1967

Session Law 67-057

Florida Senate & House of Representatives

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administration, and enforcement of any marketing order issued by the commissioner under said act; authorizing the commissioner to fix the rate of assessment per container against persons engaged in production, distribution, or handling of celery or sweet corn; providing a maximum for any such assessment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 573.21 (1), Florida Statutes, is amended to read:

573.21 Assessment; funds; audit; loans.—

(1) For the purpose of providing funds to defray the necessary expenses incurred by the commissioner in the formulation, issuance, administration and enforcement of any marketing order issued by the commissioner hereunder, every person engaged in the production, distributing or handling of celery or sweet corn within this state, and directly affected by any marketing order issued pursuant to this law, shall pay to the commissioner at such times and in such installments as the commissioner may prescribe such person’s pro rata share of said necessary expenses. Each such person’s share of such expenses shall be that proportion thereof which the total quantity of celery or sweet corn produced, distributed or handled by such person during the current marketing season, or part thereof covered by such marketing order, is of the total quantity of such commodity produced, distributed or handled by all such persons during the same current marketing season or part thereof. The commissioner, after receiving the recommendation of the advisory committee, shall fix the rate of assessment per container of celery or sweet corn or some other equitable basis; provided however that such rate of assessment per container shall not be greater than 5 cents per container of any size not in excess of 3,159 cubic inches inside measurement for celery or 5 cents per container of any size not in excess of 2,574 cubic inches inside measurement for sweet corn, nor shall the rate of assessment be greater for larger containers than the ratio of the cubical contents of the larger container to that of aforesaid containers respectively for celery and sweet corn applied to said 5 cents.

Section 2. This act shall take effect immediately upon becoming a law.

Became a law without the Governor’s approval.

Filed in Office Secretary of State May 18, 1967.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 540.08, 540.09, and 540.10 are added to chapter 540, Florida Statutes, to read:

540.08 Unauthorized publication of name or likeness.—

(1) No person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph or other likeness of any natural person without the express written or oral consent to such use given by:

(a) Such person; or
(b) Any other person, firm or corporation authorized in writing by such person to license the commercial use of his name or likeness; or
(c) If such person is deceased, any person, firm or corporation authorized in writing to license the commercial use of his name or likeness, or if no person, firm or corporation is so authorized, then by any one from among a class composed of his surviving spouse and surviving children.

(2) In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used, or any person, firm or corporation authorized by such person in writing to license the commercial use of his name or likeness, or, if the person whose likeness is used is deceased, any person, firm or corporation having the right to give such consents, as provided hereinabove, may bring an action to enjoin such unauthorized publication, printing, display or other public use, and to recover damages for any loss or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and punitive or exemplary damages.

(3) The provisions of this section shall not apply to:

(a) The publication, printing, display or use of the name or likeness of any person in any newspaper, magazine, book, news broadcast or telecast or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such name or likeness is not used for advertising purposes;

(b) The use of such name, portrait, photograph or other likeness in connection with the resale or other distribution of literary, musical or artistic productions or other articles of merchandise or property where such person has consented to the use of his name, portrait, photograph or likeness on or in connection with the initial sale or distribution thereof;

(c) Any photograph of a person solely as a member of the public and where such person is not named or otherwise identified in or in connection with the use of such photograph.

(4) No action shall be brought under this section by reason of any publication, printing, display or other public use of the name or likeness of a person occurring after the expiration of forty (40) years from and after the death of such person.

(5) As used in this section, a person’s “surviving spouse” is the person’s surviving spouse under the law of his domicile at the time of his death, whether or not the spouse has later remarried; and a person’s “children” are his immediate offspring and any children legally adopted by him. Any consent provided for in subsection (1) shall be given on behalf of a minor by the guardian of his person or by either parent.

(6) The remedies provided for in this section shall be in addition to and not in limitation of the remedies and rights of any person under the common law against the invasion of his privacy.

540.09 Unauthorized publication of photographs or pictures of areas to which admission is charged.—

(1) Any person who shall sell any photograph, drawing or other visual representation of any area, building or structure, the entry or admittance to which is subject to an admission charge or fee, or of any real or personal property located therein, or who shall use any such photograph, drawing or other visual representation in connection with the sale or advertising of any other product, property or service, without the express written or oral consent of the owner or operator of the area, building, structure, or other property so depicted, shall be liable to such owner or operator for any loss, damage or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and for punitive or exemplary damages, and such unauthorized sale or use may be enjoined.

(2) The provisions of this section shall not apply to:

(a) Photographs, drawings or other visual representations in any newspaper, magazine, book, news broadcast or telecast or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such photographs, drawings or other visual representations are not used for advertising purposes; or

(b) Photographs, drawings or other visual representations in which the depiction of such property is incidental to the principal subject or subjects thereof and not calculated or likely to lead the viewer to associate such property with the sale, offering for sale or advertising of any property, product or service.

(3) The remedies provided for in this section shall be in
addition to and not in limitation of the remedies and rights of any person under the common law against the unauthorized sale or use for purposes of trade or advertising of photographs, drawings or other visual representations of his property.

540.10 Exemption from liability of news media.—No relief may be obtained under sections 540.08 or 540.09 Florida Statutes, against any broadcaster, publisher or distributor broadcasting, publishing or distributing paid advertising matter by radio or television or in a newspaper, magazine or similar periodical without knowledge or notice that any consent required by sections 540.08 or 540.09 Florida Statutes, in connection with such advertising matter has not been obtained, except an injunction against the presentation of such advertising matter in future broadcasts or in future issues of such newspaper, magazine or similar periodical.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 18, 1967.

CHAPTER 67-58
Senate Bill No. 495

AN ACT amending chapter 495, Florida Statutes, entitled Registration of Trademarks; broadening the scope of the chapter to include service marks, certification marks and collective marks, the registration of such marks with the secretary of state, and the procedure therefor; providing for the issuance of certificates of registration, renewal and cancellation of certificates, classification of goods and services registered; prescribing fees for registration and renewal thereof; providing that the legitimate use of registered or unregistered marks by related companies inure to the benefit of the owner of such marks; authorizing civil suits by registrants of marks against persons infringing said marks; authorizing injunctive relief to registrants and damages to protect their rights; authorizing injunctive relief to prevent dilution of prior user's mark, name or form of advertisement; preserving rights acquired at common law; repealing sections 495.01-495.14, Florida Statutes; providing an effective date.

LAWS OF FLORIDA

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 495, Florida Statutes, is amended to read:

CHAPTER 495
REGISTRATION OF TRADEMARKS AND SERVICE MARKS

495.011 Definitions.—As used in this chapter:

(1) “Trademark” means any word, name, symbol, character, design, drawing or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(2) “Service mark” means any word, name, symbol, character, design, drawing or device or any combination thereof, and the distinctive features of radio, television or other advertising, adopted and used by a person to identify services rendered or offered by him and to distinguish them from services rendered or offered by others.

(3) “Certification mark” means a trademark or service mark used upon or in connection with the products or services of one or more persons other than the owner of the mark to certify regional or other origin, material, mode of manufacture, quality, accuracy or other characteristics of such goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

(4) “Collective mark” means a trademark or service mark used by the members of a cooperative, an association or other collective group or organization and includes marks used to indicate membership in a union, an association or other organization.

(5) Unless the context otherwise requires, “mark” means any trademark, service mark, certification mark or collective mark.

(6) “Trade name” means any word, name, symbol, character, design, drawing or device or any combination thereof adopted and used by a person to identify his business, vocation or occupation and to distinguish it from the business, vocation or occupation of others.

138
SB 490 -CONTINUED-

LIBRARY AND HISTORICAL COMMISSION TO DISTRIBUTE CERTAIN DOCUMENTS TO DEPOSITORY LIBRARIES.
4/21 SENATE- INTRODUCED, REFERRED TO JUDICIARY "A" -SJ 0-43
5/05 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENT, PLACED ON CALENDAR
5/23 SENATE- PASSED AS AMENDED; YEAS 048 NAYS 000 -SJ 0723
5/26 HOUSE- RECEIVED, REFERRED TO STATE GOVERNMENTAL ORGANIZATION & EFFICIENCY, APPROPRIATIONS
5/31 HOUSE- RECOMMENDED FAVORABLE; STATE GOVERNMENTAL ORGANIZATION & EFFICIENCY -HJ 0820
6/02 HOUSE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -HJ 0825
6/07 HOUSE- PASSED AS AMENDED; YEAS 095 NAYS 000 -HJ 1023
6/13 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0822
6/20 RECALLED WITHOUT APPROVAL -SJ 0895
7/14 CHAPTER NO. 57-223

SB 491 GENERAL BILL, BY KNIPKE-
AMENDS SEC. 633, OR. F.S., EXTENDING TO LOCAL OFFICIALS AUTHORITY TO MAKE INSPECTIONS PRESENTLY AUTHORIZED TO STATE FIRE MARSHAL.
4/21 SENATE- INTRODUCED, REFERRED TO URBAN AFFAIRS & LOCAL GOVERNMENT, INSURANCE -SJ 0143
5/02 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS, URBAN AFFAIRS & LOCAL GOVERNMENT -SJ 0227
5/11 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS, PLACED ON CALENDAR -SJ 0315
6/13, SENATE- PASSED AS AMENDED; YEAS 048 NAYS 000 -SJ 0430
6/19 HOUSE- RECEIVED, REFERRED TO INSURANCE AND WORKMEN'S COMPENSATION -HJ 1218
6/27 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -HJ 1564
7/14 HOUSE- DIED ON CALENDAR

SB GENERAL BILL, BY PUSTIN AND OTHERS-
-SIMILAR TO HB 087- PROHIBITS JUNKYARDS CLOSE TO HIGHWAYS UNLESS SCREENED.
4/21 SENATE- INTRODUCED, REFERRED TO PUBLIC ROADS & HIGHWAYS, JUDICIARY "A" -SJ 0143
6/02 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, PUBLIC ROADS & HIGHWAYS -SJ 0626
6/30 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, PLACED ON CALENDAR -SJ 1242
7/14 SENATE- DIED ON CALENDAR

