

1974

Session Law 74-111

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <u>74-111</u>	Sec. #	LOF cite
Prime Bill # <u>H 3471</u>	Comp./Sim. Bills <u>SB 1039 (subs) H 2304</u>	
JLHC Hist. Cites	Senate House	Comms. of Ref. Senate House

COMMITTEE RECORDS					
H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	Transp.	74	CS/HB 3471 NO BF records Prior to 75		
S	Transp.	74	SB 1039	18/392	
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Senate/House Journals					
Page #	?	Date	Page #	?	Date

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

Other Documentation	
Record Series Title, folder title, etc.	Location Cite

74-111

HB 3471

H TRN - No records

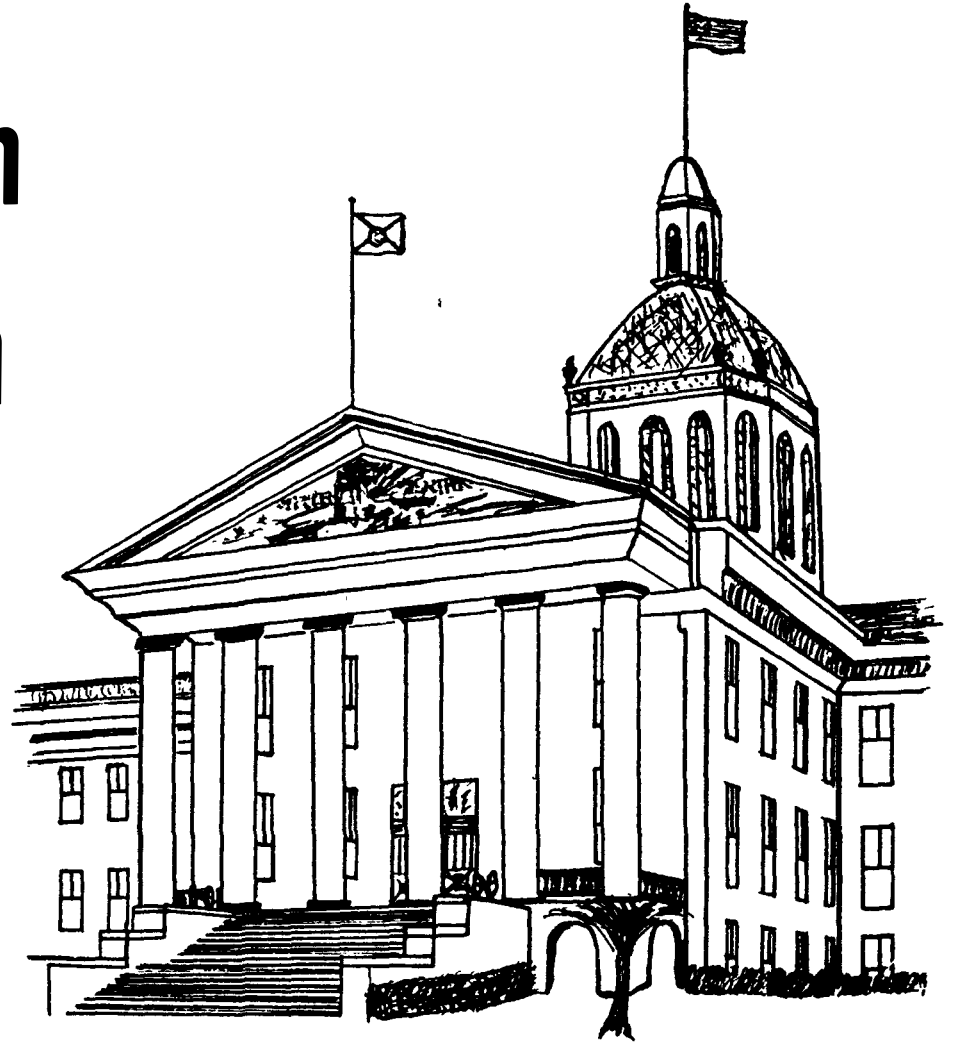
SB 1034

STRN

18/342

History of Legislation 1974 Regular Session Florida Legislature

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**Joint Legislative Management Committee
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H 3469 LOCAL BILL, BY NERGARD AND OTHERS
ST. LUCIE COUNTY; PROVIDES FOR APPORTIONMENT, DISTRIBUTION & USE BETWEEN
BO. OF COUNTY COMMISSIONERS, DIST. SCHOOL BO. & DIST. BO. OF TRUSTEES OF
INDIAN RIVER COMMUNITY COLLEGE, FORT PIERCE, ETC.
04/16/74 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS -HJ 00339
05/03/74 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY COMMUNITY AFFAIRS -HJ 00574
05/24/74 HOUSE PASSED AS AMENDED; YEAS 97 NAYS 0 -HJ 00947
HOUSE CERTIFIED TO SENATE
05/28/74 SENATE RECEIVED, REFERRED TO RULES & CALENDAR -SJ 00615
05/30/74 SENATE CONSIDERED PLACED ON LOCAL CALENDAR BY RULES & CALENDAR
-SJ 00682
SENATE PASSED; YEAS 34 NAYS 0 -SJ 00723
SENATE CERTIFIED TO HOUSE.
06/10/74 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/26/74 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE
CHAPTER NO. 74-600

