

JOURNAL OF THE SENATE

Wednesday, April 9, 1969

The Senate was called to order by the President at 11:00 a.m.
A quorum present—47:

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

Excused: Senator Plante.

Prayer by the Secretary of the Senate:

Father God, we seek audience with thee as believers of thy word. Reverently, we express gratitude beyond all measure for thy bountiful blessings which have enabled us to thusly travel.

This formative body, a roster of men possessing concern for our state's development, needs counsel of the Holy Spirit. We pray for this constant companionship in this legislative labor. Help us to cultivate those unfurrowed areas in such a fashion that the end result would add beneficial stitches to our physical dress.

In our Saviour's name, we pray. Amen.

The Journal of April 8 was corrected and approved.

INTRODUCTION

By Senators Broxson and Weber—

SB 386—A bill to be entitled An act relating to the Florida real estate license law; amending section 475.17(4), Florida Statutes, to provide that the real estate commission may require satisfactory completion of its educational course for real estate salesmen as a prerequisite to registration as a salesman; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senators Broxson and Weber—

SB 387—A bill to be entitled An act relating to the Florida real estate license law; amending section 475.14, Florida Statutes, to provide for a nonactive registration for certain members of brokerage companies, and a nonactive registration certificate for real estate salesmen; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senators Broxson and Weber—

SB 388—A bill to be entitled An act relating to the Florida real estate license law; amending section 475.17(3), Florida Statutes, to eliminate requirement of serving apprenticeship immediately prior to registering as a broker; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senator Gunter—

SB 389—A bill to be entitled An act relating to state attorney and assistant state attorneys in the ninth judicial circuit; repealing section 27.20(4), Florida Statutes, which provides the apportionment of the state attorney and assistant state attorneys shall conform to certain limitations.

Was read the first time by title and referred to the Committees on Rules and Calendar and Judiciary.

By Senator Haverfield—

SB 390—A bill to be entitled An act relating to municipal parking facilities; amending section 183.04, Florida Statutes; removing the limit on interest rate and interest cost on revenue bonds issued; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Organization and Ways and Means.

By Senators Henderson, Stone and Gunter—

SB 391—A bill to be entitled An act relating to alligators; adding section 372.663, F. S.; providing that use of certain lights and weapons during certain hours is prima facie evidence of intent to violate laws protecting alligators; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary.

By Senator Poston—

SB 392—A bill to be entitled An act relating to assault and battery; adding section 784.07, F. S.; providing other aggravated offenses; providing that whoever commits an assault and battery by injuring or wounding another, or by attempting to injure another by use of a weapon or dangerous instrumentality shall be punished by fine or imprisonment; providing an effective date.

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

By Senator Gunter—

SB 393—A bill to be entitled An act relating to weapons and firearms; amending chapter 790, Florida Statutes, by adding section 790.055; making it a felony for a person not having an appropriate permit to carry a firearm or other dangerous weapon into a place where alcoholic beverages are sold for consumption on the premises; requiring the posting of notice in such places; providing penalties.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senators Mathews and Boyd—

SB 394—A bill to be entitled An act relating to state educational agencies; amending section 229.062, Florida Statutes, providing a maximum interest rate allowable on bonds issued pursuant to section 9, subsection (a), article XII of the state constitution of 1968; providing an effective date.

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

By Senator Ducker—

SB 395—A bill to be entitled An act relating to game and fresh water fish; amending section 372.662, Florida Statutes; making unlawful the sale, possession, or transporting of alligators or alligator skins; providing penalties; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary.

By Senators Shevin and Karl—

SB 396—A bill to be entitled An act relating to state attorneys and assistant state attorneys; amending chapter 27, Florida Statutes, providing that all state attorneys elected after January 1, 1970, and assistant state attorneys employed after January 1, 1970, shall be on a full time basis and prohibited from the private practice of law; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Friday, by two-thirds vote, Senate Bills 383 and 385 were withdrawn from the Committee on Rules and Calendar.

SECOND READING

SB 103 was taken up, together with:

By the Committee on Judiciary—

CS for SB 103—A bill to be entitled An act for the protection of minors who are not accompanied by their parent from being knowingly exposed, for a monetary consideration, to a motion picture, exhibition, show, representation, or presentation which, in whole or in part, depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is harmful to minors; providing definitions; providing criminal penalties for violations; providing for injunctive proceedings in the name of the state on the relation of a prosecuting attorney and providing that neither the state nor the relator prosecuting attorney shall be required to post any bond or undertaking in such proceedings and that neither shall be liable for any costs or damages sustained by reason of a temporary restraining order when the final decree is in favor of the person sought to be enjoined; providing that a defendant in such an injunctive proceeding is charged with knowledge of the contents and/or character of the matters involved in such proceedings after he is served with a summons and complaint; preempting the field, to the exclusion of counties and municipalities, as to the subject of this act and matters properly connected therewith; repealing chapter 521, Florida Statutes; providing a severability clause; providing an effective date.

—which was read the first time by title and SB 103 was laid on the table.