SB 493 GENERAL BILL, BY GRAHAN, BILL LB 544-
AMENDS SEC. 212, OR. F.S. AND OTHERS, RELATING TO SALE, TAX, TERMS, PROCEDURES, ETC.
4/21 SENATE- INTRODUCED, REFERRED TO FINANCE & TAXATION -SJ 0143
5/10 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0143
5/30 SENATE- WITHERSTAND FROM FURTHER CONSIDERATION, COMPARTMENT BILL PASSED -SJ 0501

SB 494 GENERAL BILL, BY BRAHAN, HB 0652-
ADDS SEC. 540, OR. F.S. AND OTHERS RELATING TO UNAUTHORIZED PUBLICATION FOR COMMERCIAL PURPOSES, AS TO PERSON'S NAME, PICTURES OR OTHER LIKENESS, ETC.
4/21 SENATE- INTRODUCED, REFERRED TO GOVERNMENTAL ORGANIZATION -SJ 0144
4/26 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0171
5/03 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0242
5/04 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0347; SUBSTITUTE FOR HB 652
5/05 HOUSE- PASSED; YEAS 105 NAYS 035 -HJ 0372
5/11 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0376
5/16 RECALLED WITHOUT APPROVAL -SJ 03460
CONTINUED IN NEXT PAGE
SB 494 -CONTINUED-
7/14 CHAPTER NO. 67-57

SB 495 GENERAL BILL, -COMPANION HB 0651- BY ELROD
AMENDS CH. 495 F.S. RELATING TO REGISTRATION OF TRADEMARKS AND PRESCRIBING FEES.
4/21 SENATE- INTRODUCED, REFERRED TO GOVERNMENTAL REORGANIZATION -SJ 0144
4/26 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0177
5/03 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0242
5/04 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0347; SUBSTITUTED FOR HB
PASSED; YEAS 111 NAYS 000 -HJ 0347
5/11 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0316
5/18 BECAME LAW WITHOUT APPROVAL -SJ 0400
7/14 CHAPTER NO. 67-58

SB 496 GENERAL BILL, -COMPANION HB 1725- BY WEISSENBORN
VESTS IN STATE COMPTROLLER THE LICENSING AND REGULATING OF TAX CONSULTANTS; AUTHORIZES LICENSE FEES SUFFICIENT TO ADMINISTER SAME.
4/21 SENATE- INTRODUCED, REFERRED TO JUDICIARY 'B', FINANCE & TAXATION
4/26 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, JUDICIARY 'B' -SJ 0251
5/25 SENATE- RECOMMENDED COMM. SUB. WITH AMENDMENT, PLACED ON CALENDAR -SJ 0489
7/14 SENATE- DIED ON CALENDAR

SB 497 GENERAL BILL, -COMPANION HB 0650- BY GRIFFIN
AMENDS SEC. 320.08(2) F.S. AS TO WEIGHT OF AUTOMOBILES IN "D" SERIES, AND SPECIFIES APPLICABLE AUTOMOBILE LICENSE FEE.
4/21 SENATE- INTRODUCED, REFERRED TO FINANCE & TAXATION -SJ 0144
5/02 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0227
5/11 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0329
5/15 HOUSE- RECEIVED, REFERRED TO FINANCE & TAXATION -HJ 0493
5/19 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -HJ 0616
5/31 HOUSE- PASSED; YEAS 107 NAYS 000 -HJ 0816
6/06 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0673
6/13 BECAME LAW WITHOUT APPROVAL -SJ 0822
7/14 CHAPTER NO. 67-187

SB 498 GENERAL BILL, -COMPANION HB 0648- BY WEISSENBORN
AMENDS SEC. 236.02(6)(A), F.S., RELATING TO FACTORS USED IN RECOGNITION OF SUPERIOR TEACHING, FOR PARTICIPATING IN MINIMUM FOUNDATION PROGRAM.
4/21 SENATE- INTRODUCED, REFERRED TO EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES, APPROPRIATIONS -SJ 0144
5/11 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENT, EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES -SJ 0315
6/01 SENATE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -SJ 0592
6/23 SENATE- WITHDRAWN FROM FURTHER CONSIDERATION, COMPANION BILL PASSED -SJ 1028

SB 499 GENERAL BILL, -COMPANION HB 0647- BY WEISSENBORN
AMENDS SECS. 231.16 AND 231.36 F.S. BY DELETING EXAMINATION SCORE REQUIREMENT AS TO PUBLIC SCHOOL TEACHER CERTIFICATES AND CONTINUING CONTRACTS.
4/21 SENATE- INTRODUCED, REFERRED TO EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES -SJ 0144
5/11 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0315
5/30 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0558
5/31 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0794
6/02 HOUSE- PASSED; YEAS 093 NAYS 007 -HJ 0935
6/06 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0676
CONTINUED ON NEXT PAGE
HB 648 - CONTINUED -
6/23 Senate - Passed; Yeas 045; Nays 000. - SJ 1027.
7/01 House - Signed by Officers and Presented to Governor - HJ 1728.
7/07 House - Approved by Governor - SJ 1800.
7/14 House - Chapter No. 67, 330.

HB 649 GENERAL BILL, - COMPANION SB 0468 - BY WOLFSON AND OTHERS
AMENDS SEC. 231.06(2) F.S., ENUMERATING CRITERIA FOR RETENTION OF PUBLIC SCHOOL PERSONNEL.
4/21 House - Introduced; Referred to Public School Education - HJ 0169.
6/02 House - Recommended Favorable; Placed on Calendar.
7/14 House - Died on Calendar.

HB 650 GENERAL BILL, - COMPANION SB 0497 - BY SCHULTZ
AMENDS SEC. 320.08(2) F.S., AS TO WEIGHT OF AUTOMOBILES IN "D" SERIES, AND SPECIFIES APPLICABLE AUTOMOBILE LICENSE FEE.
4/21 House - Introduced, Referred to Public Safety, Finance & Taxation - HJ 0169.
5/02 House - Recommended Favorable; Public Safety - HJ 0308.
5/19 House - Withdrawn from Finance & Taxation; Indefinitely Postponed - HJ 0588.

HB 651 GENERAL BILL, - COMPANION SB 0495 - BY LAND AND OTHERS
AMENDS CH. 495 F.S., RELATING TO REGISTRATION OF TRADEMARKS AND PRESCRIBING FEES.
4/21 House - Introduced; Referred to Commerce, Finance & Taxation - HJ 0169.
4/25 House - Recommended Favorable; Commerce - HJ 0222.
4/27 House - Recommended Favorable; Placed on Calendar - HJ 0266.
5/04 House - Companion Senate Bill Substituted - HJ 0353; Laid On Table Under Rule; Companion or Similar Bill Passed - HJ 0353.

HB 652 GENERAL BILL, - COMPANION SB 0494 - BY LAND AND OTHERS
Adds Secs. 540.08 F.S. AND OTHERS RELATING TO UNAUTHORIZED PUBLICATION FOR COMMERCIAL PURPOSES, AS TO PERSON'S NAME, PICTURE OR OTHER LIKENESS, ETC.
4/21 House - Introduced, Referred to Commerce - HJ 0169.
4/23 House - Recommended Favorable; Placed on Calendar - HJ 0222.
5/04 House - Companion Senate Bill Substituted - HJ 0352; Laid On Table Under Rule; Companion or Similar Bill Passed.

HB 653 GENERAL BILL, BY MATTHEWS
SIMILAR TO HB 2555 - LEVIES TAX ON SEVERANCE OF SOLID MINERALS; COSTS OF COLLECTION TO BE BORNE BY REVENUES PRODUCED.
4/21 House - Introduced, Referred to Agriculture, Finance & Taxation - HJ 0169.
5/08 House - Recommended Unfavorable; Laid On Table Under Rule - HJ 0402.

HB 654 GENERAL BILL, BY BECK AND OTHERS
DIRECTS BOARD OF HEALTH TO LICENSE GLENDALE HOSPITAL, IN PALATKA, FOR CERTAIN PERIOD.
4/21 House - Introduced, Referred to Public Health & Welfare - HJ 0170.
7/14 House - Died in Committee.

HB 655 GENERAL BILL, BY BECK AND OTHERS
PROHIBITS STATE OR COUNTY FUNDS USE AS TO SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.
4/21 House - Introduced, Referred to Public School Education, Appropriations - HJ 0170.
5/26 House - Recommended Unfavorable; Laid On Table Under Rule.
removal borne by the owner. Fences constructed pursuant to this act shall be kept in good order and be subject to regulation by applicable state law and regulations promulgated by the State Road Board. All law enforcement agencies are authorized to enforce this act. The legislative intent is that enforcement shall be primarily the responsibility of local law enforcement officers, with the State Road Department responsible for overall supervision on a state-wide level. Violation of act is a misdemeanor and a fine shall be levied for failure to comply with the act within thirty days notice of violation. Repeals Sections 861.13 to 861.18, F.S., relating to junkyards.

Senate Bill No. 493
Subject: Sales and Use Tax-Revision
Companion to House Bill No. 644.

Senate Bill No. 494
Subject: Unfair Competition-Advertising
Companion to House Bill No. 652.

Senate Bill No. 495
Subject: Trademark Laws
Companion to House Bill No. 651.

Senate Bill No. 496
Subject: Property Tax Consultant-Regulation
Provides that the practice of being a property tax consultant, for compensation is a privilege, and that it is in the interest of the public welfare to protect the public from improper, unprofessional or illegal practices relating to the assessment of real and personal property values by counties and municipalities and to license and regulate those engaged in the business or occupation of property tax consulting, principally involving property tax returns.

Authonizes the Comptroller to establish procedures, determine qualification, issue licenses (for original license not to exceed $250 and $50 per year thereafter), publish rules of conduct, revoke or suspend licenses. Excludes from the act owners of property being assessed, corporate representatives, attorneys, public accountants or C.P.A.'s. Requires all persons appearing on behalf of another before a tax assessor shall disclose in writing their names, addresses, and the names of the persons they represent. Makes it unlawful for any tax consultant to make any gift to or entertain or contribute to the political campaign of any tax assessor. Violation of this act is a misdemeanor.