H 3470 GENERAL BILL, BY BASS AND OTHERS
ELECTIONS; PROVIDES IT IS UNLAWFUL FOR ANY CANDIDATE TO DISSEMINATE
CAMPAIGN LITERATURE WHICH CONTAINS PHOTOGRAPHS OF CANDIDATE TAKEN MORE
THAN 2 YEARS BEFORE DATE OF FILING FOR OFFICE WHICH CANDIDATE IS
SEEKING, ETC. AMENDS 104.37.
04/16/74 HOUSE INTRODUCED, REFERRED TO ELECTIONS -HJ 00339
05/16/74 HOUSE COMM. REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY
ELECTIONS -HJ 00740

H 3471 GENERAL BILL, BY TRANSPORTATION AND OTHERS (COMPANION S 1034, COMPARE
H 2304)
(CS) LOADS ON VEHICLES; REQUIRES CERTAIN LOADS BE COVERED BY A
TARPAULIN. AMENDS 316.198.
04/16/74 HOUSE INTRODUCED, REFERRED TO TRANSPORTATION -HJ 00339
05/03/74 HOUSE COMM. REPORT: COMM. SUB. PLACED ON CALENDAR BY
TRANSPORTATION -HJ 00574
05/16/74 HOUSE COMMITTEE SUBSTITUTE SUBSTITUTED
HOUSE COMMITTEE SUBSTITUTE PASSED; YEAS 102 NAYS 0 -HJ 00727
HOUSE CERTIFIED TO SENATE
05/17/74 SENATE RECEIVED, PLACED ON CALENDAR -SJ 00429
05/23/74 SENATE SUBSTITUTED FOR S 1034
SENATE PASSED; YEAS 33 NAYS 2 -SJ 00491
SENATE CERTIFIED TO HOUSE.
05/29/74 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 01109
05/31/74 APPROVED BY GOVERNOR CHAPTER NO. 74-111

H 3472 JOINT RESOLUTION, BY SELECT COMMITTEE ON STANDARDS & CONDUCT AND OTHERS
JUDICIAL OFFICERS; PROPOSES AMENDMENT TO STATE CONSTITUTION RELATING TO
CONFLICTS OF INTERESTS. AMENDS ART. II, SEC. 5.
04/16/74 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00339
04/29/74 HOUSE PASSED AS AMENDED; YEAS 100 NAYS 0 -HJ 00493
HOUSE CERTIFIED TO SENATE
05/02/74 SENATE RECEIVED, REFERRED TO GOVERNMENTAL OPERATIONS -SJ 00306
05/15/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL
OPERATIONS -SJ 00409
05/31/74 SENATE DIED IN COMMITTEE ON GOVERNMENTAL OPERATIONS

H 3473 GENERAL BILL, BY GORDON, ELAINE
DISSOLUTION OF MARRIAGE; PROHIBITS ENTRY OF JUDGMENT OF DISSOLUTION OF
MARRIAGE OR ANNULMENT UNLESS PARTIES HAVE SUPPLIED COURT WITH
INFORMATION REQUIRED BY BUR. OF VITAL STATISTICS. CREATES §1.192 &
AMENDS 382.25.
04/16/74 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00340
05/31/74 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 3474 GENERAL BILL, BY TUBBS AND OTHERS
INVESTMENTS BY COUNTY OFFICIALS; AUTHORIZES & PRESCRIBES PROCEDURE FOR
INVESTMENTS BY TAX COLLECTORS & ALL OTHER COUNTY OFFICERS. ADDS SEC. TO
CH. 136.
04/16/74 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS, FINANCE AND
TAXATION -HJ 00340
05/17/74 HOUSE COMM. REPORT: FAVORABLE BY COMMUNITY AFFAIRS
HOUSE NOW IN FINANCE AND TAXATION -HJ 00769
05/31/74 HOUSE DIED IN COMMITTEE ON FINANCE AND TAXATION

H 3475 GENERAL BILL, BY BIRCHFIELD AND OTHERS
NEWSPAPERS; ALLOWS LEGAL & OFFICIAL ADVERTISEMENTS TO BE PUBLISHED IN
NEWSPAPER WHICH HAS BEEN IN EXISTENCE FOR ONE YEAR & HAS BEEN ENTERED AS
2ND CLASS MAIL MATTER AT POST OFFICE IN COUNTY WHERE PUBLISHED. AMENDS
50.031.
04/16/74 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00340
04/25/74 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY JUDICIARY -HJ 00467
05/16/74 HOUSE PASSED AS AMENDED; YEAS 76 NAYS 22 -HJ 00736
HOUSE CERTIFIED TO SENATE
05/20/74 SENATE RECEIVED, REFERRED TO JUDICIARY -SJ 00442
05/27/74 SENATE WITHDRAWN FROM JUDICIARY -SJ 00539
SENATE PLACED ON CALENDAR -SJ 00567
SENATE PASSED; YEAS 32 NAYS 2 -SJ 00583
SENATE CERTIFIED TO HOUSE.
06/03/74 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/18/74 APPROVED BY GOVERNOR CHAPTER NO. 74-221

H 3476 GENERAL BILL, BY FORBES AND OTHERS (COMPANION S 0345)
CANDY, GUM OR SWEETS; PROHIBITS DISTRIBUTION OR SALE OF CANDY, GUM OR
SWEETS MADE TO RESEMBLE CIGARETTES, ALCOHOLIC BEVERAGES OR CONTROLLED
DRUGS; PROVIDES PENALTY.
04/16/74 HOUSE INTRODUCED, REFERRED TO CRIMINAL JUSTICE -HJ 00340
04/24/74 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY CRIMINAL JUSTICE -HJ 00456
05/31/74 HOUSE DIED ON CALENDAR

