

# JOURNAL OF THE SENATE

Thursday, April 10, 1969

The Senate was called to order by the President at 11:00 a.m.  
A quorum present—44:

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

Excused: Senators Reuter, Trask, Plante and Barron.

Prayer by Senator Karl:

Almighty God, our Heavenly Father, we acknowledge that thou dost govern the affairs of men. If a sparrow cannot fall without thy notice, how can we feel that thou art indifferent to what we think, say or do here today?

We pray that thou wilt make plain to us the importance of listening attentively, studying thoughtfully, and seeking diligently to pass only those bills which are just and right. Teach us by that monitor which thou hast placed within each one of us when we should remain silent and thoughtful; and, when we should speak.

Thou knowest how blind we can be and how stubborn we are in justifying our own intentions. Forgive us for our sins and trespasses.

Grant to thy servants in this Chamber divine guidance. We need thy mercy, thy wisdom, and thy help in our thinking—thy love in our hearts. We ask for that help and for that grace. Through Jesus Christ, our Lord. Amen.

The Journal of April 9 was corrected and approved as follows:

Page 35, column 1, line 35, after "use" insert the following: or carries on or about his person

The Journal of April 8 was further corrected and approved as follows:

Page 2, counting from the bottom of column 1, line 21, after "Friday," insert the following: the rules were waived and

Page 5, counting from the bottom of column 1, line 19, strike "10" and insert 16

Page 16, counting from the bottom of column 1, line 31, after "p. m." insert the following:

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

Page 16, counting from the bottom of column 1, line 5, strike "by title" and insert in full

Page 17, column 2, line 1, strike "by title" and insert in full

Page 20, counting from the bottom of column 1, line 21, strike "by title" and insert in full

Page 22, column 1, line 1, strike "by title" and insert in full

Page 24, column 2, line 27, strike "by title" and insert in full

Page 25, column 2, line 14, strike "by title" and insert in full

Page 28, counting from the bottom of column 1, line 8, strike "by title" and insert in full

## REPORTS OF SUBCOMMITTEES

The Mental Health, Retardation, and Institutions Subcommittee recommends Senate Bills 61 and 9 be reported unfavorably by the Health, Welfare, and Institutions Committee.

The Mental Health, Retardation, and Institutions Subcommittee recommends Senate Bills 18, 24, 60, 64, 62, 160, 284 and 220 with 4 amendments be reported favorably by the Health, Welfare, and Institutions Committee.

The Public Schools Subcommittee recommends SB 156 be reported unfavorably by the Education Committee.

The Public Schools Subcommittee recommends Senate Bills 161 and 162 be reported favorably with amendments by the Education Committee.

## INTRODUCTION

By Senators Haverfield, Mathews, Askew, Thomas, Chiles, Gunter, Boyd, Saunders, Lane, Gong, Weissenborn, Hollahan, Myers, Stone, Pope, Karl, McClain, Deeb, Wilson, Barron, Horne, Friday, Broxson, Daniel, Stolzenburg, Weber, Trask, Williams, Ott and Shevin—

SM 397—A memorial to the congress of the United States requesting congress to call a convention for the purpose of proposing an amendment to the constitution of the United States to provide for revenue sharing with the states of federal income taxes.

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

That this legislature respectfully petitions the congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States to provide that a proportion of the taxes collected in each of the states on the incomes of persons, associations and corporations shall be returned to the respective states to be utilized at the discretion of the state.

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 senate, to the speaker of the United States house of representatives, and to each member of the Florida delegation to the United States congress.

Was read the first time in full and referred to the Committee on Ways and Means.

On motion by Senator Haverfield, by two-thirds vote, SM 397 was withdrawn from the Committee on Ways and Means and placed on the Calendar.

Unanimous consent was granted Senator Haverfield to take up SM 397 out of order.

On motions by Senator Haverfield, the rules were waived and SM 397 was read the second time by title, unanimously adopted and certified to the House.

By Senator Henderson—

SB 398—A bill to be entitled An act relating to local air and water pollution control programs; amending the introductory paragraph and paragraph (a) of subsection (1) of section 403.182, Florida Statutes, to provide that local pollution control programs shall be approved by the air and water pollution control commission if they are at least as strict as the standards prescribed in the state law; providing an effective date.

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

By Senators Myers and Lane—

SB 399—A bill to be entitled An act relating to public health, foods, drugs and cosmetics; vesting in the state board of health full authority for the administration and enforcement of the provisions of chapter 500, Florida Statutes; amending section 500.03(1), Florida Statutes, defining the term "commissioner"; creating section 500.441, Florida Statutes, providing for such enforcement powers; repealing sections 500.44 and 500.45, Florida Statutes, prescribing the separate enforcement powers of the department of agriculture and the state board of health; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Governmental Organization.