House Bill No. 652

By: Land & Others
Subject: Unfair Competition—Advertising
Reference: Commerce

Adds Section 540.08, F. S., relating to unauthorized publication for commercial purposes, prohibiting the unauthorized publication of a natural person’s name, picture or other likeness and providing that if this is done, the person affected may bring an action to enjoin publication and recover damages for loss or injury sustained, including amount which would have been a reasonable royalty, and punitive or exemplary damages. Provisions of section not to apply to: publication through any news medium as part of any bona fide news report; publication in connection with resale or other distribution of cultural productions or merchandise where person has consented to use of materials in connection with initial sale; or to use of photograph of person solely as a member of the public where such person is not identified. Provides 40 year statute of limitations after death of person. Remedies under this section are in addition to remedies and rights of person under common law against the invasion of privacy. Adds Section 540.09, F. S., giving cause of action to owners or operators sustaining loss, damage, or injury by reason of the reproduction and selling of an image (by any means) of any area, building or, structure, the entry to which is subject to admission charge or fee, or of real or personal property located therein, and who uses same in connection with sale or advertising without express consent of owner or operator. Remedies same as in Section 540.08, F. S. Exemptions from this section are used by news media as described in Section 540.08, and a situation where depiction is incidental to principal subject and will not lead viewer to associate such property with the sale or advertising.

Adds Section 540.10, F. S., providing that no relief may be obtained under Section 540.08 - 09, F. S., against any news medium which did not know that the consent required by these sections had not been obtained. Provides however for injunction against presentation of such matter in future publication or broadcast.

House Bill No. 653

By: Matthews
Subject: Excise Tax on Severance of Minerals
Reference: Agriculture and Taxation

Levies an excise tax for the privilege of severing all solid minerals from the soils and waters of the state. Such tax is to be 3% of the gross sales value at point of original production paid monthly for the preceding calendar month. The Comptroller is charged with making rules and regulations, administration, and enforcement.
Section 2. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 18, 1967.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 540.08, 540.09, and 540.10 are added to chapter 540, Florida Statutes, to read:

540.08 Unauthorized publication of name or likeness.—

(1) No person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph or other likeness of any natural person without the express written or oral consent to such use given by:

(a) Such person; or

(b) Any other person, firm or corporation authorized in writing by such person to license the commercial use of his name or likeness; or
(c) If such person is deceased, any person, firm or corporation authorized in writing to license the commercial use of his name or likeness, or if no person, firm or corporation is so authorized, then by any one from among a class composed of his surviving spouse and surviving children.

(2) In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used, or any person, firm or corporation authorized by such person in writing to license the commercial use of his name or likeness, or, if the person whose likeness is used is deceased, any person, firm or corporation having the right to give such consents, as provided hereinabove, may bring an action to enjoin such unauthorized publication, printing, display or other public use, and to recover damages for any loss or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and punitive or exemplary damages.

(3) The provisions of this section shall not apply to:

(a) The publication, printing, display or use of the name or likeness of any person in any newspaper, magazine, book, news broadcast or telecast or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such name or likeness is not used for advertising purposes;

(b) The use of such name, portrait, photograph or other likeness in connection with the resale or other distribution of literary, musical or artistic productions or other articles of merchandise or property where such person has consented to the use of his name, portrait, photograph or likeness on or in connection with the initial sale or distribution thereof; or

(c) Any photograph of a person solely as a member of the public and where such person is not named or otherwise identified in or in connection with the use of such photograph.

(4) No action shall be brought under this section by reason of any publication, printing, display or other public use of the name or likeness of a person occurring after the expiration of forty (40) years from and after the death of such person.

(5) As used in this section, a person's "surviving spouse" is
the person's surviving spouse under the law of his domicile at the time of his death, whether or not the spouse has later re-married; and a person's "children" are his immediate offspring and any children legally adopted by him. Any consent pro-
vided for in subsection (1) shall be given on behalf of a minor by the guardian of his person or by either parent.

(6) The remedies provided for in this section shall be in addition to and not in limitation of the remedies and rights of any person under the common law against the invasion of his privacy.

540.09 Unauthorized publication of photographs or pictures of areas to which admission is charged.—

(1) Any person who shall sell any photograph, drawing or other visual representation of any area, building or structure, the entry or admittance to which is subject to an admission charge or fee, or of any real or personal property located there-
in, or who shall use any such photograph, drawing or other visual representation in connection with the sale or advertising of any other product, property or service, without the express written or oral consent of the owner or operator of the area, building, structure, or other property so depicted, shall be liable to such owner or operator for any loss, damage or injury sus-
tained by reason thereof, including an amount which would have been a reasonable royalty, and for punitive or exemplary damages, and such unauthorized sale or use may be enjoined.

(2) The provisions of this section shall not apply to:

(a) Photographs, drawings or other visual representations in any newspaper, magazine, book, news broadcast or telecast or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such photographs, drawings or other visual representations are not used for advertising purposes; or

(b) Photographs, drawings or other visual representations in which the depiction of such property is incidental to the principal subject or subjects thereof and not calculated or likely to lead the viewer to associate such property with the sale, of-
fering for sale or advertising of any property, product or service.

(3) The remedies provided for in this section shall be in
addition to and not in limitation of the remedies and rights of any person under the common law against the unauthorized sale or use for purposes of trade or advertising of photographs, drawings or other visual representations of his property.

540.10 Exemption from liability of news media.—No relief may be obtained under sections 540.08 or 540.09 Florida Statutes, against any broadcaster, publisher or distributer broadcasting, publishing or distributing paid advertising matter by radio or television or in a newspaper, magazine or similar periodical without knowledge or notice that any consent required by sections 540.08 or 540.09 Florida Statutes, in connection with such advertising matter has not been obtained, except an injunction against the presentation of such advertising matter in future broadcasts or in future issues of such newspaper, magazine or similar periodical.

Section 2. This act shall take effect July 1, 1967.
Became a law without the Governor’s approval.
Filed in Office Secretary of State May 18, 1967.

CHAPTER 67-58
Senate Bill No. 495

AN ACT amending chapter 495, Florida Statutes, entitled Registration of Trademarks; broadening the scope of the chapter to include service marks, certification marks and collective marks, the registration of such marks with the secretary of state, and the procedure therefor; providing for the issuance of certificates of registration, renewal and cancellation of certificates, classification of goods and services registered; prescribing fees for registration and renewal thereof; providing that the legitimate use of registered or unregistered marks by related companies inure to the benefit of the owner of such marks; authorizing civil suits by registrants of marks against persons infringing said marks; authorizing injunctive relief to registrants and damages to protect their rights; authorizing injunctive relief to prevent dilution of prior user’s mark, name or form of advertisement; preserving rights acquired at common law; repealing sections 495.01-495.14, Florida Statutes; providing an effective date.
SB 490 -CONTINUED-

LIBRARY AND HISTORICAL COMMISSION TO DISTRIBUTE CERTAIN DOCUMENTS TO DEPOSITORY LIBRARIES.

4/21 SENATE- INTRODUCED, REFERRED TO JUDICIARY.

5/05 SENATE- RECOMMENDED FAVORABLY WITH AMENDMENT, PLACED ON CALENDAR -SJ 0287.

5/23 HOUSE- PASSED AS AMENDED; YEAS 048, NAYS 000 -SJ 0283.

5/26 HOUSE- RECEIVED, REFERRED TO STATE GOVERNMENTAL ORGANIZATION.

5/31 HOUSE- RECOMMENDED FAVORABLY, STATE GOVERNMENTAL ORGANIZATION.

6/02 HOUSE- "WITHDREW" FROM COMMITTEE, PLACED IN CALENDAR -HJ 05.

6/07 HOUSE- PASSED YEAS 095, NAYS 000 -HJ 07.

6/13 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 08.

6/20 SENATE- RECALL LAW WITHOUT APPROVAL -SJ 08.

7/14 SENATE- CHAP. NO. 67-223.

SB 491 GENERAL BILL, BY KROPKE

AMENDS SEC. 633.081 F.S., EXTENDING TO LOCAL OFFICIALS AUTHORITY TO MAKE INSPECTIONS PRESENTLY AUTHORIZED TO STATE FIRE MARSHAL.

4/21 SENATE- INTRODUCED, REFERRED TO URBAN AFFAIRS & LOCAL GOVERNMENT, INSURANCE -SJ 0143.

5/02 SENATE- RECOMMENDED FAVORABLY WITH AMENDMENTS, URBAN AFFAIRS & LOCAL GOVERNMENT -SJ 0227.

5/11 SENATE- RECOMMENDED FAVORABLY WITH AMENDMENTS, PLACED ON CALENDAR -SJ 0315.

6/13 SENATE- PASSED AS AMENDED; YEAS 048, NAYS 000 -SJ 030.

6/19 HOUSE- RECEIVED, REFERRED TO INSURANCE AND WORKMEN'S COMPENSATION -HJ 1218.

6/27 HOUSE- RECOMMENDED FAVORABLY, PLACED ON CALENDAR -HJ 1263.

7/14 HOUSE- DIED ON CALENDAR.

SB 492 GENERAL BILL, BY RUSTIN AND OTHERS

-SIMILAR TO HB 0967- PROHIBITS CEMETARY YARDS CLOSE TO HIGHWAYS WHICH IS SCREENED.

4/21 SENATE- INTRODUCED, REFERRED TO PUBLIC ROADS & HIGHWAYS, JUDICIARY, & -SJ 0143.

6/02 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, PUBLIC ROADS & HIGHWAYS -SJ 0626.

6/30 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, PLACED ON CALENDAR -SJ 12-2.

7/14 SENATE- DIED ON CALENDAR.