H 3477 GENERAL BILL, BY WALKER (COMPANION S 0903)
LAND SALES INDUSTRY; RELATES TO REGISTRATION OF UNPLATTED SUBDIVISIONS.
04/16/74 HOUSE INTRODUCED, REFERRED TO BUSINESS REGULATION -HJ 00340
05/09/74 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY BUSINESS REGULATION -HJ 00627
05/23/74 HOUSE COMP./SIM. SENATE BILL SUBSTITUTED -HJ 00877
HOUSE LAID ON TABLE UNDER RULE, CCMP./SIM. BILL PASSED, REFER
TO S 903 -HJ 00878

- 05/13/74 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY TRANSPORTATION -SJ 00367
05/31/74 SENATE DIED ON CALENDAR
- S 1030 GENERAL BILL, BY POSTON (SIMILAR H 1963)
DEPT. OF TRANSPORTATION; PROVIDES FOR SAID DEPARTMENT TO EXPEND FUNDS TO MARKET OR ADVERTISE MASS TRANSIT FACILITIES TO ENCOURAGE THE USE THEREOF. AMENDS 334.023(3).
04/25/74 SENATE INTRODUCED, REFERRED TO TRANSPORTATION -SJ 00255
05/10/74 SENATE COMM. REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY TRANSPORTATION -SJ 00368
- S 1031 GENERAL BILL, BY WILLIAMS
DEPT. OF EDUCATION; PROVIDES FUNDS FOR PURPOSE OF CORRECTING FIRE CODE DEFICIENCIES. APPROPRIATION: \$3,947,000.
04/25/74 SENATE INTRODUCED, REFERRED TO WAYS & MEANS -SJ 00255
05/07/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS & MEANS -SJ 00340
05/31/74 SENATE DIED IN COMMITTEE ON WAYS & MEANS
- S 1032 GENERAL BILL, BY WILLIAMS
PUBLIC SCHOOL PLANTS; EMPOWERS & DIRECTS STATE BD. OF EDUCATION ADOPT REGULATIONS RE HEALTH & SAFETY STANDARDS AT SCHOOL PLANTS; REQUIRES EACH DIST. SCHOOL BD. ADOPT CERTAIN POLICIES IN CONFORMANCE WITH STANDARDS, ETC. AMENDS 235.06.
04/25/74 SENATE INTRODUCED, REFERRED TO EDUCATION -SJ 00255
05/06/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION -SJ 00321
05/31/74 SENATE DIED IN COMMITTEE ON EDUCATION
- S 1033 GENERAL BILL, BY GLISSON
ALCOHOLIC BEVERAGE LICENSES; PROVIDES CERTAIN SPECIAL LICENSES ISSUED PRIOR TO CERTAIN DATE SHALL NOT INCLUDE PACKAGE SALES AS PART OF GROSS INCOME FACTOR. AMENDS 561.20.
04/25/74 SENATE INTRODUCED, REFERRED TO COMMERCE -SJ 00255
05/06/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE -SJ 00321
05/31/74 SENATE DIED IN COMMITTEE ON COMMERCE
- S 1034 GENERAL BILL, BY TRANSPORTATION (COMPANION H 3471, COMPARE H 2304)
LOADS ON VEHICLES; REQUIRES CERTAIN LOADS BE COVERED BY A TARPULIN. AMENDS 316.198.
04/25/74 SENATE INTRODUCED, REFERRED TO TRANSPORTATION -SJ 00255
05/07/74 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY TRANSPORTATION -SJ 00338
05/23/74 SENATE COMP./SIM. HOUSE BILL SUBSTITUTED
SENATE LAID ON TABLE UNDER RULE, COMP./SIM. BILL PASSED, REFER TO H 3471 -SJ 00491
- S 1035 GENERAL BILL, BY CRIMINAL JUSTICE (SIMILAR H 4091)
PUBLIC DEFENDERS; PROVIDES FOR QUALIFICATIONS, ELECTION & ENUMERATES DUTIES; PROVIDES FOR DETERMINATION OF INOIGENCY & PARTIAL INOIGENCY; PROVIDES FOR EXPENDITURES & COMPENSATION FOR OFFICE IN NEWLY CREATED JUDICIAL CIRCUIT, ETC. AMENDS CH. 27.
04/25/74 SENATE INTRODUCED, REFERRED TO CRIMINAL JUSTICE -SJ 00256
05/02/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE CRIMINAL JUSTICE -SJ CONTINUED ON NEXT PAGE