By Senator Barrow—

SB 400—A bill to be entitled An act relating to dressed poultry inspections; making an appropriation to the department of agriculture for inspections; repealing section 583.18(4), Florida Statutes, relating to an inspection fee; providing an effective date.

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

By Senator Hollahan—

SB 401—A bill to be entitled An act relating to grand juries; amending chapter 905, F. S., by adding section 905.28; to provide that the attorney general of the state of Florida may request the impanelling of a grand jury and upon request the same shall be so impanelled; providing an effective date.

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

By Senators Chiles, Gunter, Johnson, Sayler and Ducker—

SB 402—A bill to be entitled An act amending Sections 403.061(9), 403.081, 403.241(4) of Chapter 403, Florida Statutes, relating to air and water pollution, providing for appointment of hearing officers; providing for the transfer of personnel, property and appropriations, which are used to investigate, control or prohibit pollution of the air or water, from the State Board of Health to the Florida Air and Water Pollution Control Commission; redefining pollution control facilities for tax purposes; repealing Chapter 387 and Section 403.241(3)(c), Florida Statutes, and providing an effective date.

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

By Senators Johnson and Reuter—

SB 403—A bill to be entitled An act to amend Chapter 67-1145, Laws of Florida 1967, the same being "an act authorizing the Board of County Commissioners of Brevard County, Florida to provide for the construction, acquisition or purchase of water or sewer systems or any combination thereof and improvements, additions and extensions thereto and the operation and maintenance thereof, excluding municipal systems except by consent;" by amending Section 6, subsection (f) of Section 12, and Section 13 thereof by increasing the interest rate provided therein to seven percent (7%) per annum; repealing the laws in conflict herewith; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 403.

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

By Senator Young—

SCR 404—A Concurrent resolution creating the Florida Medal of Honor Grove Committee to guide participation of the State of Florida and raise the necessary funds for the participation of the State in the Medal of Honor Grove of the Freedoms Foundation at Valley Forge.

Was read the first time in full and referred to the Committee on Ways and Means.

By Senator Young—

SB 405—A bill to be entitled An act relating to the boundary line between the states of Florida and Georgia; amending Section 6.09, Florida Statutes, so as to limit the boundary from the mouth of the Saint Marys River to the seaward limit of Florida as now or hereafter fixed by the Congress of the United States; to provide that such boundary is to be considered to extend beyond the seaward limit of the sovereign jurisdiction of this state should any need for further delimitation arise; providing an effective date.

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

By Senator de la Parte—

SB 406—A bill to be entitled An act relating to obstructing a fireman while in performance of his duty; amending section 806.10, Florida Statutes; providing penalties; providing an effective date.

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

By Senator Lane—

SB 407—A bill to be entitled An act relating to hospital services for the indigent, physician services; amending subsections 401.02(7) and 401.06(1), Florida Statutes, to define the term "doctor" to include doctor of dental surgery and to provide for referral of medically indigent persons for treatment by doctors of dental surgery; providing an effective date.

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

By Senator Lane—

SB 408—A bill to be entitled An act relating to the control of lasers and other nonionizing radiations; providing definitions; providing authority to issue regulations; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Lane—

SB 409—A bill to be entitled An act relating to Florida basic science law; repealing chapter 67-596, Laws of Florida, which repeals as of July 1, 1969 the basic science law which is part I of chapter 456, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Lane—

SB 410—A bill to be entitled An act relating to osteopathic physicians; repealing chapter 67-497, Laws of Florida, which amends section 459.06, Florida Statutes, as of July 1, 1969, by deleting requirement that applicants for examination possess a certificate of proficiency in the basic sciences; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Lane—

SB 411—A bill to be entitled An act relating to chiropractors; repealing chapter 67-498, Laws of Florida which amends section 460.07(1), Florida Statutes, as of July 1, 1969, by removing the requirement that applicants for examination possess a certificate of proficiency in the basic sciences; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

By Senator Ducker—

SB 412—A bill to be entitled An act relating to taxation; amending chapter 192, Florida Statutes, by adding section 192.064, allowing credit against final tax assessments fee to taxpayers with dependents attending private schools; providing

an effective date.

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

By Senator Ducker—

SB 413—A bill to be entitled An act relating to tax on sales, use and other transactions; amending chapter 212, Florida Statutes, by adding section 212.031 providing for the imposition of a community transient rental tax; prescribing procedure for the collection, distribution and disposition of funds derived therefrom; providing an effective date.

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

By Senator Ducker—

SB 414—A bill to be entitled An act relating to qualification and registration of electors; amending chapter 97, Florida Statutes by adding section 97.092; permitting absentee vote when elector moves to new county; providing an effective date.

