

1967

Session Law 67-400

Florida Senate & House of Representatives

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67-400

(signed)

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History of Legislation
1967 Regular Session
Florida Legislature

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House of Representatives

SB 1010 -CONTINUED-

SB 1011 GENERAL BILL, -COMPANION HB 1733- BY BOYD
 AMENDS SEC 228.041(11) F.S. AND OTHERS RELATING TO PUBLIC SCHOOL EDUCATION.
 5/15 SENATE- INTRODUCED, REFERRED TO EDUCATION-PUBLIC SCHOOLS & JUNIOR
 COLLEGES, APPROPRIATIONS -SJ 0347
 5/17 SENATE- WITHDRAWN FROM APPROPRIATIONS -SJ 0382
 5/24 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0467
 5/31 SENATE- PASSED AS AMENDED; YEAS 044 NAYS 007 -SJ 0583
 6/02 HOUSE- RECEIVED, REFERRED TO PUBLIC SCHOOL EDUCATION, APPROPRIATIONS -HJ
 0906
 6/06 HOUSE- RECOMMENDED FAVORABLE, PUBLIC SCHOOL EDUCATION -HJ 0998
 6/20 HOUSE- WITHDRAWN FROM APPROPRIATIONS; PLACED ON CALENDAR
 6/28 HOUSE- PASSED AS AMENDED; YEAS 102 NAYS 005 -HJ 1596
 6/29 SENATE- CONCURRED, ORDERED ENGROSSED -SJ 1198
 7/14 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 8/01 APPROVED BY GOVERNOR
 8/21 CHAPTER NO. 67-438

SB 1012 GENERAL BILL, BY CHILES AND OTHERS
 FIXES TUITION RATES AT STATE UNIVERSITIES AND MAKES APPROPRIATION FOR TUITION
 SUBSIDY.
 5/15 SENATE- INTRODUCED, REFERRED TO EDUCATION-HIGHER LEARNING, APPROPRIATIONS
 -SJ 0348
 7/14 SENATE- DIED IN COMMITTEE

→ SB 1013 GENERAL BILL, -COMPANION HB 1154- BY CHILES
 AMENDS SEC 627.0127 F.S. RELATING TO INSURANCE CODE AND PROVIDING ATTORNEY FEES
 FOR SERVICES IN APPELLATE COURTS.
 5/15 SENATE- INTRODUCED, REFERRED TO INSURANCE -SJ 0348
 5/23 SENATE- RECOMMENDED FAVORABLE, PLACED ON CALENDAR -SJ 0452
 6/02 SENATE- AMENDMENT ADOPTED -SJ 0648
 6/06 SENATE- PASSED AS AMENDED; YEAS 044 NAYS 004 -SJ 0682
 6/08 HOUSE- RECEIVED, REFERRED TO INSURANCE AND WORKMEN'S COMPENSATION -HJ
 1032
 6/27 HOUSE- RECOMMENDED FAVORABLE WITH AMENDMENTS, PLACED ON CALENDAR -HJ
 1564
 7/05 HOUSE- PASSED AS AMENDED; YEAS 104 NAYS 000 -HJ 1757
 7/06 SENATE- CONCURRED, ORDERED ENGROSSED -SJ 1338
 7/14 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 7/25 APPROVED BY GOVERNOR
 8/21 CHAPTER NO. 67-400

SB 1014 LOCAL BILL, -COMPANION HB 1706- BY BELL AND OTHERS
 RELATES TO BOUNDARIES AND COMMISSIONERS OF PORT EVERGLADES DISTRICT, BROWARD
 COUNTY.
 5/15 SENATE- INTRODUCED, REFERRED TO RULES & CALENDAR -SJ 0348
 5/17 SENATE- CONSIDERED, WITH AMENDMENT, PLACED ON LOCAL CALENDAR -SJ 0396
 5/29 SENATE- WITHDRAWN FROM FURTHER CONSIDERATION, COMPANION BILL PASSED -SJ
 0543

SB 1015 GENERAL BILL, BY SHEVIN AND OTHERS
 ADDS SEC 65.04(10) F.S. PROVIDING INCURABLE INSANITY AS GROUNDS FOR DIVORCE.
 5/15 SENATE- INTRODUCED, REFERRED TO JUDICIARY 'B' -SJ 0348
 5/30 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENT, PLACED ON CALENDAR -SJ 0550
 7/14 SENATE- DIED ON CALENDAR