SB 493 GENERAL BILL, BY GRIFFIN

AMENDS SEC. 212.029(3)(C) F.S., AND OTHERS, RELATING TO SALES TAX, TERMS, PROCEDURES, ETC.

4/21 SENATE- INTRODUCED, REFERRED TO FINANCE & TAXATION -SJ 113.

5/10 SENATE- RECOMMENDED FAVORABLY, PLACED ON CALENDAR -J 04.

5/30 SENATE- WITHDREW FROM FURTHER CONSIDERATION, CONFERENCE BILL PASSED -SJ 1561.

SB 494 GENERAL BILL, BY KROPKE

ADDS SECS. 440.09 F.S., AND OTHERS RELATING TO UNAUTHORIZED PUBLICATION FOR COMMERCIAL PURPOSES, AS TO PERSON'S NAME, PICTURE OF OTHER LIKE F.S., ETC.

4/21 SENATE- INTRODUCED, REFERRED TO GOVERNMENTAL REORGANIZATION -SJ 014.

4/26 SENATE- RECOMMENDED FAVORABLY, PLACED ON CALENDAR -SJ 02.

5/03 SENATE- PASSED YEAS 046, NAYS 000 -SJ 02-2.

5/04 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 037; SUBSTITUTE ADDED -HJ 052.

5/11 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 06.

5/16 SENATE- RECALL LAW WITHOUT APPROVAL -SJ 040.

CONTINUED ON NEXT PAGE.
SB 494 -CONTINUED-
7/14 CHAPTER NO. 67-57

SB 495 GENERAL BILL, -COMPANION HB 0651- BY ELROD
AMENDS CH. 495 F.S. RELATING TO REGISTRATION OF TRADEMARKS AND PRESCRIBING FEES,
4/21 SENATE- INTRODUCED, REFERRED TO GOVERNMENTAL REORGANIZATION -SJ 0144
4/26 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0177
5/03 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0242
5/04 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 1347; SUBSTITUTED FOR HB 651;
PASSED; YEAS 111 NAYS 000 -HJ 0347
5/11 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0316
5/18 BECAME LAW WITHOUT APPROVAL -SJ 0400
7/14 CHAPTER NO. 67-58

SB 496 GENERAL BILL, -COMPANION HB 1725- BY WEISSENBORN
VESTS IN STATE COMPTROLLER THE LICENSING AND REGULATING OF TAX CONSULTANTS;
AUTHORIZES LICENSE FEES SUFFICIENT TO ADMINISTER SAME,
4/21 SENATE- INTRODUCED, REFERRED TO JUDICIARY 'B', FINANCE & TAXATION
5/04 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE, JUDICIARY 'B' -SJ 0251
5/25 SENATE- RECOMMENDED COMMITTEE SUBSTITUTE WITH AMENDMENT, PLACED ON CALENDAR -SJ 0489
7/14 SENATE- DIFF'D ON CALENDAR

SB 497 GENERAL BILL, -COMPANION HB 0650- BY GRIFFIN
AMENDS SEC. 320.08(2) F.S. AS TO WEIGHT OF AUTOMOBILES IN "D" SERIES, AND
SPECIFIES APPLICABLE AUTOMOBILE LICENSE FEE.
4/21 SENATE- INTRODUCED, REFERRED TO FINANCE & TAXATION -SJ 0144
5/02 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0227
5/11 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0329
5/15 HOUSE- RECEIVED, REFERRED TO FINANCE & TAXATION -HJ 0493
5/19 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -HJ 0616
5/31 HOUSE- PASSED; YEAS 107 NAYS 000 -HJ 0818
6/06 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0675
6/13 BECAME LAW WITHOUT APPROVAL -SJ 0822
7/14 CHAPTER NO. 67-187

SB 498 GENERAL BILL, -COMPANION HB 0648- BY WEISSENBORN
AMENDS 236.02(6)(A) 3, F.S. RELATING TO FACTORS USED IN RECOGNITION OF SUPERIOR TEACHING, FOR PARTICIPATING IN MINIMUM FOUNDATION PROGRAM.
4/21 SENATE- INTRODUCED, REFERRED TO EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES, APPROPRIATIONS -SJ 0144
5/11 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENT, EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES -SJ 0315
6/01 SENATE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -SJ 0592
6/23 SENATE- WITHDRAWN FROM FURTHER CONSIDERATION, COMPANION BILL PASSED -SJ 1028

SB 499 GENERAL BILL, -COMPANION HB 0647- BY WEISSENBORN
AMENDS SECS. 231.16 AND 231.36 F.S. BY DELETING EXAMINATION SCORE REQUIREMENT AS TO PUBLIC SCHOOL TEACHER CERTIFICATES AND CONTINUING CONTRACTS.
4/21 SENATE- INTRODUCED, REFERRED TO EDUCATION-PUBLIC SCHOOLS & JUNIOR COLLEGES -SJ 0144
5/11 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0315
5/30 SENATE- PASSED; YEAS 046 NAYS 000 -SJ 0558
5/31 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0794
6/02 HOUSE- PASSED; YEAS 093 NAYS 007 -HJ 0935
6/06 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0676
CONTINUED ON NEXT PAGE
HB 648 -CONTINUED-
6/23 SENATE- PASSED; YEAS 045 NAYS 000 -SJ 10/7
7/01 HOUSE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 17'8
7/07 APPL'RED BY GOVERNOR -SJ 1800
7/14 CHAPTER NO. 67-330

HB 649 GENERAL BILL, -COMPANION SB 0468 -BY WOLFSON AND OTHERS
AMENDS SEC. 231.36(2) F.S. ENUMERATING CRITERIA FOR RETENTION OF PUBLIC SCHOOL PERSONNEL,
4/21 HOUSE- INTRODUCED, REFERRED TO PUBLIC SCHOOL EDUCATION -HJ 0169
6/02 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR
7/14 HOUSE- DIED ON CALENDAR

HB 650 GENERAL BILL, -COMPANION SB 0497 -BY SCHULTZ
AMENDS SEC. 320.08(2) F.S. AS TO WEIGHT OF AUTOMOBILES IN "D" SERIES, AND
SPECIFIES APPLICABLE AUTOMOBILE LICENSE FEE.
4/21 HOUSE- INTRODUCED, REFERRED TO PUBLIC SAFETY, FINANCE & TAXATION -HJ 0169
5/02 HOUSE- RECOMMENDED FAVORABLE, PUBLIC SAFETY -HJ 0308
5/19 HOUSE- WITHDRAWN FROM FINANCE & TAXATION; INDEFINITELY POSTPONED -HJ 0588

HB 651 GENERAL BILL, -COMPANION SB 0495 -BY LAND AND OTHERS
AMENDS CH. 495 F.S. RELATING TO REGISTRATION OF TRADEMARKS AND PRESCRIBING FEES,
4/21 HOUSE- INTRODUCED, REFERRED TO COMMERCE, FINANCE & TAXATION -HJ 0169
4/25 HOUSE- RECOMMENDED FAVORABLE, COMMERCE -HJ 0222
4/27 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -HJ 0266
5/04 HOUSE- COMPANION SENATE BILL SUBSTITUTED -HJ 0353; LAID ON TABLE UNDER RULE, COMPANION OR SIMILAR BILL PASSED -HJ 0353

HB 652 GENERAL BILL, -COMPANION SB 0494 -BY LAND AND OTHERS
ADDS SECS. 540.08 F.S. AND OTHERS RELATING TO UNAUTHORIZED PUBLICATION FOR COMMERCIAL PURPOSES, AS TO PERSON'S NAME, PICTURE OR OTHER LIKENESS, ETC.
4/21 HOUSE- INTRODUCED, REFERRED TO COMMERCE -HJ 0169
4/25 HOUSE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -HJ 0222
5/04 HOUSE- COMPANION SENATE BILL SUBSTITUTED -HJ 0352; LAID ON TABLE UNDER RULE, COMPANION OR SIMILAR BILL PASSED

HB 653 GENERAL BILL, BY MATTHEWS
-SIMILAR TO HB 2555- LEVIES TAX ON SEVERANCE OF SOLID MINERALS, COSTS OF COLLECTION TO BE BORNE BY REVENUES PRODUCED.
4/21 HOUSE- INTRODUCED, REFERRED TO AGRICULTURE, FINANCE & TAXATION -HJ 0169
5/08 HOUSE- RECOMMENDED UNFAVORABLE, LAID ON TABLE UNDER RULE -HJ 0402

HB 654 GENERAL BILL, BY RECK AND OTHERS
DIRECTS BOARD OF HEALTH TO LICENSE GLENDALE HOSPITAL, IN PALATKA, FOR CERTAIN PERIOD.
4/21 HOUSE- INTRODUCED, REFERRED TO PUBLIC HEALTH & WELFARE -HJ 0170
7/14 HOUSE- DIED IN COMMITTEE

HB 655 GENERAL BILL, BY RECK AND OTHERS
PROHIBITS STATE OR COUNTY FUNDS USE AS TO SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.
4/21 HOUSE- INTRODUCED, REFERRED TO PUBLIC SCHOOL EDUCATION, APPROPRIATIONS -HJ 0170
5/26 HOUSE- RECOMMENDED UNFAVORABLE, LAID ON TABLE UNDER RULE
removal borne by the owner. Fences constructed pursuant to
this act shall be kept in good order and be subject to regu-
lation by applicable state law and regulations promulgated
by the State Road Board. All law enforcement agencies are
authorized to enforce this act. The legislative intent is
that enforcement shall be primarily the responsibility of
local law enforcement officers, with the State Road Depart-
ment responsible for overall supervision on a state-wide
level. Violation of act is a misdemeanor and a fine shall
be levied for failure to comply with the act within thirty
days notice of violation. Repeals Sections 861.13 to 861.18,
F.S., relating to junkyards.

Senate Bill No. 493
Subject: Sales and Use Tax-Revision
By: Griffin-27th
Reference: Fin. & Taxation

Senate Bill No. 494
Subject: Unfair Competition-Advertising
By: Elrod-17th & Others
Reference: Govt. Reorg.

