4-8-1969

Session Law 69-135

Florida Senate & House of Representatives

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### COMMITTEE RECORDS

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<th>H/S</th>
<th>Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
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<td>H</td>
<td>Commerce</td>
<td>1969</td>
<td><em>file, begin of 1973 session</em></td>
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<td>S</td>
<td>Judic</td>
<td>1969</td>
<td>&quot;A.S. Johnston's files&quot;</td>
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<td>Subc. Summary of prefiling bills: Juris.</td>
<td>18/296</td>
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<td>Bill files: 58, 68 (copy bill/no STA)</td>
<td>18/7</td>
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<td>Committee on various file (pre form)</td>
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### Senate/House Journals

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### Committee/Floor Tapes

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### Other Documentation

Record Series Title, folder title, etc. | Location Cite
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**NOTES**
Journals
of the
House of Representatives

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
Bird, Richard A.
Blackburn, Ed, Jr.
Clark, John R.
Crabtree, Granville H., Jr.
Davis, Charles E., Jr.

AGRICULTURE (Group I)
Lancaster, Howell E., Chairman
Mixson, Wayne, Vice Chairman
Alvarez, Ted
Baumgartner, George I.
Bothwell, Cecil L., Jr.
Culbreath, John R.

APPROPRIATIONS (Group III)
Turlington, Ralph D., Chairman
Reed, Donald H., Jr., Vice Chairman
Conway, William R.
Crider, John
Dubin, Murray H.
Fortune, Edmond M.
Gustafson, Joel K.
Harris, Marshall S.
Holloway, Vernon C.
Middlemas, John Robert
Miers, Miley
Powell, William E.
Randell, Ted

BANKS & LOANS (Group V)
Stevens, Tommy, Chairman
Hartnett, Robert C., Vice Chairman
Culbreath, John R.
Gillespie, William M.
King, Charles J.
Nergerd, Charles

CITRUS (Group IV)
Bevis, William H., Chairman
Fulford, W. E., Vice Chairman
Blackburn, Ed, Jr.
Davis, Charles E., Jr.

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

COMMERCE (Group I)
Dubin, Murray H., Chairman
Register, William M., Jr., Vice Chairman
Andrews, William C.
Brantley, Lew
Caldwell, George L.
Clark, Dick
Cridger, John
Fulford, W. E.
Gallen, Tom
Gillespie, William M.
Glisson, James A.
James, William G.

CONSERVATION (Group III)
Craig, A. H., Chairman
Whitson, Ed S., Jr., Vice Chairman
Arnold, Lynwood
Baumgartner, George I.
Chapman, Joe
Clark, Dick
Fulford, W. E.
Hess, Roy L.

Redman, James L.
Savage, John J.
Sessums, T. Terrell
Shaw, Eugene F.
Smith, Ken
Tillman, Jim K.
Wolfson, Louis II
Redman, James L.
Shaw, Eugene F.
Stafford, Don H.
Wilson, Roger H.
Moudry, Raymond J.
Reedy, W. H.

Sweeney, James H., Jr.

Wood, Leonard V.

Melvin, J. G.
Moudry, Raymond J.
Renick, Dick
Roberts, William G.
Robinson, A. S. Jim
Tillman, Richard J.
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
Askwor  Ducker  Lane  Stolzenburg
Bafalis  Fincher  McClain  Stone
Barron  Friday  Myers  Thomas
Barrow  Gong  Ott  Trask
Beaufort  Gunter  Poppe  Weber
Bishop  Haverfield  Poston  Weissenborn
Boyd  Henderson  Reuter  Williams
Broxson  Hollahan  Saunders  Wilson
Chiles  Horne  Sayler  Young
Daniel  Johnson  Scarborough
Deeb  Karl  Shevin

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.

**COMMERCIAL 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; Senator 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.
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.—§12, ch. 4874, 1906; GS 8107; RGS 4855; CGL 6940.

687.06 Attorney's fee in enforcing nonusurious 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 so construed so as to prohibit mortgagees from contracting for 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.—§44, 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 warrants 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.—§46, ch. 5960, 1909; RGS 4855, 5689; CGL 6942, 7903.

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.—§56, ch. 5960, 1909; RGS 4856; CGL 6943.

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.—§47, 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.—§18, ch. 5960, 1909; RGS 4858; CGL 6945; §1, ch. 59-59.

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 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-