- 05/02/74 00305
05/07/74 SENATE COMM. REPORT: COMM. SUB. PLACED ON CALENDAR BY CRIMINAL JUSTICE -SJ 00348
05/31/74 SENATE DIED ON CALENDAR
- S 1036 GENERAL BILL, BY SCARBOROUGH (COMPANION H 3491)
INSURANCE; CREATES FLA. LIFE & HEALTH GUARANTY ASSOC., INC.; PROVIDES ESTABLISHMENT OF PLAN OF OPERATION FOR IMPLEMENTATION OF ACT; SETS UP 3 GUARANTY ACCOUNTS, ETC.
04/25/74 SENATE INTRODUCED, REFERRED TO COMMERCE -SJ 00256
05/06/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE -SJ 00321
05/15/74 SENATE WITHDRAWN FROM COMMERCE
SENATE WITHDRAWN FROM FURTHER CONSIDERATION -SJ 00415
- S 1037 GENERAL BILL, BY GLISSON (SIMILAR H 4144)
BLIND & SEVERELY HANDICAPPED; CREATES A COMMITTEE WITHIN DEPT. OF GENERAL SERVICES FOR PURCHASE OF PRODUCTS & SERVICES; PROVIDES FOR MEMBERSHIP OF COMMITTEE & POWERS & DUTIES, ETC.
04/25/74 SENATE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS -SJ 00256
05/16/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL OPERATIONS -SJ 00418
05/23/74 SENATE WITHDRAWN FROM GOVERNMENTAL OPERATIONS
SENATE PLACED ON CALENDAR -SJ 00467
05/30/74 SENATE LAID ON TABLE UNDER RULE, COMP./SIM. BILL PASSED, REFER TO H 4144 -SJ 00658
- S 1038 GENERAL BILL, BY SCARBOROUGH (COMPARE S 1010)
INDUSTRIAL RELATIONS COMMISSION; EMPOWERS GOVERNOR TO APPOINT ASSOCIATE INDUSTRIAL RELATIONS COMMISSIONERS, PRO HAC VICE, WHEN NEED FOR SAME IS CERTIFIED; AUTHORIZES SAID COMMISSION TO PROMULGATE RULES OF PRACTICE & PROCEDURE BEFORE JUDGES OF INDUSTRIAL CLAIMS, ETC. AMENDS 20.17 & 440.45.
04/25/74 SENATE INTRODUCED, REFERRED TO JUDICIARY -SJ 00256
05/01/74 SENATE COMM. REPORT: COMM. SUB. PLACED ON CALENDAR BY JUDICIARY -SJ 00309
05/31/74 SENATE DIED ON CALENDAR
- S 1039 GENERAL BILL, BY JOHNSON (SIMILAR H 3670)
FLA. EVIDENCE CODE; PROVIDES STANDARDS FOR ADMISSION OF EVIDENCE IN STATE IN STATUTORY FORM & ABRIGATES INCONSISTENT COMMON LAW RULES OF EVIDENCE, ETC. AMENDS 829.041, CHS. 90 & 92; REPEALS 473.141 & 490.32.
04/25/74 SENATE INTRODUCED, REFERRED TO JUDICIARY -SJ 00256
05/08/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY -SJ 00349
05/31/74 SENATE DIED IN COMMITTEE ON JUDICIARY
- S 1040 GENERAL BILL, BY DE LA PARTE (COMPANION H 3740)
LAW ENFORCEMENT; CREATES DEPT. OF CRIMINAL JUSTICE; PROVIDES HEAD OF DEPT. SHALL BE GOVERNOR & CABINET; PROVIDES FOR APPOINTMENT OF EXECUTIVE DIRECTOR OF DEPT. & PROVIDES FOR ADMINISTRATION, ETC. AMENDS 23.122 & 23.123.
04/25/74 SENATE INTRODUCED, REFERRED TO WAYS & MEANS -SJ 00257
05/07/74 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS & MEANS -SJ 00340
05/31/74 SENATE DIED IN COMMITTEE ON WAYS & MEANS
CONTINUED ON NEXT PAGE

PROVISION LIMITING EFFECT OF LAW REGARDING COURT ORDERED SUPPORT OF DEPENDENT PERSONS BEYOND AGE OF 18 YEARS.

04/02/74 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00050

05/31/74 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 2300 GENERAL BILL, BY LEWIS (SIMILAR H 3950, S 0654)
FIRE PREVENTION & SAFETY; PROVIDES THAT FIRE SAFETY REGULATIONS FOR ALL PUBLIC & PRIVATE SCHOOLS SHALL BE PROMULGATED & ENFORCED BY STATE FIRE MARSHAL; PROVIDES FOR ANNUAL INSPECTION & REQUIRES THAT DEFICIENCIES BE CORRECTED WITHIN TIME LIMIT SPECIFIED. AMENDS 235.06, 633.01, 633.05 & 633.081.

04/02/74 HOUSE INTRODUCED, REFERRED TO EDUCATION -HJ 00050

04/24/74 HOUSE WITHDRAWN FROM EDUCATION

HOUSE WITHDRAWN FROM FURTHER CONSIDERATION -HJ 00445

H 2301 GENERAL BILL, BY LEWIS (SIMILAR S 0341)
EDUCATION; ESTABLISHES ADULT OFFENDER EDUCATION FUND TO BE ADMINISTERED BY DIV. OF COMMUNITY COLLEGES TO COVER CERTAIN EDUCATIONAL COSTS OF QUALIFIED, INCARCERATED ADULT OFFENDERS UNDER JURISDICTION OF DIV. OF CORRECTIONS. APPROPRIATION: \$175,000.

04/02/74 HOUSE INTRODUCED, REFERRED TO HEALTH AND REHABILITATIVE SERVICES, APPROPRIATIONS -HJ 00050

HOUSE COMM. REPORT: FAVORABLE BY HEALTH AND REHABILITATIVE SERVICES

HOUSE NOW IN APPROPRIATIONS -HJ 00107

05/31/74 HOUSE DIED IN COMMITTEE ON APPROPRIATIONS

H 2302 GENERAL BILL, BY LEWIS AND OTHERS (COMPARE H 2682, H 3518)
RECREATION & PARKS; PROVIDES THAT DIV. OF RECREATION & PARKS OF DEPT. OF NATURAL RESOURCES SHALL EXEMPT CERTAIN ELDERLY & DISABLED RESIDENTS FROM ADMITTANCE FEES TO STATE PARKS. ADDS 592.072(3).