Senate Bill No. 495
Subject: Trade Mark Laws
By: Elrod - 17th & Others
Reference: Govt. Reorg.

Senate Bill No. 496
Subject: Property Tax Consultant-Regulation
By: Weissenborn-42nd & Others
Reference: Judiciary "B" and Fin. & Taxation

Provides that the practice of being a property tax consultant
for compensation is a privilege, and that it is in the interest
of the public welfare to protect the public from improper, un-
professional or illegal practices relating to the assessment of
real and personal property values by counties and municipalities
and to license and regulate those engaged in the business or
occupation of property tax consulting, principally involving
property tax returns.

Authorizes the Comptroller to establish procedures, determine
qualification, issue licenses (for original license not to exceed
$250 and $50 per year thereafter), publish rules of conduct, and
revoke or suspend licenses. Excludes from the act owners of the
property being assessed, corporate representatives, attorneys,
public accountants or C.P.A.'s. Requires all persons appearing
on behalf of another before a tax assessor shall disclose in
writing their names, addresses, and the names of the persons
they represent. Makes it unlawful for any tax consultant to
make any gift to or entertain or contribute to the political
campaign of any tax assessor. Violation of this act is a mis-
demeanor.
House Bill No. 652

By: Land & Others

Subject: Unfair Competition

Reference: Commerce

Advertising

Adds Section 540.08, F. S., relating to unauthorized publication for commercial purposes, prohibiting the unauthorized publication of a natural person's name, picture or other likeness and providing that if this is done, the person affected may bring an action to enjoin publication and recover damages for loss or injury sustained, including amount which would have been a reasonable royalty, and punitive or exemplary damages. Provisions of section not to apply to: publication through any news medium as part of any bona fide news report; publication in connection with resale or other distribution of cultural productions or merchandise where person has consented to use of materials in connection with initial sale; or to use of photograph of person solely as a member of the public where such person is not identified. Provides 40 year statute of limitations after death of person. Remedies under this section are in addition to remedies and rights of person under common law against the invasion of privacy.

Adds Section 540.09, F. S., giving cause of action to owners or operators sustaining loss, damage, or injury by reason of the reproduction and selling of an image (by any means) of any area, building or structure, the entry to which is subject to admission charge or fee, or of real or personal property located therein, and who uses same in connection with sale or advertising without express consent of owner or operator. Remedies same as in Section 540.08, F. S. Exemptions from this section are used by news media as described in Section 540.08, and a situation where depiction is incidental to principal subject and will not lead viewer to associate such property with the sale or advertising.

Adds Section 540.10, F. S., providing that no relief may be obtained under Section 540.08 - 09, F. S., against any news medium which did not know that the consent required by these sections had not been obtained. Provides however for injunction against presentation of such matter in future publication or broadcasts.

House Bill No. 653

By: Matthews

Subject: Excise Tax on Severance of Minerals

Reference: Agriculture and Fin. & Taxation

Levies an excise tax for the privilege of severing all solid minerals from the soils and waters of the state. Such tax is to be 3% of the gross sales value at point of original production paid monthly for the preceding calendar month. The Comptroller is charged with making rules and regulations, administration, and enforcement.
parts of laws in conflict herewith; providing a severability clause; and providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senators Hollahan, Poston and Weissenborn—

SB 487—A bill to be entitled An act establishing the transportation commission; providing for its purposes, membership, duties; providing for the establishment of the Florida transportation authority providing for its purposes, membership, duties; providing for the appointment of a director of transportation and technical staff, setting the qualifications, term of office and salary; providing for the office of the director; setting its powers and duties; requiring an annual report; providing for an effective date.

Was read the first time by title and referred to the Committees on Governmental Reorganization and Appropriations.

By Senator de la Parte—

SB 488—A bill to be entitled An act relating to Florida library and historical commission; revising and amending chapter 257, Florida Statutes, providing for the administration, powers and duties of the commission; requiring service to seventy-five per cent (75%) of county population to qualify for grant; eliminating nonprofit libraries as qualified recipients of operating grant; providing grants be based on appropriation of previous year; prescribing requirements for basis of state library budget; repealing sections 257.01 through 257.10 and sections 257.12 through 257.26, Florida Statutes.

Was read the first time by title and referred to the Committees on Governmental Reorganization and Appropriations.

By Senators Knope, Friday and Henderson—

SB 489—A bill to be entitled An act providing for the control of water well drilling and the protection of the ground-water resources of the state; providing for the promulgation of rules and regulations for the construction, repair, and abandonment of water wells; providing for the licensing of water well contractors and for their qualifications; providing for the collection of a license fee; providing for the revocation of permits and inspections where necessary; requiring driller committee on Judiciary "A".

Was read the first time by title and referred to the Committees on Water Conservation, Salt Water and Natural Resources; and Finance and Taxation.

By Senator de la Parte—

SB 490—A bill to be entitled An act relating to the state library and historical commission; amending sections 257.05, 253.22 and 253.23, Florida Statutes; authorizing the state library and historical commission to provide for distribution of public documents and legal publications to depository libraries; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Knope—

SB 491—A bill to be entitled An act relating to the state fire marshal, inspection of buildings and equipment; amending section 633.081, Florida Statutes, by adding a provision extending to certain local officials authority to make inspections; providing an effective date.

Was read the first time by title and referred to the Committees on Urban Affairs and Local Government; and Insurance.

By Senators Poston, Hollahan, Stone and FINCHER—

SB 492—A bill to be entitled An act relating to the control of junkyards adjacent to public highways; prohibiting the operation of junkyards within one thousand feet of the right of way, unless screened from public view; providing enforcement; providing a penalty; repealing sections 861.13, 861.14, 861.15, 861.16, 861.17 and 861.18; providing an effective date.

Was read the first time by title and referred to the Committees on Public Roads and Highways; and Judiciary "A".

By Senator Griffin—

SB 493—A bill to be entitled An act relating to tax on sales, use, and other transactions by amending various sections of chapter 212, Florida Statutes; section 212.02(3)(c), redefining the terms retail sales, sale at retail, use, storage and consumption; section 212.02(4), relating to admission taxes by deleting the requirement that tax collectors act as agents for the commission in issuing certificates and changing the term permit to certificate of registration; the introductory paragraph and subsection (1) of section 212.05, relating to the imposition of a tax on sales, storage and use by levying the tax on each taxable sale rather than gross sales; section 212.06(7), by exempting all sales upon which a tax has been lawfully imposed and paid in another state; section 212.05(3)(a),(b),(c) prescribing partial exemptions allowed on certain motor vehicles and farm equipment by removing from said partial exemption certain trailers and vehicles used for housing and by imposing a three per cent (3%) tax on rentals of self-propelled motor vehicles and farm equipment; by making the term motor vehicle plural rather than singular; defining the term motor vehicle rather than motor vehicles, expanding the definition to include aircraft; section 212.10(2), clarifying procedure for filing final return and payment of taxes in connection with abandoned business; section 212.11(3), clarifying the language in instance where no tax due on rental of machines affected by section 212.05(4); section 212.12(5)(b), prescribing the duty of the commission in collection of unpaid tax from noncomplying dealers; section 212.13(2), relating to the maintenance and inspection of dealers records by deleting the provision for inspection of records maintained outside of state; section 212.14(4),(5),(6), by requiring the furnishing of bond by dealer; requiring certain contractors to secure dealers' certificates of registration; providing for tolling of three (3) year limitation for assessment of tax and by providing a one (1) year period for collection in certain instances; section 212.15(3), providing for issuance of tax warrants by commission; section 212.151, relating to jurisdiction of suits for violations by retailers, dealers or vendors not qualified to do business in state; section 212.17 (1), providing for reimbursement to dealers of taxes in connection with returned goods; section 212.18(3), authorizing the commission to cancel certificates of registration for violations; section 212.21(2),(3), placing limitations on the allowance of exemptions; repealing section 212.052, Florida Statutes, providing for effective dates, as amended by chapter 1075-398, Laws of Florida; repealing section 212.131, Florida Statutes, providing revolving fund for out-of-state inspections; repealing section 212.23, Florida Statutes, declaring legislative intent in connection with collection of cigarette and gas taxes; providing an effective date.

Was read the first time by title and referred to the Committee on Finance and Taxation.

By Senators Eweld, Young, McClain, O'Grady, Pope, Stone, Johnson, Gibson, Gunter, Plante, de la Parte, Clayton, Wilson, Poston, Reuter, Bafalis, Fisher, Barrow, Shevin, Ott, Thomas, Haverfield, Weber, Lane, Friday, Mathews, Griffin, Hollahan, Weissenborn, Slade, Henderson, Bell, Stockton, Gong, Horne, Stolzenburg, Finchur and Brazon—

SB 494—A bill to be entitled An act relating to unauthorized publication for commercial purposes; amending section 540 by adding sections 540.08, 540.09 and 540.10, Florida Statutes; prohibiting the unauthorized publication of natural person's name, picture or other likeness; authorizing action to enjoin such unauthorized publication; authorizing action to recover damages; providing limited exemptions from such liability; prohibiting any actions for violations relating to publication of personal likeness after the expiration of forty (40) years; imposing liability for unauthorized publication of pictures or photographs of areas for admittance to which a fee is charged; providing limited exemptions from liability; exempting news media from liability; defining unauthorized actions from exempt injunctions against future publication; preserving remedies at common law; providing effective date.

Was read the first time by title and referred to the Committee on Governmental Reorganization.