SB 1016 GENERAL BILL, BY SPENCER AND OTHERS
 CONTINUED ON NEXT PAGE

FLORIDA LEGISLATIVE SERVICE

THE LEGISLATIVE COUNCIL AND REFERENCE BUREAU AND
THE ATTORNEY GENERAL'S STATUTORY REVISION DEPARTMENT

SUMMARY OF

SENATE BILLS

Legislative Day: 42nd Day: Monday Date: May 15, 1967

SENATE BILLS 1000 to 1029

.....
Senate Bill No. 1000 By: Mathews - 8th
Subject: Eminent Domain - Reference: Judiciary "B"
Port Authorities

Amends Section 74.011, F. S., to include port authority among the enumerated political subdivisions which may take possession and title to real estate in eminent domain in advance of an entry of final judgment.

Senate Bill No. 1001 By: Barrow - 3rd
Subject: County Judges Courts Reference: Urban Affairs & Local
Prosecuting Attorney - Govt. and Approp.
Compensation

Companion to House Bill No. 1657.

Senate Bill No. 1002 By: Weissenborn - 42nd
Subject: Crimes - Defrauding Reference: Judiciary "A"
by Credit Cards

Similar to House Bill No. 893 with the exception that for one to use his own credit card fraudulently he must have knowledge of its revocation. Knowledge is presumed by actual notice or the signing of a return receipt for a registered or certified letter giving notice of card revocation.

Senate Bill No. 1003 By: Boyd - 31st
Subject: Junior Colleges Reference: Education- Public
Allotment for Current Schools & Junior
Expenses Colleges and Approp.

Amends Subsection 230.0117(4), F. S., relating to annual appropriation to the counties for current expenses of junior colleges, to increase the allotment from \$850 to \$1,500 per instruction unit. Effective July 1, 1967.

Legislative Service ... Summaries of Senate Bills

Senate Bill No. 1012
Subject: Education-College
Tuition Rates

By: Spencer - 45th
Reference: Education-Higher
Learning and Approp.

per quarter tuition rates at state universities at \$100.00 for Florida residents and \$200 for out-of-state residents. Appropriates \$8,800.00 to the Board of Regents to subsidize the tuition rates of Florida residents in the 1967-69 biennium.

Senate Bill No. 1013
Subject: Insurance -
Attorney Fees
to House Bill No. 1154.

By: Chiles -28th
Reference: Insurance

Senate Bill No. 1014
Subject: Broward County -
Port Everglades District-
Boundaries

By: Bell - 38th & Others
Reference: Rules & Calendar

Senate Bill No. 1015
Subject: Divorce Grounds -
Insanity

By: Shevin - 43rd
Reference: Judiciary "B"

Subsection 65.04(10), F.S., providing as an additional ground for divorce that either spouse has over a three year period been incurably insane. Requires proof by at least two physicians; the plaintiff must provide support or make payments required by a hospital or institution. Provides for service of process and appointment of a guardian ad litem, and prohibits default judgments.

Senate Bill No. 1016
Subject: State Veterans Home-
Creation and Operation of

By: Spencer - 45th & Others
Reference: Cong. Liaison,
Intergovt. & Vet.
Affairs & Com. and
Appropriations

Creates the Florida Veterans Home, with facilities for 500 aged veterans requiring no more than emergency and short term medical treatment. Authorizes the State Veterans Department to select a location from a list of three choices submitted by a committee composed of representatives from each of the several veterans organizations within the state. Defines the purpose of the home and requirements for admission thereto, as well as cases in which admission shall be denied. Provides for the management, control, operation and administration of the home, and for its inspection. Authorizes department to enter contracts for the performance of services or manufacture of articles by disabled members of the home. Provides that federal monies received for the care of veterans in the home shall augment the current appropriation for its support.

Journal
of the
SENATE
State of Florida

FORTY-FIRST REGULAR SESSION
APRIL 4 THROUGH JULY 14, 1967



Senator Askew presiding.

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

→ SB 1013—A bill to be entitled An act relating to insurance code, attorney fees; amending section 627.0127, Florida Statutes, providing attorney fees for services in appellate courts; providing an effective date.