04/02/74 HOUSE INTRODUCED, REFERRED TO NATURAL RESOURCES, FINANCE AND TAXATION, APPROPRIATIONS -HJ 00050

05/09/74 HOUSE WITHDRAWN FROM NATURAL RESOURCES, FINANCE AND TAXATION, APPROPRIATIONS

HOUSE WITHDRAWN FROM FURTHER CONSIDERATION -HJ 00608

H 2303 GENERAL BILL, BY LEWIS
EDUCATION; PROVIDES 184 TEACHER WORKING DAYS. AMENDS 228.041(20) & 236.02(3).

04/02/74 HOUSE INTRODUCED, REFERRED TO EDUCATION, APPROPRIATIONS -HJ 00050

05/09/74 HOUSE WITHDRAWN FROM EDUCATION, APPROPRIATIONS

HOUSE WITHDRAWN FROM FURTHER CONSIDERATION -HJ 00609

H 2304 GENERAL BILL, BY LANGLEY (COMPARE H 3471, S 1034)
FLA. UNIFORM TRAFFIC CONTROL LAW; REQUIRES VEHICLES TRANSPORTING ANY AGGREGATE TO BE EQUIPPED WITH TARPAULIN OR OTHER SUITABLE COVER, SECURELY FASTENED, TO PREVENT LOAD FROM ESCAPING THEREFROM. AMENDS 316.199.

04/02/74 HOUSE INTRODUCED, REFERRED TO TRANSPORTATION -HJ 00050

05/31/74 HOUSE DIED IN COMMITTEE ON TRANSPORTATION

HOUSE REFER TO H 3471

H 2305 GENERAL BILL, BY FONTANA (COMPANION S 0081)
FLA. RETIREMENT SYSTEM; PROVIDES INCREASE IN CONTRIBUTIONS & RETIREMENT BENEFIT FOR SPECIAL RISK MEMBERS. AMENDS 121.071 & 121.091.

04/02/74 HOUSE INTRODUCED, REFERRED TO RETIREMENT, PERSONNEL AND CLAIMS -HJ 00050

HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY RETIREMENT, PERSONNEL AND CLAIMS -HJ 00107

04/05/74 HOUSE WITHDRAWN FROM CALENDAR, REFERRED TO APPROPRIATIONS -HJ 00145

05/24/74 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY APPROPRIATIONS -HJ 00989

05/30/74 HOUSE COMP./SIM. SENATE BILL SUBSTITUTED -HJ 01166

HOUSE LAID ON TABLE UNDER RULE, COMP./SIM. BILL PASSED, REFER TO S 81 -HJ 01167

H 2306 GENERAL BILL, BY WILSON (SIMILAR H 2241, H 2244, H 2284, COMPARE H 2526)
INTANGIBLE PERSONAL PROPERTY TAX; INCLUDES ANNUITIES & LIFE INSURANCE POLICIES IN DEFINITION OF MONEY; EXEMPTS \$25,000 OF PROPERTY OWNED BY NATURAL PERSONS & PROVIDES ADDITIONAL EXEMPTION FOR ELDERLY PEOPLE WITH LIMITED INCOME; EXTENDS FILING EXCLUSION TO ALL TAXPAYERS, ETC. AMENDS SECS. OF 199.

04/02/74 HOUSE INTRODUCED, REFERRED TO FINANCE AND TAXATION -HJ 00051

05/31/74 HOUSE DIED IN COMMITTEE ON FINANCE AND TAXATION

H 2307 GENERAL BILL, BY CHERRY, GWEN (COMPARE S 0777)
PATERNITY; PROVIDES FOR CIRCUIT COURT JURISDICTION, COURT PROCEDURES, LEGAL EFFECT OF ADOPTION, RECOURSE UNDER DEFAULT OF SUPPORT PAYMENTS; LIMITS INFORMATION REGARDING LEGITIMACY ON BIRTH CERTIFICATES, ETC. AMENDS CH. 742 & VARIOUS F.S. SECS.

04/02/74 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00051

05/31/74 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 2308 GENERAL BILL, BY REDMAN
STATE UNIVERSITY SYSTEM; AUTHORIZES BOARD OF REGENTS TO PROVIDE FOR UNIFORM & EQUITABLE CLASSIFICATION & PAY PLAN FOR CERTAIN FACULTY, ADMINISTRATIVE & PROFESSIONAL POSITIONS IN SYSTEM, WITH APPROVAL OF DEPT. OF ADMINISTRATION. ADDS 240.042(2)(C).

04/02/74 HOUSE INTRODUCED, REFERRED TO RETIREMENT, PERSONNEL AND CLAIMS -HJ 00051

05/17/74 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RETIREMENT, PERSONNEL AND CLAIMS -HJ 00769

05/31/74 HOUSE DIED ON CALENDAR

H 2309 GENERAL BILL, BY REDMAN (COMPANION S 0099)
DIV. OF PERSONNEL; PROVIDES FOR PERSONNEL INFORMATION SYSTEM FOR AUTHORIZED & ESTABLISHED POSITIONS IN STATE SERVICE. ADDS SEC. TO CH. 110.