On motion by Senator Hollahan, the rules were waived and CS for SB 103 was read the second time by title.

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

In Section 7, line 4, page 8, strike: everything after "effect" and insert the following: July 1, 1969.

On motion by Senator Gunter, the rules were waived and further consideration of CS for SB 103, as amended, was deferred, the bill retaining its place on the Calendar.

SB 22—A bill to be entitled An act relating to obscene, harassing and threatening telephone calls; making such calls a crime and providing penalty; amending section 365.16 Florida Statutes, defining an obscene or harassing telephone communication; making such calls a misdemeanor and providing punishment; providing for an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Myers:

In Section 1, line 2, page 2, strike: "- shall be fined not more than \$500.00, or imprisoned not more than six months, or both," and insert the following after the word "section", upon conviction thereof, shall be subject to punishment as provided in section 775.07.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Ott:

In Section 2, lines 5 and 6, page 2, strike: entire Section 2 and insert the following: (3) Every telephone directory hereafter published for distribution to the members of the general public shall contain a notice which explains this law, such notice to be printed in type which is no smaller than the smallest type on the same page and to be preceded by the word "warning". The provisions of this section shall not apply to directories solely for business advertising purposes, commonly known as classified directories.

(4) All telephone companies in this state shall cooperate with the law enforcement agencies of this state in using their facilities and personnel to detect and prevent violations of this statute.

Section 2. This act shall take effect January 1, 1970.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Myers:

In title, page 1, line 8, after the word "punishment;" insert the following: requiring publication of "warning" in classified directories; requiring cooperation of telephone companies with law enforcement agencies and use of facilities to detect violation hereof;

A motion by Senator Young failed that the Senate reconsider the vote by which amendment 1 was adopted this day. The vote was:

Yeas—12

Askev	Fincher	Johnson	Slade
Boyd	Gong	Lane	Thomas
Deeb	Henderson	Reuter	Young

Nays—31

Mr. President	de la Parte	McClain	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barrow	Friday	Ott	Trask
Beaufort	Haverfield	Pope	Weber
Bell	Hollahan	Poston	Weissenborn
Bishop	Horne	Saunders	Williams
Broxson	Karl	Scarborough	Wilson
Daniel	Knopke	Shevin	

On motion by Senator Myers, the rules were waived and SB 22 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—43

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

Nays—1

Wilson

Senator Gunter was recorded as voting Yea.

SB 82—A bill to be entitled An act relating to rates of employee compensation; prohibiting wage rate discrimination on the basis of sex; providing exceptions; providing civil liability for violations of the act; providing an effective date.

Was taken up and read the second time by title.

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

In Section 3, line 4, page 3, after "employee" strike remainder of paragraph and insert the following: The court in such action may award to the prevailing party costs of the action and a reasonable attorney's fee.

The vote was:

Yeas—23

Bafalis	Chiles	Johnson	Stone
Barrow	Deeb	Lane	Trask
Beaufort	de la Parte	Pope	Williams
Bell	Ducker	Saunders	Wilson
Boyd	Friday	Slade	Young
Broxson	Horne	Stolzenburg	

Nays—20

Mr. President	Gong	Knopke	Scarborough
Askev	Haverfield	Myers	Shevin
Bishop	Henderson	Ott	Thomas
Daniel	Hollahan	Reuter	Weber
Fincher	Karl	Saylor	Weissenborn

Senators Gunter, Poston and McClain were recorded as voting Yea on the foregoing amendment.

On motion by Senator Thomas, the rules were waived and SB 82 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—45 Nays—None

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

On motion by Senator Ott, the President appointed Senators Ott, Knopke, de la Parte, McClain and Chiles as a committee to escort Congressman Sam M. Gibbons of the Sixth District to the rostrum where he addressed the Senate briefly.

SB 77—A bill to be entitled An act to provide that whoever during the commission of any robbery, assault, rape, burglary, larceny, kidnapping, murder or homicide uses or attempts to use or carries on or about his person any firearm shall upon conviction be guilty of a felony in addition to the principal crime being committed; providing penalties therefor and that said sentence upon conviction shall not be suspended or deferred nor that person so convicted be placed on probation; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment:

Page 1, strike entire Section 1 and insert the following: Section 1. Florida Statutes are amended by adding thereto a new section to read as follows:

(1) That whoever during the commission or attempted commission of any felony uses or attempts to use or carries on or about his person any firearm or other deadly weapon shall, upon conviction be guilty of a felony and be subject to punishment in addition to the punishment provided for the principal crime. Said punishment shall be imposed as follows:

(a) In the case of his first conviction not less than ten (10) years nor more than twenty (20) years imprisonment.

(b) In the case of his second or subsequent conviction, not less than twenty (20) years nor more than life imprisonment.