On motion by Senator Chiles, the rules were waived and SB 1013 was read the second time by title.

Senators Barron and Horne offered the following amendment:

In Section 1, line 29, page 1, after the words "in the case" add the following: In no event, however, shall any attorney's fees be so awarded or included in the judgement or decree if the insurer has, prior to the commencement of a suit, made a good faith offer of settlement in writing which remains open until commencement of suit and thereafter the final judgement or decree which is entered, excluding interest and cost, equals or is less than such offer.

Senator Wilson offered the following amendment to the amendment:

In Section 1, insert the following: after "settlement in writing" and said settlement is rejected in bad faith

Pending further consideration of the amendment to the amendment, Senator Mathews called a point of order and the following Messages from the House of Representatives were read:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Verle A. Pope June 2, 1967
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has adopted as amended—

By Senator Mathews—

SCR 1517—A concurrent resolution declaring a recess of the Legislature and providing that the days constituting the recess period shall not be considered legislative days for purpose of paying legislative per diem.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Legislature of the State of Florida shall stand in recess from the time of adjournment on Friday, June 2, 1967, until the time of convening on Monday, June 5, 1967, with each house determining its respective times of adjournment and convening.

—which amendment reads as follows:

In title, line 2, strike: all after "Legislature" and insert a period.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Mathews, the Senate concurred in the House amendment to SCR 1517.

The action of the Senate was certified to the House and SCR 1517 was ordered engrossed.

The Honorable Verle A. Pope June 2, 1967
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to—

HB 774

HB 876

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1800.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1893.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1888.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1889.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1890.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Verle A. Pope
President of the Senate

June 2, 1967

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Land, Wolfson, Smith, Sessums and Graham as a Conference Committee to confer with a like committee on the part of the Senate to adjust the differences on Senate amendment to HB 1891.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Committee on Governmental Reorganization offered the following amendment which was adopted on motion by Senator Hollahan:

In Section 5, line 25, page 2, strike: all of Section 5 and insert the following: Section 5. This act shall take effect immediately upon becoming a law.

On motion by Senator Hollahan, the rules were waived and SB 288 as amended was read the third time in full and passed. The vote was:

Yeas—32

Mr. President	de la Parte	Knopke	Slade
Askew	Elrod	McClain	Spencer
Bafalis	Fincher	Mathews	Stockton
Barron	Gong	Ott	Stone
Bell	Griffin	Poston	Thomas
Boyd	Henderson	Reuter	Weissenborn
Cross	Hollahan	Sayler	Wilson
Deeb	Horne	Shevin	Young

Nays—13

Barrow	Friday	Lane	Weber
Broxson	Gibson	O'Grady	
Chiles	Gunter	Plante	
Fisher	Johnson	Stolzenburg	

The bill was ordered engrossed.

→ SB 1013—A bill to be entitled An act relating to insurance code, attorney fees; amending section 627.0127, Florida Statutes, providing attorney fees for services in appellate courts; providing an effective date.

Was taken up, having been read the second time on June 2, together with an amendment offered by Senators Barron and Horne and an amendment to that amendment offered by Senator Wilson.

By permission, Senator Wilson withdrew the amendment to the amendment.

Senators Wilson and Stone offered the following substitute amendment which was adopted on motion by Senator Wilson:

In Section 1, line 29, page 1, after the words "in the case" add the following: In the event the judgment or decree exclusive of interest and costs does not exceed a good faith offer of settlement in writing which remained open until commencement of suit and thereafter until final judgment or decree which is entered, no attorney fee shall be awarded or included in the decree, except upon good cause shown, which justifies the insured's failure to accept such good faith offer.

On motion by Senator Chiles, the rules were waived and SB 1013 as amended was read the third time in full and passed. The vote was:

Yeas—44

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

Nays—4

Mr. President	Cross	McClain	Spencer
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The bill was ordered engrossed.

Unanimous consent was granted Senator de la Parte to take up out of order—

HB 283—A bill to be entitled An act relating to the rehabilitation of alcoholics; amending section 396.071, Florida Statutes, to provide for the advisory council furnishing advice to the administrator on the adoption of rules and regulations; amending section 396.101, Florida Statutes, to provide that the advisory council should advise and consult with the admin-

istrator; amending section 396.111, Florida Statutes, relating to the duties of the advisory council; amending section 396.121(2)(a), Florida Statutes, to delete the advisory council from those agencies that are required to approve grants to governmental units for the development of educational and treatment services for alcoholism in the state; providing an effective date.