04/02/74 HOUSE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS, APPROPRIATIONS -HJ 00051

HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY GOVERNMENTAL OPERATIONS

HOUSE NOW IN APPROPRIATIONS -HJ 00107

04/18/74 HOUSE COMM. REPORT: COMM. SUB. PLACED ON CALENDAR BY APPROPRIATIONS -HJ 00398

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C H. 74-111

GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
THIRD LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968

During the Regular Session
April 2, 1974
Through May 31, 1974



Volume I

Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT
COMMITTEE
TALLAHASSEE

1974

(d) Construction or agricultural equipment either on job site or traveling on highways.

Section 5. Section 320.834, Florida Statutes, is created to read:

320.834 Motor vehicle noise limit compliance prerequisite to registration.—On and after January 1, 1975, no new motor vehicle subject to the requirements of §403.414 shall be registered in this state if a certificate of compliance with new motor vehicle noise limits has not been filed for that make and model as required in §403.414(4).

Section 6. The department of pollution control and the department of highway safety and motor vehicles shall jointly undertake a study of the effectiveness of this act during the initial two years of its implementation and shall report the results of that study to the legislature no later than thirty days prior to the convening of the 1977 regular session.

Section 7. The provisions of this act shall not apply to any motor vehicle which is not required to be licensed under the provisions of chapter 320, Florida Statutes.

Section 8. This act shall take effect October 1, 1974.

Approved by the Governor May 31, 1974.

Filed in Office Secretary of State May 31, 1974.

CHAPTER 74-111

Committee Substitute for House Bill No. 3471

AN ACT relating to loads on vehicles; amending section 316.198(2), Florida Statutes, requiring certain loads be covered by a tarpaulin or other appropriate cover; providing an effective date.

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

Section 1. Subsection (2) of section 316.198, F. S., is amended to read:

(Substantial rewording of subsection. See section 316.198(2), F.S., for present text.)

316.198 Loads on Vehicles.—

(2) It is the duty of every owner and driver, severally, of any vehicle hauling upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate, trash, garbage, or any similar material, which could fall or blow from such vehicle to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

Section 2. This act shall take effect October 1, 1974.

Approved by the Governor May 31, 1974.

Filed in Office Secretary of State May 31, 1974.

STAFF SUMMARY

This bill would require that the owner and driver of any vehicle hauling aggregates which may fall or blow from the vehicle are severally responsible to prevent such materials from falling, blowing, or escaping by covering and securing it with a close-fitting tarpaulin, or other appropriate covering.

STAFF ANALYSIS

Present law requires materials must be prevented from escaping by use of a device or method completely effective. However, in order to prove that a device is not effective, a law enforcement officer must follow the truck and then prove that the device was not effective. This bill would require that such materials must be covered with a tarpaulin or other covering. The provisions of this bill would provide that failure to have such cover in place would be a violation of chapter 316, punishable by a fine of not more than \$100 or by imprisonment for not more than 10 days for first conviction.

The Public Service Commission presently requires those trucks under its regulation to have covers; however, the PSC regulates only a fraction of trucks involved in transporting materials apt to fall onto the highways, and the result has been ineffective control of materials blowing or falling from trucks onto the highways.

C O P Y

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STAFF SUMMARY

This bill would require that the owner and driver of any vehicle hauling aggregates which may fall or blow from the vehicle are severally responsible to prevent such materials from falling, blowing, or escaping by covering and securing it with a close-fitting tarpaulin, or other appropriate covering.

C O P Y

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STAFF ANALYSIS

Present law requires materials must be prevented from escaping by use of a device or method completely effective. However, in order to prove that a device is not effective, a law enforcement officer must follow the truck and then prove that the device was not effective. This bill would require that such materials must be covered with a tarpaulin or other covering. The provisions of this bill would provide that failure to have such cover in place would be a violation of chapter 316, punishable by a fine of not more than \$100 or by imprisonment for not more than 10 days for first conviction.

The Public Service Commission presently requires those trucks under its regulation to have covers; however, the PSC regulates only a fraction of trucks involved in transporting materials apt to fall onto the highways, and the result has been ineffective control of materials blowing or falling from trucks onto the highways.

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By the Committee on Transportation

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A bill to be entitled

An act relating to loads on vehicles; amending section 316.198(2), Florida Statutes, requiring certain loads be covered by a tarpaulin; providing an effective date.

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

Section 1. Subsection (2) of section 316.198, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See section 316.198(2), Florida Statutes, for present text.)

316.198 Loads on vehicles.--

(2) It is the duty of every owner and driver, severally, of any vehicle hauling upon any public road or highway, dirt, sand, lime rock, gravel, silica, or other similar aggregate, trash, garbage, or any similar material, which falls or blows from such vehicle to prevent such materials from falling, blowing, or in any way escaping from such vehicle by covering and securing it with a close-fitting tarpaulin, or other appropriate covering.

Section 2. This act shall take effect October 1, 1974.

LEGISLATIVE SUMMARY

Amends §316.198(2), F.S., to require that certain loads which tend to fall or blow from motor vehicles be covered with a close-fitting tarpaulin.

Effective October 1, 1974.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of rule regarding)
covering of commodities susceptible) DOCKET NO. 73154-RULE
to spillage on the highways of this)
_____) ORDER NO. 11351
_____)

The following Commissioners participated in the disposition of this matter:

WILLIAM H. BEVIS, Chairman
WILLIAM T. MAYO
PAULA F. HAWKINS

Pursuant to notice, the Florida Public Service Commission, by its duly designated Hearing Examiner, H. E. Smithers, held a public hearing on the above matter on nine different days at nine different locations throughout the state.