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

By Senator Ducker—

SB 415—A bill to be entitled An act relating to public employment; amending section 839.221, Florida Statutes; forbidding strikes by public employees; providing penalties; providing an effective date.

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

By Senators Ducker and Stolzenburg—

SB 416—A bill to be entitled An act providing an amendment to chapter 487, Florida Statutes; providing for an amendment to section 487.031: prohibited acts; providing for new subsection 487.031(6) prohibiting sale or use of certain persistent chlorinated hydrocarbons; exceptions; providing for an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions, Agriculture and Natural Resources and Conservation.

By Senator Ducker—

SB 417—A bill to be entitled An act relating to aquatic plants; amending chapter 372, Florida Statutes, by adding section 372.935, requiring license to import or cultivate aquatic plants; providing an effective date.

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

By Senators Poston, Boyd, Thomas, Beaufort, Broxson, Lane, de la Parte and Pope—

SB 418—A bill to be entitled An act relating to the State Road Board; amending subsection 334.062, Florida Statutes, to provide for the number, qualifications, election and terms of the Board and providing an effective date.

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

By Senators Poston, Hollahan, Myers, Gong, Haverfield and Fincher—

SB 419—A bill to be entitled An act relating to graduate study in oceanography at qualified institutions of higher learning in the state of Florida; authorizing the board of regents to pay to Florida universities, public and private, the sum of four thousand five hundred dollars (\$4,500.00) per year for each Florida student, up to but not to exceed sixty (60) pursuing doctoral study at the institutions; defining the necessary qualifications for receipt of benefits; regulating and allocating the expenditure of the funds; providing appropriation to the board of regents; and providing an effective date.

Was read the first time by title and referred to the Com-

mittees on Education and Ways and Means.

By Senators Poston, Barrow, Beaufort and Horne—

SB 420—A bill to be entitled An act providing for retirement benefits for persons who have exercised the duties of the office of governor of Florida; making an appropriation; providing an effective date.

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

By Senator Saylor—

SJR 421—A joint resolution proposing a revision of Article IV, Section 4, of the State Constitution, relating to the executive department of the government.

Was read the first time by title and referred to the Committee on Constitutional Amendments and Revision.

By Senator Saylor—

SB 422—A bill to be entitled An act relating to universities and colleges; providing prior approval by the Board of Regents for convicted felons to be allowed to speak on university campuses; providing prior approval by the State Junior College Board for convicted felons to be allowed to speak on junior college campuses.

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

By Senator Saylor—

SB 423—A Bill to be entitled An act relating to hotel sanitation and sanitary regulations; repealing provision of Section 509.221(5), Florida Statutes, requiring bed sheets and pillow slips to be ironed.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Commerce and Licensed Businesses.

By Senator Saylor—

SB 424—A bill to be entitled An act relating to colleges and universities; providing for suspension and expulsion of college and university students for engaging in aggressive and violent demonstrations; providing an effective date.

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

By Senator Saylor—

SB 425—A bill to be entitled An act relating to assessment of taxes; providing the county tax assessor in each county shall assess all taxes.

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

By Senator Saylor—

SM 426—A Memorial to the Congress of the United States to provide that national banks within the State of Florida be taxed as state banks; providing for amendment to Title 12, U.S.C., Section 548.

Was read the first time in full and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Bafalis, by two-thirds vote, SB 5 was withdrawn from the Committee on Education and from the Senate.

On motions by Senator Myers, by two-thirds vote, SB 16 was withdrawn from the Committee on Health, Welfare, and Institutions and from the Senate.

On motions by Senator Poston, by two-thirds vote, SB 109 was withdrawn from the Committee on Governmental Organization and from the Senate.

On a point of order raised by Senator Chiles, Senate Bills 2, 3, 37, 62, 64 and 81 were also referred to the Committee on Ways and Means, pursuant to Rule 4.6.

#### BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

**Health and Welfare:** Senate Bills 399, 408, 416, 423 (7 days to report to Committee on Health, Welfare, and Institutions.)

**Mental Health, Retardation, and Institutions:** Senate Bills 409, 410, 411 (7 days to report to Committee on Health, Welfare, and Institutions.)

**Jurisprudence:** Senate Bills 326, 331, 346, 347, 348, 349, 371, 372, 373, 383, 385, 396 (7 days to report to Committee on Judiciary.)

**Law and Order:** Senate Bills 168, 295, 303, 304, 305, 306, 307, 308, 309, 338, 339, 344, 351, 353, 354, 355, 357, 359, 360, 361, 392 (7 days to report to Committee on Judiciary.)