On motions by Senator de la Parte, the rules were waived and HB 283 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.

SB 335 was laid on the table.

SB 547—A bill to be entitled An act relating to milk and milk products; repealing sections 502.01, 502.011, 502.02—502.35, Florida Statutes; revising and amending chapter 502, Florida Statutes; providing definitions; permits; labeling; inspection of dairy farms and milk plants; examination of milk and milk products; standards for milk and milk products; building, equipment and sanitary standards for the production, processing and packaging of milk and milk products; animal health; prohibiting sale of filled milk; regulating the sale of imitation milk; providing purpose; rules; penalties and injunction; and effective date.

Was taken up. On motion by Senator Horne, the rules were waived and SB 547 was read the second time by title.

The Committee on Judiciary "B" offered the following amendment which was adopted on motion by Senator Horne:

Lines 1 through 25, page 52, strike: all of subsection (4) of section 502.161, Florida Statutes and insert the following:

(4) It is unlawful to package or sell imitation milk or milk product not properly labeled.

Senator O'Grady offered the following amendment which was adopted:

Page 32, strike: entire Section 502.121 and insert the following: 502.121 Future Dairy Farms and Milk Plants—

All milkhouses, milking barns, stables, parlors, transfer stations, and milk plants regulated under this law which are hereafter constructed, reconstructed, or extensively altered, must meet certain minimum specifications and requirements which the Commissioner of Agriculture shall from time to time establish and keep on file in his office in Tallahassee. Anyone desiring to make such construction shall give written notification to the Commissioner of Agriculture in which he states that he is going to construct, re-construct, or extensively alter his milkhouse, milking barns, stables, parlors, transfer stations, or milk plants, the date he intends to begin said construction, and the legal description of the property on which such construction is planned.

The minimum specifications which shall apply are those on file at the date of the original notification. If the construction does not meet the current requirements and specifications, then the Commissioner of Agriculture shall direct the owner to alter the construction to conform to such specifications.

On motion by Senator Horne, the rules were waived and SB 547 as amended was read the third time in full and passed. The vote was: Yeas—48 Nays—None

Mr. President	Boyd	de la Parte	Gibson
Askew	Broxson	Edwards	Gong
Bafalis	Chiles	Elrod	Griffin
Barron	Clayton	Fincher	Gunter
Barrow	Cross	Fisher	Haverfield
Bell	Deeb	Friday	Henderson

thereof or reasonable construction or other advances evidenced by refundable or non-refundable agreements; and provided further that upon appropriate application by any party thereto, such contracts or agreements will be reviewed by the Public Service Commission.

Amendment 5

In Section 11, on page 12, lines 16-29, page 13 lines 1-15 strike: all of subsection (1) and subsection (2)

and insert the following: Whenever there is filed with the commission by any public utility holding a certificate under the provisions of this law any notice of general increases in a schedule of rates and charges, the commission may either upon complaint or of its own initiative, and after such public notice, enter upon a hearing to determine whether the proposed rates are just, reasonable, sufficient and compensatory, and said hearing shall be held and the order entered thereon within one hundred eighty (180) days from the date the public utility filed with the commission its written notice showing the change or changes proposed.

Amendment 6

In Sections 18 & 19 on page 18, lines 1-9, strike: entire Sections 18 and 19

and insert the following: Section 18. This act shall take effect September 1, 1967.

Amendment 7

In Title, page 1, line 10, strike: and 367.23, and on lines 25, 26, 27, 28, strike: requiring the commission to review all rate increases previously granted under existing laws within a specified period;

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Thomas, the Senate concurred in House amendments 1, 2, 3, 4, 5, 6 and 7 to SB 695.

The action of the Senate was certified to the House and SB 695 was ordered engrossed.