APPEARANCES: M. Robert Christ, 700 South Adams Street, Tallahassee, Florida, for the Florida Public Service Commission, proponent, and Peter Sobel, 4300 Biscayne Boulevard, Miami, Florida, and Harold Colee, Jr., 1130 American Heritage Life Building, Jacksonville, Florida, co-counsel for AAA, East Florida Division.

Felix, A. Johnston, Jr., 547 N. Monroe Street, Tallahassee, Florida, for Dump Truck Haulers Conference, Reliable Trucking Co., Inc., Ziegler Trucking, Inc., Bruce Kaye Trucking, Inc., R. H. Ower Sand & Rock Transport, Inc., Trans-State Hauling, Inc., Floyd Beck Trucking, Inc., Diamond Sand & Stone Company, Alvin B. Jorgenson, Albert Brewer Dirt Service, Inc., General Trucking, Inc., Zurla Trucking Co., Inc., David Warren & Sons, Inc., Homer Hauling, Petroleum Carrier Corp. of Florida, Silver Sand Company of Leesburg, Inc., Rock Haulers, Inc., Al Landers Dump Trucks, Inc., Scarlet Truck Service, Inc., Delbert Crumm & Son Trucking, West Coast Hauling Co., H. D. McCormick Trucking Company, Morrison Trucking Company, Neil Paving, Clyde Keys, Earl Lieffer Trucking Co., Inc., Overland Hauling, Inc., Keystone Trucking Co., Montgomery Trucking, James Harry Brooks, and Larry E. Perry, protestants.

Harold D. Lewis, Suite 640 Barnett Bank Building, Tallahassee, Florida, representing Engineering Contractors Association of South Florida, Inc., Florida Citrus Mutual, Aggregates Association of Florida, Associated General Contractors of America, Inc.-Florida Council, Florida Aggregate Haulers Association, Florida Concrete and Products Association, Inc., and Florida Limerock Institute, protestants.

John P. Bond, 2766 Douglas Road, Miami, Florida, representing Roy Vrchota Trucking, Inc., Shaw Trucking, Inc., M & L Trucking, Inc., Frank W. Fisher Trucking, Inc., Ray's Trucking Company, Inc., Keatts Trucking Service, Don Bollenbacher, Joe Newman, Hardy Transport, Inc., and P & I Trucking, Inc., protestants.

Richard B. Austin, Suite 123, Koger Building, 8675 Executive Center Drive, Miami, Florida, representing Tupler Trucking, Inc., Murry W. Logan, and Roma Trucking, Inc., protestants.

John Rodenborn, 337 East Forsyth Street, Jacksonville, Florida, representing C. H. Barco Contracting Company, protestant.

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DOCKET NO. 73154-RULE
ORDER NO. 11351
PAGE TWO

John Patterson, 2041 Main Street, P. O. Drawer 4195
Sarasota, Florida, representing Sarasota Trucking
and Montgomery Enterprises, Inc., protestants.

William Atkinson, 661 West Gaines Street, Tallahassee,
Florida, testified as a witness for Atkinson's Paving
& Excavating Corporation, protestant.

John Camp, P. O. Box 686, Gainesville, Florida,
testified as a witness for CTC Hauling, protestant.

The Examiner's Recommendation was duly served on all of the parties. Exceptions to the Recommendation were filed with the Commission. Oral argument was heard on said exceptions on March 11, 1974. The entire record herein, including the application, the testimony adduced at the public hearing, the exceptions to the Examiner's Recommendation and oral argument heard thereon, has been examined by the full Commission. After due consideration, the Commission now enters its order in this cause.

O R D E R

BY THE COMMISSION:

On March 16, 1973, this Commission entered Order No. 10582 proposing Rule 25-5.113 which reads as follows:

Rule 25-5.113 Cover required for transportation of
aggregates and other loose materials;

All motor carriers operating under the provisions of Chapter 323, Florida Statutes, who engage in the transportation of dirt, sand, gravel, aggregates or any other materials which may fall or blow from the vehicle transporting it, must cover or secure such materials with a cover or binding sufficient to prevent those materials from falling or blowing from the vehicle.

By the terms of Order No. 10582, if substantial objections were received, public hearings would be held giving opponents and proponents an opportunity to be heard. The Commission received numerous responses from both sides. Without exception responses from the road aggregate and construction haulers were in opposition to the rule as proposed. Some indicated that they would not oppose a modification of the rule similar to that proposed by the Examiner in his brief report.

Opponents of the rule generally discussed and argued that the adoption of the rule would put them at a competitive disadvantage with the unregulated local carriers operating in the exempt municipal operations from a cost and time standpoint. They argued further that the adoption of the rule would be unconstitutional due to the legislature's enactment of Chapter 73-174 (Section 316.198, F.S.) This latter argument advanced by the opponent would indicate the Commission has no authority to drop a rule where there is a statute covering the same subject matter.

The major proponents of the rule which appeared and supported the rule in each and every one of the nine hearings held throughout the state were the various Florida branches of the American Automobile Association (AAA). They presented testimony of personal experiences as well as numerous complaints received from their members and the general public concerning damage done to their vehicles from falling or flying objects when in the close proximity

of a truck transporting road aggregates or the like. Additionally, ten members of the general public took time to present testimony in support of the rule.