By Senators Eweld, Askew, Young, Pope, Poston, Reuter, Friday, Bafalis, Fisher, Mathews, Griffin, Hollahan, Gong,
Wednesday, April 26, 1967

The Senate was called to order by the President Pro Tempore at 11:00 a.m. The following Senators were recorded present:

Mr. President de la Parte Hollahan Sayler
Askew Edwards Horne Shevin
Bafalis Elrod Johnson Slade
Barron Fincher Knopke Spencer
Barrow Fisher Lane Stockton
Bell Friday McClain Stolzenburg
Boyd Gibson Mathews Stone
Broxson Gong O’Grady Thomas
Chiles Griffin Ott Weber
Clayton Gunter Plante Weissenborn
Cross Haverfield Poston Wilson
Deeb Henderson Reuter Young

Mr. President de la Parte Hollahan Sayler
Askew Edwards Horne Shevin
Bafalis Elrod Johnson Slade
Barron Fincher Knopke Spencer
Barrow Fisher Lane Stockton
Bell Friday McClain Stolzenburg
Boyd Gibson Mathews Stone
Broxson Gong O’Grady Thomas
Chiles Griffin Ott Weber
Clayton Gunter Plante Weissenborn
Cross Haverfield Poston Wilson
Deeb Henderson Reuter Young

A quorum present.

The Senate was called to order by the President Pro Tempore.

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

Page 173, counting from the bottom of column 2, line 32, strike "Barrow" and insert Barron

Page 158, column 1, between lines 4 and 5 insert the following: Evidence of notice and publication was established by the Senate as to HB 374.

The Committee on Rules and Calendar recommends that HB 493 be referred to the Committee on Ethics and Privileged Businesses.

HB 484
HB 485
HB 486
HB 487
HB 488
HB 489

The Committee reports were adopted.

The Committee on Banking, Securities and Loans recommends the following pass:

SB 316

The bill was referred to the Committee on Judiciary "B" under the original reference.

The Committee on Education—Higher Learning recommends the following pass:

SB 8 with 2 amendments

The bill was placed on the Calendar.

The Committee on Education—Higher Learning recommends the following pass:

SB 27 with 3 amendments SB 229

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Reorganization recommends the following pass:

SB 494 SB 495

The bills were placed on the Calendar.

The Committee on Governmental Reorganization recommends the following pass:

SB 371 with 4 amendments SB 373 with 10 amendments SB 372 with 4 amendments

The bills were referred to the Committee on Rules and Calendar.

Unanimous consent was granted Senator Barrow to take up out of order—

HB 325—A bill to be entitled An act relating to Okaloosa county, construction; empowering the county board of public instruction to construct athletic stadiums and buildings and to issue and sell revenue certificates payable from receipts for admissions to events in said stadiums and buildings; providing an effective date.

On motions by Senator Barrow, the rules were waived and HB 325 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 Nays—None

Mr. President de la Parte Hollahan Sayler
Askew Edwards Horne Shevin
Bafalis Elrod Johnson Slade
Barron Fincher Knopke Spencer
Barrow Fisher Lane Stockton
Bell Friday McClain Stolzenburg
Boyd Gibson Mathews Stone
Broxson Gong O’Grady Thomas
Chiles Griffin Ott Weber
Clayton Gunter Plante Weissenborn
Cross Haverfield Poston Wilson
Deeb Henderson Reuter Young

The bill was certified to the House.

Unanimous consent was granted Senator Barrow to take up out of order—

HB 326—A bill to be entitled An act relating to Okaloosa county, purchases; empowering the county board of public instruction to enter into and make contracts for purchases of any item for a sum not to exceed one thousand dollars ($1,000.00) without requiring competitive bidding thereon; providing an effective date.

On motions by Senator Barrow, the rules were waived and HB 326 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 Nays—None

Mr. President de la Parte Hollahan Sayler
Askew Edwards Horne Shevin
Bafalis Elrod Johnson Slade
Barron Fincher Knopke Spencer
Barrow Fisher Lane Stockton
Bell Friday McClain Stolzenburg
Boyd Gibson Mathews Stone
Broxson Gong O’Grady Thomas
Chiles Griffin Ott Weber
Clayton Gunter Plante Weissenborn
Cross Haverfield Poston Wilson
Deeb Henderson Reuter Young

The bill was certified to the House.

Unanimous consent was granted Senator Deeb to take up out of order—

HB 488—A bill to be entitled An act providing for the establishment of sick leave for employees of Pinellas County;
SB 494—A bill to be entitled An act relating to unauthorized publication for commercial purposes; amending chapter 540 by adding sections 540.08, 540.09 and 540.10, Florida Statutes; prohibiting the unauthorized publication of personal names, picture or other likeness; authorizing action to enjoin such unauthorized publication; authorizing action to recover damages; providing limited exemptions from such liability; prohibiting any actions for violations relating to publication of personal likeness after the expiration of forty (40) years; imposing liability for unauthorized publication of pictures or photographs of surfaces for admission to which a fee is charged; providing limited exemptions from liability; exempting new media making publications from such action; providing for the issuance of cease and desist injunctions against future publication; preserving remedies at common law; providing effective date.

Was taken up. On motions by Senator Elrod, the rules were waived and SB 494 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

SB 495—A bill to be entitled An act amending chapter 495, Florida Statutes, entitled Registration of Trademarks; broadening the scope of the chapter to include service marks, certification marks, collective marks, and registration of such marks with the secretary of state, and the procedure thereof; providing for the issuance of certificates of registration, renewal and cancellation of certificates, classification of goods and services registered; providing for registration and renewal thereof; providing that the legitimate use of registered or unregistered marks by related companies inure to the benefit of the owner of such marks; authorizing civil suits by registrants of marks against persons infringing said marks; authorizing injunctive relief to registrants and damages to protect their rights; authorizing injunctive relief to prevent dilution of prior user's mark or form of advertisement; preserving rights acquired at common law; repealing sections 495.01-495.14, Florida Statutes; providing an effective date.

Was taken up. On motions by Senator Elrod, the rules were waived and SB 495 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 Nays—None
By Senator Weissenborn—

SM 859—A memorial to the Congress of the United States, to provide for the designation of October 12 of each year, as a national holiday known as "Columbus Day."

Was read the first time in full and referred to the Committee on Apportionment, Resolutions and Memorials.

By Senators Weissenborn, Stone, Poston, Fincher, Shevin, Haverfield, Hollahan and Spencer—

SB 860—A bill to be entitled An act creating Section 394.015 relating to the establishment and construction of a mental health research and training institute in Dade County, Florida, providing for the authority to accept a grant from the board of county commissioners of Dade County, Florida, for the land of said institute and naming the same, and providing an effective date.

Was read the first time by title and referred to the Committee on Mental Health, Retardation and State Institutions.

By Senators Pope, Edwards, Ott, Knopke, McClain and de la Parte—

SB 861—A bill to be entitled An act designating and naming the Southwest Florida Tuberculosis Hospital as the W. T. Edwards Tuberculosis Hospital; providing an effective date.

Was read the first time by title and referred to the Committee on Mental Health, Retardation and State Institutions.

By Senators Weissenborn and Hollahan—

SB 862—A bill to be entitled An act relating to county depositories; amending Section 136.02, Florida Statutes, relating to counties having in excess of thirty-two (32) qualified county depositories; providing for depositing of public funds in banks submitting by bid the highest rate of interest for the deposit of such public funds; providing an effective date.

Was read the first time by title and referred to the Committees on Banking, Securities and Loans; and Rules and Calendar.

By Senator Gong—

SB 863—A bill to be entitled An act amending Section 101.71, Florida Statutes, by adding subsection (3) thereto; authorizing the location of new polling places in cases of emergency; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Gong—

SB 864—A bill to be entitled An act relating to elections and voting procedure; amending Section 101.131(2), Florida Statutes; changing the required period of time for the appointment of poll watchers from five (5) days to fourteen (14) days; providing for an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

By Senator Gong—

SB 865—A bill to be entitled An act relating to absentee ballots; repealing subsection (6) of Section 101.694, Florida Statutes, relating to the availability date of absentee ballots; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "A".

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Chiles, by two-thirds vote, SB 432 was removed from the Calendar and recommitted to the Committee on Ethics and Privileged Businesses.

On motions by Senator Mathews, by two-thirds vote, SCR 6 was withdrawn from the Committee on Rules and Calendar and from the Senate.

On motion by Senator Mathews, the Committee on Rules and Calendar was granted an additional 10 days for the consideration of Senate Bills 76, 148, 20, 150, 97, 480 and 478; and Senate Joint Resolutions 569 and 31.

On motion by Senator Barrow, the Committee on Judiciary "A" was granted an additional 10 days for the consideration of SB 45.

On motion by Senator Gunter, the Committee on Citrus was granted an additional 15 days for the consideration of SB 203.

On motion by Senator Clayton that a committee be appointed to escort the Honorable Fred Karl, former member of the House of Representatives, to the rostrum, the President Pro Tempore appointed Senators Clayton, Mathews, and Barrow.

The Committee escorted Mr. Karl to the rostrum where he addressed the Senate briefly.

MESSAGE FROM THE GOVERNOR

The Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

Dear Sir:

I have filed in the office of the Secretary of State the following acts which originated in the Senate, Regular Session, 1967, same having remained in my office for the full constitutional period of five days and will become law without my approval:

SB 48
SB 49
SB 50
SB 61
SB 121
SB 130

Respectfully,
CLAUDE R. KIRK, JR.
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope
President of the Senate

Sir:

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

SB 494
SB 495

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

The Honorable Verle A. Pope
President of the Senate

Sir:

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

By Representatives Scarborough and others—

HB 1107—A bill to be entitled An act amending Section 4 of article I of chapter 3775, Laws of Florida, Acts of 1987, entitled, "An act to establish the municipality of Jacksonville, provide for its government and prescribe its jurisdiction and powers," relating to eligibility to elective office; providing requirements of having been a resident and registered voter for at least one (1) year in Duval county and six (6) months in the city, and also in case of a councilman, for at least six (6) months in the ward sought to be represented, immediately preceding the beginning of the time for qualifying as a candidate for nomination in the primary election for such office, or in case of an appointment to fill a vacancy for such period or periods immediately prior to the time of appointment; providing for the establishment of such qualifications by certificate of the supervisor of registration as a condition precedent to placing a name on the official ballots; repealing chapter 24617, Laws of Florida, Acts of 1947 and conflicting laws; providing an effective date.