**Labor and Industrial Relations:** 313, 317, 322, 327, 330, 332, 336, 337, 340, 343 (7 days to report to Committee on Judiciary.)

#### UNFINISHED BUSINESS

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.

Was taken up, having been read the second time, amended and deferred on April 9.

On motion by Senator Hollahan, 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 77—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.

With pending amendment was taken up, having been read the second time, amended and deferred on April 9.

The pending amendment failed.

Senator Broxson offered and moved the following amendment:

In Section 1, line 29, page 1, after "nor more than 20 years" add unless there is a recommendation of leniency by the jury.

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

In Section 1, line 29, page 1, strike: the period and add: , in which event the mandatory minimum sentence required here-

under shall not be applicable.

The amendment as amended failed. The vote was:

Yeas—20

Mr. President	Chiles	Gong	Pope
Askew	Deeb	Henderson	Poston
Beaufort	de la Parte	Hollahan	Stolzenburg
Bell	Fincher	Knopke	Weissenborn
Broxson	Friday	Ott	Wilson

Nays—21

Bafalis	Haverfield	Saunders	Thomas
Barrow	Horne	Saylor	Weber
Bishop	Johnson	Scarborough	Young
Boyd	Karl	Shevin	
Daniel	Lane	Slade	
Ducker	McClain	Stone	

Senator Daniel offered the following amendment which was adopted:

In the title following the words "or attempts to use" strike the words "or carries on or about his person" insert the following, or carries on or about his person with intent to use if necessary in the commission of the felony,

Senator Myers offered the following amendment which failed:

In Section 1, line 31, page 1, strike "not less than twenty (20) years" and insert the following: for a maximum period of twenty years or such lesser terms, at the discretion of the court

Senator Myers also offered the following amendment:

In Section 1, lines 28-29, page 1, strike "not less than ten (10) years." and insert the following: for a maximum period of ten years or any lesser term of years, at the discretion of the court.

Senator Broxson offered the following substitute amendment which was adopted:

In Section 1, subsection (a), strike: the period and insert the following: , unless there is a recommendation of mercy by the jury in which event the minimum mandatory confinement shall be for a period of not less than three (3) years.

Senator Myers offered the following amendment which was adopted:

In Section 1, page 1, after the word "Said" add additional

On motion by Senator Shevin the Senate reconsidered the vote by which the foregoing amendment was adopted. The question recurred and the amendment failed.

Senator Daniel offered the following amendment which was adopted:

In Section 1, page 1, strike: "in addition to the punishment provided for the principal crime. Said punishment shall be imposed as follows: and insert the following: as follows:

Senator Shevin offered the following amendment which was adopted:

In the title strike: "in addition to the principal crime being committed"

The bill was ordered engrossed.

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 tem-

porary 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.

Was taken up and read the third time by title as amended, passed and ordered engrossed. The vote was: Yeas—44 Nays—None

Mr. President	Deeb	Johnson	Scarborough
Askew	de la Parte	Karl	Shevin
Bafalis	Ducker	Knopke	Slade
Barrow	Fincher	Lane	Stolzenburg
Beaufort	Friday	McClain	Stone
Bell	Gong	Myers	Thomas
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Broxson	Henderson	Poston	Williams
Chiles	Hollahan	Saunders	Wilson
Daniel	Horne	Sayler	Young

CO-INTRODUCER

By permission Senator Shevin was recorded as a co-introducer of Senate Bills 213 and 284.

SECOND READING

SB 7—A bill to be entitled An act relating to drug abuse; amending section 404.15, Florida Statutes, to require mandatory imprisonment of persons convicted of selling drugs to persons under age eighteen (18) and to prohibit the suspending or deferring of sentence or the granting of probation to persons so convicted.

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 Ott:

In Section 1, line 6, page 2, strike: "sale" and insert the following: delivery

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

In Section 1, line 8, page 2, strike: "eighteen (18)" and insert twenty-one (21)

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

Line 16, page 2, add the following: Section 2. Effective date.— This act shall take effect January 1, 1970.

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

In title, line 11, page 1, strike: the period after the word "convicted" and insert the following: ; providing an effective date.

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

In title, line 8, page 1, strike: "eighteen (18)" and insert the following: twenty-one (21)

Senator Bafalis offered and moved the following amendment:

In Section 4, line 11, page 2, strike: all after the comma and insert the following: for this offense and of a second or subsequent conviction of any other offense under this subsection neither adjudication of guilt nor imposition of sentence shall be suspended or deferred, nor shall the person so convicted be placed on probation. In addition to imprisonment such person convicted may be fined not more than ten thousand dollars (\$10,000.00).

Pending consideration of the foregoing amendment, the hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:00 p. m. to reconvene at 11:00 a. m., April 11, 1969.