarborough and Weber.

Licensed Businesses Subcommittee: Senator Saunders, Chairman; Senators Barrow, Henderson, Horne and Thomas.

CONSTITUTIONAL AMENDMENTS AND REVISION

Senator Askew, Chairman; Senator de la Parte, Vice-Chairman; Senators Ducker, Gong, McClain, Shevin, Weissenborn and Young.

EDUCATION

Senator Boyd, Chairman; Senator Broxson, Vice-Chairman.

Public Schools Subcommittee: Senator Broxson, Chairman; Senators Boyd, Chiles, Johnson and Lane.

Universities and Colleges Subcommittee: Senator Haverfield, Chairman; Senators Barrow, Saunders and Wilson.

Junior Colleges and Vocational-Technical Subcommittee: Senator Williams, Chairman; Senators Bell, Karl and Ott.

GOVERNMENTAL ORGANIZATION

Senator Hollahan, Chairman; Senator Daniel, Vice-Chairman.

State Government Subcommittee: Senator Daniel, Chairman; Senators Chiles, Deeb, Hollahan, Myers, Plante and Trask.

Local Government Subcommittee: Senator Gong, Chairman; Senators Bafalis, Knopke, Sayler, Shevin, Slade and Trask.

HEALTH, WELFARE, AND INSTITUTIONS

Senator de la Parte, Chairman; Senator Askew, Vice-Chairman.

Mental Health, Retardation, and Institutions Subcommittee: Senator de la Parte, Chairman; Senators Askew, Broxson, Poston, Johnson and Reuter.

Health and Welfare Subcommittee: Senator Myers, Chairman; Senators Deeb, Lane, Haverfield and Scarborough.

INSURANCE

Senator Barron, Chairman; Senator Scarborough, Vice-Chairman; Senators Bafalis, Deeb, Knopke, Ott and Reuter.

JUDICIARY

Senator Horne, Chairman; Senator Ott, Vice-Chairman.

Law and Order Subcommittee: Senator Ott, Chairman; Senators Bell, Bishop, Friday and Wilson.

Jurisprudence Subcommittee: Senator Shevin, Chairman; Senators Gong, Hollahan, McClain and Sayler.

Labor and Industrial Relations Subcommittee: Senator Fincher, Chairman; Senators Barrow, Daniel, Horne and Stone.

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fees.—No provision for the payment of attorney's fees, or charge for exchange or similar charge shall render such instrument subject to the terms of any statute of this state, limiting the amount of interest which shall be charged on such instrument.

History.—§2, ch. 4874, 1895; GS 3107; RGS 4853; CGL 6940.

687.06 Attorney's fee in enforcing non-usurious contracts; proviso; insurance premiums; attorney's fee provided in note.—This chapter shall not be so construed as to prevent provision for the payment of such attorney's fees as the court may determine in cases brought before the court to be reasonable and just for legal services rendered in enforcing nonusurious contracts, either at law or in equity; provided, that no attorney's fees shall be allowed in any court of the justice of the peace for a sum to exceed five dollars; provided further, that this chapter shall not be construed so as to prohibit mortgagees from contracting for or collecting premiums for insurance actually issued on the property mortgaged, with the usual loss payable or mortgage clause attached thereto; provided further, that it shall not be necessary for the court to adjudge an attorney's fee, provided in any note or other instrument of writing, to be reasonable and just, when such fee does not exceed ten per cent of the principal sum named in said note, or other instrument in writing.

History.—§4, ch. 5960, 1909; §1, ch. 6870, 1915; RGS 4854; CGL 6941.

687.07 Forfeiture and penalty in case of excessive interest or charges.—Any person, or the agent, officer or other representative of any person, lending money in this state who shall willfully and knowingly charge or accept any sum of money greater than the sum of money loaned, and an additional sum of money equal to twenty-five per cent per annum upon the principal sum loaned, by any contract, contrivance or device whatever, directly or indirectly, by way of commissions, discount, exchange, interest, pretended sale of any article, assignment of salary or wages, inspection fees or other fees or otherwise, or for forbearing to enforce the collection of such moneys or otherwise, shall forfeit the entire sum, both the principal and interest, to the party charged such usurious interest, and shall be deemed guilty of a misdemeanor, and on conviction, be fined not more than one hundred dollars, or be imprisoned in the county jail not more than ninety days.

History.—§5, ch. 5960, 1909; RGS 4855, 5689; CGL 6942, 7903.

cf.—§775.06 Alternative punishment.

687.08 Persons lending money to give borrower receipt for payments; contents of receipt; penalty for violation.—Every person, or the agent, officer, or other representative of any person, lending money in this state upon security shall, whenever the borrower of such money makes payment of any money, either

principal or interest, immediately upon such payment being made, give to said borrower, a receipt, dated of the date of such payment, which receipt shall state the amount paid and for what such payments is made. If such payment is for interest on the sum borrowed, the receipt shall so state. If the sum so paid is to be applied to the payment of the principal sum borrowed, the receipt shall so state. All such receipts shall be duly and properly signed by the person, or the agent, officer or other representative of the person, to whom such money is paid. Whoever refuses, upon demand, to give a receipt complying with the requirements of this section shall forfeit the entire interest upon said principal sum to the borrower.

History.—§6, ch. 5960, 1909; RGS 4856; CGL 6943. cf.—§1.01(3) "Person" defined.

687.09 Persons accepting chattel mortgage as security for loans under one hundred dollars to cause amount as principal, etc., to be inserted.—Every mortgagee accepting a mortgage on personal property as security for the repayment of a loan of money less than one hundred dollars shall cause to be stated in such mortgage, separately and distinctly, the several amounts secured as principal, interest and fees, and any mortgagee willfully violating the provisions of this section shall forfeit all interest and fees secured by such mortgage, and be entitled to recover only the principal sum.

History.—§7, ch. 5960, 1909; RGS 4857; CGL 6944.

687.10 Not applicable to chartered banks, trust companies, building and loan associations, savings and loan associations, or insurance companies.—The provisions of §§687.08 and 687.09 shall not apply to chartered banks, state or national, trust companies, building and loan associations or to savings and loan associations, whether chartered under state or federal statutes, or insurance companies.

History.—§8, ch. 5960, 1909; RGS 4858; CGL 6945; §1, ch. 59-50.

687.11 Interest rates; individuals secondarily liable on corporate obligations.—

(1) No individual secondarily liable as endorser, guarantor, surety, or otherwise on any corporate obligation shall be required, in any proceeding for collection of interest in the courts of this state, to pay any interest in excess of ten per cent per annum, and any interest claimed therein against such individual in excess of ten per cent per annum shall be forfeited; and no corporation, in any such proceeding in the courts of this state where the interest is proven to exceed fifteen per cent per annum, shall be required to pay any interest, and in such event all interest shall be forfeited.

(2) All laws or parts of laws in conflict herewith and all other statutory penalties for usury applicable to loans to corporations are hereby repealed.

(3) The provisions of this act shall not be construed to repeal, modify or limit any or ei-

ther of the tory law or governing the interest made purs