Proof of Publication attached.
in the collection of unpaid taxes from noncomplying dealers; section 212.13(2), relating to the maintenance and inspection of dealers records by deleting the provision for inspection of records maintained outside of state; section 212.14(4), (5), (6), by requiring the furnishing of bond by dealer; requiring certain contractors to secure dealers' certificates of registration; providing for tolling of three (3) year limitation for assessment of tax and by providing a seven (7) year period for collection in certain instances; section 212.15(3), providing for issuance of tax warrants by commission; section 212.151, relating to jurisdiction of suits for violations by retailers, dealers or vendors not qualified to do business in state; section 212.17(1), providing for reimbursement to dealers of taxes in connection with returned goods; section 212.18(3), authorizing the commission to cancel certificates of registration for violations; section 212.21(2), (3), placing limitations on the allowance of exemptions; repealing section 212.082, Florida Statutes, providing for effective dates of amendments enacted by chapter 57-398, Laws of Florida; repealing section 212.131, Florida Statutes, providing revolving fund for out-of-state inspections; repealing section 212.23, Florida Statutes, declaring legislative intent in connection with collection of cigarette and gas taxes; providing an effective date.

was read the first time by title and referred to the Committee on Finance & Taxation.

By Representative E. M. Fortune—
HM 645—A memorial to congress of the United States to enact legislation which will permit the settlement of a controversy over the ownership and use of the Breckenridge and Call Grants in Santa Rosa County, Florida, so as to make available approximately 1,049 acres of land now owned by individuals for use by the University of West Florida, Florida Board of Parks and Historic Memorials and other governmental agencies, the Boy Scouts and Girl Scouts of America.

was read the first time in full and referred to the Committee on Judiciary A.

By Representatives Wolfson, Briggs, Fleece, Williams, Arnold, Blalock, Davis, Murphy, Pfeiffer, Reed, James, Humphrey, De Young, Rust, Poorbaugh, Powell, Nergard, Osborne, Middlemas, Gissendanner, Pettigrew, Brower, Dubbin, Ferre, Firestone, Hector, and Holloway—

HB 649—A bill to be entitled An act relating to the teaching profession; amending section 231.56(1), Florida Statutes, providing that the teaching profession shall develop criteria and standards for entering the teaching profession in the state through the professional practices commission; providing an effective date.

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

By Representatives Wolfson, Briggs, Fleece, Williams, Arnold, Blalock, Davis, Murphy, Pfeiffer, Reed, James, Humphrey, De Young, Rust, Poorbaugh, Powell, Nergard, Osborne, Gissendanner, Pettigrew, Brower, Dubbin, Ferre, Firestone, Hector, and Holloway—

HB 647—A bill to be entitled An act relating to instructional personnel; amending sections 231.16 and 231.36, Florida Statutes, eliminating the requirement of examination scores for issuance of certificates and continuing contracts; providing an effective date.

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

By Representatives Wolfson, Briggs, Fleece, Williams, Arnold, Blalock, Davis, Murphy, Beck, Pfeiffer, Reed, James, De Young, Rust, Poorbaugh, Powell, Nergard, Osborne, Gissendanner, Brower, Dubbin, Ferre, Firestone, Hector, and Holloway—

HB 648—A bill to be entitled An act relating to requirements for participating in foundation program; amending subpart "A", section 240.02(6), Florida Statutes, relating to factors used in recognition of superior teaching; providing an effective date.

was read the first time by title and referred to the Committee on Public School Education.
HB 199, as amended, was read the third time in full and passed, as amended. The vote was:

Yeas—114

Mr. Speaker pro tempore
Alvarez Elmore
Andrews Martinez, E. L.
Arnold Perre Martinez, J. M.
Ashler Firestone Matthews
Baker Fleece Mattox
Bassett Fortune, E. M.
Beck Fortune, J.
Blevis Gallen McNulty
Bird Gautier Middlemas
Blalock Gibson Miers
Brantley Gillespie Mixson
Briggs Gissendanner Murphy
Brower Gorman Myers
Caldwell Graham Nergard
Campbell Grange Nichols
Chappell Grizzle Osborne
Clark Gustafson Papy
Conway Harris Pettigrew
Crabtree Hartnett Pfeiffer
Craig Hector Poorbaugh
Crider Hodes Powell
Culbreath Holloway Pratt
D'Alemberte Humphrey Prominski
Danahy Inman Rainey
Davis James Randell
De Young Kennelly Redman
Duhon King Reed
Ducker Land Reedy
Eddy Lewis Reeves

Nays—None

By waiver of the rule, the bill was ordered immediately certified to the Senate, after engrossment.

REPORTS OF STANDING COMMITTEES

The Committee on Local Government recommends the following be placed on the local calendar:

HB 777 HB 771 HB 775
HB 697 HB 770 HB 774
HB 696 HB 776

The bills were placed on the calendar.

The Committee on Public Safety recommends the following not pass:

HB 65

The bill was laid on the table under the rule.

The Committee on Public Roads & Highways recommends the following pass:

HB 297 SB 187 SB 188

The bills were placed on the calendar.

The Committee on Ad Valorem Taxation recommends the following pass:

HB 390 CS for HB 130

The bills were placed on the calendar.

The Committee on Finance & Taxation recommends the following pass:

HB 433 HB 441

The bills were referred to the Committee on Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HB 425 HB 431
HB 430 HB 436

The bills were placed on the calendar.

The Committee on Local Government recommends the following pass:

HB 485 with amendments HB 487 with amendments
HB 486 with amendments

The bills were placed on the calendar.

The Committee on Judiciary B recommends the following pass:

HB 134

The bill was referred to the Committee on Appropriations.

The Committee on Judiciary B recommends the following pass:

HB 67

The bill was placed on the calendar.

The Committee on Judiciary B recommends a committee substitute for the following:

HB 18

The bill with committee substitute was placed on the calendar.

The Committee on Judiciary C recommends the following pass:

HB 234 HB 235, with amendments

The bills were placed on the calendar.

The Committee on Judiciary C recommends the following pass:

HB 480 HB 489, with amendments

The bills were referred to the Committee on Appropriations.

The Committee on Judiciary C recommends the following pass:

HB 115, with amendments

The bill was placed on the calendar.

The Committee on State Governmental Organization & Efficiency recommends the following pass:

HB 283

The bill was referred to the Committee on Appropriations.

The Committee on Claims A recommends the following pass:

HB 534

The bill was referred to the Committee on Appropriations.

The Committee on Commerce recommends the following pass:

HB 652 HB 605
HB 767 HB 2

The bills were placed on the calendar.

The Committee on Commerce recommends the following pass:

HB 651

The bill was referred to the Committee on Finance & Taxation.

The Committee on Commerce recommends the following pass:

HB 652 HB 605
HB 767 HB 2

The bills were placed on the calendar.

The Committee on Commerce recommends the following pass:

HB 590

The bill was referred to the Committee on Appropriations.

The Committee on Retirement & Personnel recommends the following pass:

HB 98
The House was called to order by the Speaker at 11:00 A.M.

The following Members were recorded present:

Mr. Speaker Eddy Mann Register
Alvarez Elmore Martinez, E. L. Robinson
Andrews Featherstone Martinez, J. M. Rowell
Arnold Perre Matthews Rude
Ashler Firestone Mattox Rust
Baker R. M. McKinley Sackett
Bassett Fortune, E. M. McNulty Savage
Beck Fortune, J. Middlemas Scarborough
Bevis Gautier Miers Shadley
Bird Gibson Mattox Schultz
Blalock Gillespie Mixson Smith
Brantley Gissendanner Murphy Smith
Briggs Gorman Myers Singleton
Brower Graham Nichols Smith
Calwell Grange Osborne Spicola
Campbell Gustafson Pape Stafford
Chappell Harris Papy Tillman
Clark Hartnett Pettigrew Tyre
Coney Hewitt Pfeiffer Walker
Crabtree Hodes Pouloaugh Walker
Craige Holloway Powell Well
Crider Humphrey Pratt Wills
Culbreath Inman Prominski Wilson
D'Alemberth James Rainey Yancey
Danahy Kennelly Randall Yorson
Davis King Redman Yorson
De Young Land Reed Yorson
Dubbin Lewis Reedy Yorson
Ducker Lindsey Reeves Yarborough

Excused: Representatives Gallen and Grizzle.

A quorum was present.

Prayer
Prayer by the Honorable Louis Wolfson, II:

Father, we thank you for this Thursday, and we pray that this day will be one that will reward the people of our State by what we do through You today, in Your Name we pray. Amen.

The Journal

The Journal of May 2 was ordered further corrected and approved as follows: On page 300, column 2, line 14 from top, after "535," insert "542," and in line 26 from bottom, strike "542."

The Journal of May 3 was ordered corrected and approved as follows: On page 328, column 2, in roll call on SB 1, strike "Rowell."

Motions Relating to Committee Reference

On motion by Mr. Matthews, agreed to by two-thirds vote, HB 1017 was ordered withdrawn from the Committee on Judiciary C and the bill remains referred to the Committee on Appropriations.

On point of order by Mr. Land, Chairman of Appropriations, that HB's 406, 410, 414, 416, 433, 464, 589, and 704 do not affect appropriations, the bills were withdrawn from that committee and placed on the Calendar.

At 11:10, Mr. Land gave the required fifteen minutes oral notice, of his intention to request unanimous consent to take up and consider HB's 651 and 652 out of their regular order.

On motion by Mr. Smith, Chairman of Public School Education, the committee was granted an additional fourteen days for the consideration of HB's 382, 401, 453, 470, 549, 584, 600, 604, 626, 631, 632, 646, 647, 648, 649, and 655.

Communications from the Governor

The Governor advised on May 4, that he had filed in the Office of the Secretary of State the following measures, which will become law without his approval: HB's 112, 159, 151, 384, 394, and HCR 581.

Service by Physicians

The following doctors are serving at the House dispensary this week: Dr. Wayne Hendrix, May 3; Dr. Joe Hendrix and Dr. Max Sken, May 4; and Dr. Max Sken, May 5.