The Honorable Verle A. Pope
President of the Senate

July 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has again refused to concur in Senate amendments to—

By Representative Hartnett and others—

HB 1003—A bill to be entitled An act relating to junior colleges, creating section 230.0121, Florida Statutes, exempting junior colleges supported by two or more counties and established pursuant to section 230.0101(2), Florida Statutes, from the regulation, supervision and control of the civil service commission of any one county contributing to the support of such junior college; providing an effective date.

And requests the President of the Senate to appoint a Conference Committee to confer with a like Committee to be appointed by the Speaker of the House to adjust the differences on Senate amendments to HB 1003.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Askew, the Senate refused to recede from Senate amendments to HB 1003 and the House was again requested to concur therein. The action of the Senate was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 5, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representative Ducker and others—

HB 1451—A bill to be entitled An act to grant unto the City of Sanford, Florida, those portions of the bottom of Lake Monroe belonging to the State of Florida and lying within the corporate limits of the City of Sanford, Florida; providing an effective date.

Which amendment reads as follows:

In Section 1, page 1, strike: all language in Section 1 and insert the following: "The trustees of the Internal Improvement Fund are hereby authorized to permit unto the City of Sanford, County of Seminole, the use of certain portions of the bottom of Lake Monroe held by the State of Florida and lying within the present corporate limits of the City of Sanford, for use in the development and operation of a marina, under such terms and conditions as in the discretion of said trustees will best serve the joint interests of the State of Florida and the City of Sanford."

—and requests the Senate to recede therefrom.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Elrod, the Senate receded from the Senate amendment to HB 1451. The action of the Senate was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 5, 1967

Sir:

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

By Senator Chiles—

SB 1013—A bill to be entitled An act relating to insurance code, attorney fees; amending section 627.0127, Florida Statutes, providing attorney fees for services in appellate courts; providing an effective date.

Amendment 1

In Section 1, page 1, line 15, strike: or appellate court and insert the following: court, or in the event of an appeal in which the insured or beneficiary prevails, the appellate court

Amendment 2

In Section 1, page 1, line 29, strike: all the remainder of the Section after the word "case".

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Barrow, the Senate concurred in House amendments 1 and 2 to SB 1013.

The action of the Senate was certified to the House and SB 1013 was ordered engrossed.

The Honorable Verle A. Pope
President of the Senate

July 5, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representatives Elmore and E. Fortune—

HB 2766—A bill to be entitled An act relating to Okaloosa county; providing for an electrical and mechanical code in all the territory of the county not included in any municipality; providing for the adoption of electrical and mechanical codes; providing for minimum requirements; prescribing the authority and duty of the board of county commissioners of said county in relation thereto; providing for the employment of inspectors to enforce the provisions of such codes and for inspection fees to defray the expenses thereof; making violation a misdemeanor; providing for exceptions; providing an effective date.

REGULAR SESSION 1967

GENERAL
ACTS AND RESOLUTIONS

ADOPTED BY THE
LEGISLATURE OF FLORIDA

At its Forty-first Regular Session

April 4th to July 14th, 1967

UNDER THE CONSTITUTION OF A. D. 1885



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CHAPTER 67-400

Senate Bill No. 1013

AN ACT relating to insurance code, attorney fees; amending section 627.0127, Florida Statutes, providing attorney fees for services in appellate courts; providing an effective date.

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

Section 1. Section 627.0127, Florida Statutes is amended to read:

627.0127 Attorney fee.—Upon the rendition of a judgment or decree by any of the courts of this state against an insurer in favor of an insured or the named beneficiary under a policy or contract executed by the insurer, the trial court, or in the event of an appeal in which the insured or beneficiary prevails, the appellate court shall adjudge or decree against the insurer and in favor of the insured or beneficiary, a reasonable sum as fees or compensation for the insured's or beneficiary's attorney prosecuting the suit in which the recovery is had. Except, that without any prejudice or effect whatsoever as to suits relating to other kinds of insurance, no such attorney fee shall be allowed in any such suit based on a claim arising under a life insurance policy or annuity contract if such suit was commenced prior to expiration of sixty (60) days after proof of the claim was duly filed with the insurer. Where so awarded compensation or fees of the attorney shall be included in the judgment or decree rendered in the case.

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

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-401

Senate Bill No. 853

AN ACT relating to witnesses' pay; amending section 90.14, Florida Statutes, to provide increased daily attendance and mileage compensation for witnesses in all courts; providing an effective date.