Senator Askew offered the following amendment to the amendment which was adopted:

In Section 1 (1), page 1, strike: "or carries on or about his person" and insert the following: , or carries on or about his person with intent to use if necessary in the commission of the felony,

On motion by Senator Shevin, the amendment as amended was adopted.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Shevin:

In Section 3, line 5, page 2, strike: "October 1, 1969" and insert January 1, 1970

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Shevin:

In title, lines 1-14, page 1, strike entire title and insert the following: A bill to be entitled An act to provide that whoever during the commission or the attempted commission of any felony uses or attempts to use or carries on or about his person any firearm or other deadly weapon shall upon conviction be guilty of a felony in addition to the principal crime being committed; providing penalties therefor and that said sentence upon conviction shall not be suspended or deferred nor that person so convicted be placed on probation; providing an effective date.

Senator Pope offered and moved the following amendment:

Strike: Section 2 and re-number remaining sections.

The President Pro Tempore presiding.

On motion by Senator Friday, the rules were waived and time of adjournment was extended until final action on the foregoing amendment, motions concerning committee meetings, and receipt of a Concurrent Resolution in House Messages.

The President presiding.

Senator Broxson offered the following substitute amendment which failed:

Line 1, page 2, strike: Section 2 and insert the following: Section 2. Sentence shall not be suspended or deferred nor shall the person convicted be placed on probation, unless the jury recommends mercy.

The amendment by Senator Pope failed.

Senator Weissenborn offered the following amendment which was moved by Senator Friday:

In Section 1, line 26, page 1, after "principal crime." strike all of bill down to Section 3 on page 2, line 4, and renumber remaining section of bill accordingly.

Pending consideration of the foregoing amendment, on motion by Senator Friday, the rules were waived and the Senate reverted to the order of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr.
President of the Senate

April 9, 1969

Sir:

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

By Representative Smith and Others—

HCR 455—Acknowledging invitation to members and officials of the Florida Legislature to attend the 1969 Cooperative Forestry Field Day Program of the Seaboard Coast Line Railroad Company to be held near Lee, Florida, in Madison County on Thursday, April 17, 1969.

WHEREAS, an invitation has been extended the members and officials of the Florida Legislature by the Seaboard Coast Line Railroad Company to attend as special guests the Cooperative Forestry Field Day Program on Thursday, April 17, 1969, at 10 a.m. in Lee, Florida, and

WHEREAS, this occasion will bring together industrial leaders from major corporations across the country as well as international trade officials and representatives of foreign governments, and

WHEREAS, The Forestry Field Day Program will include presentations on all aspects of modern forest management and the manufacture of forest products, and

WHEREAS, transportation of forest and other products particularly through the use of the significant development in world trade of containerized freight and the facilities planned for such modern transport in Florida will be highlighted in the program, and

WHEREAS, this program will provide an unparalleled opportunity to members of the Legislature and to the invited business and trade leaders to participate together in exploring the vast potential of Florida's forest assets and its unique attributes for shipping and international trade, and

WHEREAS, the Seaboard Coast Line Railroad has offered transportation to the site of the program and has made extensive preparations for the visit of members of the Legislature, NOW, THEREFORE,

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

That the members of the House of Representatives and the members of the Senate of the State of Florida appreciate and acknowledge the invitation to the Cooperative Forestry Field Day Program to be held Thursday, April 17, 1969, at 10 a.m. near Lee, Florida, in Madison County under the sponsorship of the Seaboard Coast Line Railroad, and those members who are able to do so will attend this program.

BE IT FURTHER RESOLVED that the Legislature extends its commendation to the Seaboard Coast Line Railroad for the significant effort it is making in this program to assist and encourage the further development of industry and international trade in Florida.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 455, contained in the above message, was read the first time in full.

On motion by Senator Friday, the rules were waived and HCR 455 was placed on the Calendar.

Unanimous consent was granted Senator Friday to take up HCR 455 out of order.

On motions by Senator Friday, the rules were waived and HCR 455 was read the second time by title, adopted, and certified to the House.

On motion by Senator Friday, by two-thirds vote, SCR 287 was withdrawn from the Committee on Rules and Calendar and from the Senate.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Financial Institutions and Consumer Protection: Senate Bills 68, 71, 183, 228, 300, 384. (10 days to report to Committee on Commerce and Licensed Businesses)

Licensed Businesses: Senate Bills 158, 223, 232, 256, 267, 268, 269, 271, 272, 273, 333, 367, 370. (10 days to report to Committee on Commerce and Licensed Businesses)

Mental Health, Retardation and Institutions: SB 75

Taxation: Senate Bills 15, 35, 41, 42, 93, 137, 146, 186, 222, 270, 274 and SM 225 (30 days to report to Committee on Ways and Means).

On motion by Senator Friday, the rules were waived and the Subcommittee on State Government was granted permission to meet at 8:30 a. m., April 10, 1969.

CO-INTRODUCERS

By permission, Senator Gunter was recorded as a co-introducer of SB 2.

By permission, Senators Gong and Reuter were recorded as co-introducers of SB 82.

By permission, Senator Henderson was recorded as a co-introducer of SB 243.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:32 p.m. to reconvene at 11:00 a.m., April 10, 1969.