Co-introducers

Representative Gillespie was given permission to be recorded as a co-introducer of HB's 516, 573, 700, 849, 824, 825, 826, 858, 859, 963, and 964.

Representatives Papy, Randell, and Yarborough were given permission to be recorded as co-introducers of HB 984.

Representatives Poorbaugh, Rust, and Myers were given permission to be recorded as co-introducers of HM 180.

Representatives Powell and Davis were given permission to be recorded as co-introducers of HB 965.

Representative Reedy was given permission to be recorded as a co-introducer of HB's 651 and 652.

Representative Powell was given permission to be recorded as a co-introducer of HB 714.

Representatives De Young and Pfeiffer were given permission to be recorded as co-introducers of HB 714.

Representative Rust was given permission to be recorded as a co-introducer of HB's 762, 1109, 842, 1042, and 1013.

INTRODUCTION AND REFERENCE

By Representatives Walker, Randell, and Papy—

HB 1167—A bill to be entitled An act relating to the granting of permits by the tax collector of Hendry county, Florida, to
United States to provide for election of the president by a
direct vote of the people.

WHEREAS, the constitutional convention of 1787 adopted
the electoral college as a means to facilitate the election of
the president of the United States in an era of primitive
education, transportation and communication and to designate
presidential electors on a "winner-take-all" basis to the party
in each state which receives a plurality of votes, thus depriving
intelligent citizens acting as free agents who would then inde­
pendently select the chief executive, and

WHEREAS, the convention adopted this system prior to the development of political parties, which by their nature and
practical function render the electoral college system outdated
and unnecessary, and

WHEREAS, the present electoral college system assigns all presidential electors on a "winner-take-all" basis to the party
in each state which receives a plurality of votes, thus depriving
the voters of any other party of any voice whatsoever in the
selection of the president, and

WHEREAS, the present electoral system makes it possible for the candidate who receives a majority of the popular vote
of the people to fail to be elected chief executive, and

WHEREAS, the present system artificially and unnecessarily removes the people from the direct selection of their chief executive
and thus frustrates their true wishes, and

WHEREAS, the electoral college system tends to discourage
presidential candidates from campaigning in many states be­
cause of the "all-or-nothing" method of tabulating electoral
college votes, thus giving the desires and needs of residents in
the smaller states less attention proportionately in national poli­
tics than the few large states, and

WHEREAS, the present system is archaic in the context of the founding fathers' original intent due to the development
of modern transportation and communication techniques, and
a more knowledgeable and literate society, and

WHEREAS, the United States supreme court would not con­sider the case, Delaware v. New York, to apply the "one-man­
one-vote" interpretation to the electoral college and thus insure
the same protection under the law as provided voters in the
court's previous decisions, and

WHEREAS, the legislature of the state of Florida expressing
the sentiments of its constituents, is vitally concerned with the inequities of the present electoral college, NOW, THERE­
FORE,

Be It Resolved by the Legislature of the State of Florida:

That the legislature of the state of Florida publicly acknowl­
dges the anachronistic and inequitable nature of the electoral
college, and

BE IT FURTHER RESOLVED that said legislature hereby petitions the congress of the United States, through
the duly elected senators and representatives of this state,
that this anachronism should be given expedient and appropriate
congressional review towards the end of alleviating the aforementioned inequities of the electoral college by providing for their
selection by the direct vote of the people, and

BE IT FURTHER RESOLVED that congress following deliber­
ate and exhaustive public hearings be requested to act upon the
results of these hearings towards the formulation of a constitu­tional amendment which would provide the best method of
electing directly the chief executive of the United States, and

BE IT FURTHER RESOLVED that this amendment then
be submitted at the earliest possible date to the various states
for ratification as an amendment to the constitution of the United States upon the approval of three-fourths of the states.

BE IT FURTHER RESOLVED that copies of this memorial
be dispatched to the president of the United States, to the
president of the United States house of representatives and to each member
of the Florida delegation to the United States congress.

—was taken up and read the second time in full. On motion by Mr. Pettigrew, the memorial was adopted. The vote was:

Yea—74

Mr. Speaker: Ashler
Alvarez: Baker
Andrews: Bevis
Arnold: Blalock

D'Alemberte: Harris
Danahy: Hartnett
De Young: Hectar
Dubin: Holloway
Featherstone: Inman
Ferre: King
Firestone: Lewis
Fleece: Mann
Fortune, E. M.: Martinez, E. L.
Gautier: Martinez, J. M.
Gillespie: Matthews
Gissendanner: Mattax
Graham: McDonald
Grange: Midlands
Gustafson: Miers

Nays—35

Bassett: Fortune, J.
Beck: Gibson
Caldwell: Gorman
Campbell: Hodes
Crabtree: Humphrey
Davis: James
Ducker: Kennelly
Eddy: Lindsey
Elmore: McKinley

SM 558 was ordered immediately certified to the Senate.

CONSIDERATION OF HOUSE GENERAL BILLS AND
JOINT RESOLUTIONS ON SECOND READING

Mr. Land was given unanimous consent to now take up
and consider HB 652 out of its regular order.

HB 652 was taken up. On motion by Mr. Land, SB 494, a companion measure on the Calendar, was substituted for HB 652.

SB 494—A bill to be entitled An act relating to unauthorized publication for commercial purposes; amending chapter 540 by
adding sections 540.08, 540.09 and 540.10, Florida Statutes;
prohibiting the unauthorized publication of natural person's
ame, picture or other likeness; authorizing action to enjoin such unauthorized publication; authorizing action to recover
damages; providing limited exemptions from such liability; pro­hibiting any actions for violations relating to publication of
personal likeness after the expiration of forty (40) years; imposing liability for unauthorized publication of pictures or
photographs of areas for admittance to which a fee is charged;
providing limited exemptions from liability; exempting news
media making unauthorized publications from relief except injunctions against future publication; preserving remedies
at common law; providing effective date.

—was taken up.

On motion by Mr. Land, the rules were waived and SB 494 was read the second time by title.

Representative Harris offered the following amendment:

In Section 540.09, on page 4, line 16, strike: or likely
and consider HB 652 out of its regular order.

Mr. Harris moved the adoption of the amendment which failed of adoption.

On motion by Mr. Land, the rules were waived and SB 494, was read the third time in full and passed, title as stated.
The vote was:

Yea—105

Mr. Speaker: Brower
Alvarez: Campbell
Andrews: Chappell
Arnold: Clark
Ashler: Conway
Baker: Crabtree
Bassett: Craig
Beck: Crider
Bevis: Culbreath
Blalock: D'Alemberte
Branly: Danahy
Briggs: Craig
Briggs: Davis

D'Alemberte: Harris
Danahy: Hartnett
De Young: Hectar
Dubin: Holloway
Featherstone: Inman
Ferre: King
Firestone: Lewis
Fleece: Mann
Fortune, E. M.: Martinez, E. L.
Gautier: Martinez, J. M.
Gillespie: Matthews
Gissendanner: Mattax
Graham: McDonald
Grange: Midlands
Gustafson: Miers

Nays—35

Bassett: Fortune, J.
Beck: Gibson
Caldwell: Gorman
Campbell: Hodes
Crabtree: Humphrey
Davis: James
Ducker: Kennelly
Eddy: Lindsey
Elmore: McKinley

SM 558 was ordered immediately certified to the Senate.
The bill was ordered certified to the Senate. Under Rule 7.11, HB 651 was laid on the table.

HB 428—A bill to be entitled An act relating to citrus; amending section 601.12, Florida Statutes, by providing that the effective date of the rules, regulations, and orders promulgated by the commission shall not be stayed by the filing with the commission of written protest; and providing an effective date.

—was taken up.

On motion by Mr. Yancey, the rules were waived and HB 428 was read the second time by title.

Representative Yancey offered the following amendment:

In Section 1, on page 2, line 10, after the word "order," substitute: Upon good cause shown the commission shall, on application of protestant, stay the effective date of said order for such time as the commission may direct. Any action of the commission refusing to modify the rules or regulations or orders protested, or refusing to stay the effective date of such rule, regulation, or order, shall be subject to review by the circuit court in the county where the commission maintains its headquarters on petition of the protestant.

Mr. Yancey moved the adoption of the amendment which was adopted.

On motion by Mr. Yancey, the rules were waived and HB 428, as amended, was read the third time in full and passed, as amended. The vote was:

Years—111

Mr. Speaker Elmore Matthews Rowell
Alvarez Feasterone Mattox Rude
Andrews Ferre McDonald Rust
Arnold Firestone Mattox Ryals
Ashler Fleece McKinley Tither
Baker Fortune, E. M. McKinley Tucker
Bassett Fortune, J. McNulty Tyre
Beck Gattier McNulty York
Bevis Gibson Middlemas Yancey
Blalock Gillespie Middlemas Yancey
Brantley Gissendanner Mixon York
Briggs Gormann Murphy Yancey
Brower Graham Myers York
Campbell Grange Nichols York
Campbell Gustafson Nichols York
Clark Harris Osborne York
Conway Harneett Pettigrew York
Crabtree Hodes Pfeiffer York
Crisler Holloway Poold & York
Culbreath Humphrey Powell York
D'Alember Inman Pratt York
Danahy James Prominsk Wyoming
Davis Kinnelly Rainey York
De Young King Randell York
Dubin Land Reed York
Ducker Lewis Reedy York
Eddy Lindsey Reeves York

Nays—None

The bill was ordered engrossed.

HB 442—A bill to be entitled An act relating to citrus; amending section 601.152, Florida Statutes, concerning special campaigns of advertising and sales promotion and market and product research and development, authorizing special campaigns of advertising and sales promotion to include brand advertising rebate promotions, relating to time during which funds may be expended, procedure for amendments, imposition of assessments, and providing an effective date.

—was taken up.

On motions by Mr. Mattox, the rules were waived and HB 442 was read the second time by title, the third time in full and passed, title as stated. The vote was:

Years—111

Mr. Speaker Arnold Bassett Blalock
Alvarez Ashler Beck Brantley
Andrews Baker Bevis Briggs

Nays—None