It must be conceded that none of the supporting public witnesses could testify exactly where the rock, gravel or whatever came from, whether it was out of the tire, off the side or the top of the road. To require such a precise answer would be ridiculous to say the least. A tactic taken by the opponents in their cross examination of public witnesses were such questions as - Could you tell whether this was a regulated or unregulated carrier involved in the particular incident. Again the witness, as most any witness, would be hard put to state under oath a definite answer. It appears by this latter type of inquiry that the opponents are admitting that some rock and gravel may have fallen off the truck but only if they are of the unregulated variety.

We should at this point dispell any doubt as to their being insufficient evidence in the record to promulgate this disputed rule. As indicated above, the record contains testimony both for and against the suggested rule. In these circumstances, the Supreme Court has established guidelines under which we may reach a conclusion on disputed matters. In the case, *Greyhound vs. Mayo*, 207 So. 2d 1 (Fla. 1968) the Court spoke of four necessary steps to be taken when reaching such a conclusion, to wit: first, to examine the evidence; second, to reconcile conflicts, if any; third, to decide the credibility of witnesses and finally to formulate the factual conclusion upon which the decision is founded. Consistent with these guidelines, we have concluded that there is sufficient factual evidence in the record upon which the rule in question may be adopted. Therefore, we must recede from the Examiner's apparent but unspoken findings that as to matters in controversy, insufficient evidence was presented upon which an appropriate rule could be legally adopted.

The Commission finds from this evidence that, although all the ills connected with the transportation of road building and construction aggregates will not be cured by the adoption of this rule, it is necessary in the public interest that we start in an area which will do the most good with the least expense.

Concerning the Constitutional propriety of our adopting the proposed rule, it must be kept in mind that the statute applies to all vehicles upon the state's roads. The Commission's proposed rule applies only to those vehicles coming within our jurisdiction. The proponents do not specify what section or article of the Constitution is being violated by the Commission. We can only assume they are referring to the "Equal Protection Clause."

Therefore, the question is - Is the statute and the rule in such conflict as to deny the equal protection of the laws to the owners of trucks which come under the jurisdiction of the Florida Public Service Commission.

"The duty to construe a Statute as Constitutional, if possible, overpowers the minor consideration of duplication in legislation." 16 C.J.S. Constitutional Law, Section 98, page 384.

Is it more stringent to require one "to cover, secure, or otherwise prevent such materials from falling, blowing or in any way escaping from such vehicle, by the use of any device or method completely effective for that purpose" as required in the Statute, or is it more stringent to require one "must cover or secure such materials with a cover or binding sufficient to prevent those

materials from falling or blowing from the vehicle." If it is not more stringent, then the laws are compatible with one another and there could be no discrimination created. The wording of the Rule and the Statute, although different, require an equal amount of diligence on the part of all trucksto secure their loads against such occurrences.

It cannot be claimed that the legislature or the Commission does not have the power under the police powers of the State to require such safety precautions and preventative measures to protect other citizens who are using the roads in the State of Florida. State vs. Frick, 7 So. 2d 152, page 154:

"We are mindful of the fact that the Legislature has plenary power to regulate the use of the roads and highways in the State and that the Legislature may prescribe maximum loads that may be carried by motor vehicles or otherwise over the State's highways. But, such regulation must be reasonable and not arbitrary and it must stand upon the right of the State to exercise its police power. The police power here sought to be exercised must necessarily be one exercised for the promotion or protection of the public safety and public welfare."

Therefore, since the Statute and the Rule fail to be substantially different and should there be a difference, that difference is not significant enough to be discriminatory. Even if it was slightly discriminatory, the Florida case of Tyson vs. Stoutamire, 140 So. 454, held that where there was a difference in the Statute fixing maximum weight for private motor vehicles different from weight fixed for certified motor vehicles used by common carriers, this was not a denial of the equal protection of laws. In so doing, the Court in its per curiam decision stated on Page 456:

"So a majority of the Court think that it is clear that the legislature has the Constitutional authority to separately deal with common carrier, private carrier and special contract carrier vehicles, as a separate class from all others, and to impose upon that class such greater or less burdens and restrictions of operation as legislative wisdom may dictate.

"The provisions . . . prescribing a more restricted weight limit for so-called private trucks and other vehicles then is authorized with respect to 'certified' vehicles, being valid, . . ."

Therefore, it cannot be construed that there is a violation of the equal protection of laws, which is guaranteed under the Constitution.

After careful consideration of the above, this Commission is of the opinion that this rule should be adopted in the interest of the general welfare of the people of the State of Florida. Therefore, in consideration thereof, it is hereby

ORDERED by the Florida Public Service Commission, pursuant to Section 323.07, F.S., that Chapter 25-5, Fla. Administrative Code, is hereby amended by adding Rule 25-5.113 to read as follows:

Rule 25-5.113 Cover required for transportation of aggregates and other loose materials;

All motor carriers operating under the provisions of Chapter 323, Florida Statutes, who engage in the transportation of dirt, sand, gravel, aggregates or any other materials which may fall or blow from the


DOCKET NO. 73154-RULE
ORDER NO. 11351
PAGE FIVE

vehicle transporting it, must cover or secure such materials with a cover or binding sufficient to prevent those materials from falling or blowing from the vehicle.

It is further

ORDERED that this rule shall become effective 90 days after it is filed in the Office of the Secretary of State pursuant to provisions of Section 120.041(4), F.S.

By ORDER of Chairman WILLIAM H. BEVIS, Commissioner WILLIAM T. MAYO and Commissioner PAULA F. HAWKINS, as and constituting the Florida Public Service Commission, this 15th day of April, 1974.


William B. DeMilly
ADMINISTRATIVE SECRETARY

(S E A L)