

JOURNAL OF THE SENATE

Friday, April 11, 1969

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

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

Excused: Senators de la Parte, Haverfield, Weber and Plante.

Prayer by Senator Thomas:

Our gracious Heavenly Father, we ask for thy divine blessings upon each member of this legislative body, not because we deserve it but because we need it. Amen.

The Journal of April 10 was corrected and approved.

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

Page 8, column 2, line 16, after "said" insert motor

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass: Senate Memorials 173 and 188

The Committee on Constitutional Amendments and Revision recommends the following pass: SJR 127

The Committee on Transportation recommends the following pass: SB 194

The Committee on Governmental Organization recommends the following pass: SB 116 SB 122

The bills were placed on the Calendar.

The Committee on Transportation recommends the following pass:

SB 130	SB 169
SB 189	SB 265
SB 242 with 2 amendments	SB 266
SB 138 with 1 amendment	

The Committee on Governmental Organization recommends the following pass:

SB 1 with 4 amendments SB 218

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass:

SB 25 with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 119

The bill was referred to the Committee on Health, Welfare, and Institutions.

The Committee on Constitutional Amendments and Revision recommends the following not pass: SJR 187

The Committee on Transportation recommends the following not pass: Senate Bills 133, 134 and 135

The bills were laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Universities and Colleges: Senate Bills 362, 378 (5 days to report to Committee on Education)

Jurisprudence: SB 401 (7 days to report to Committee on Judiciary)

Law and Order: SB 406 (7 days to report to Committee on Judiciary)

Labor and Industrial Relations: Senate Bills 414, 415 (7 days to report to Committee on Judiciary)

Safety: SB 318 (7 days to report to Committee on Transportation)

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 77 with 8 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was placed on the calendar on third reading.

Your Engrossing Clerk to whom was referred—

SB 22 with 3 amendments SB 82 with 1 amendment
CS for SB 103 with 1 amendment

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bills were certified to the House.

INTRODUCTION

By Senator de la Parte—

SB 427—A bill to be entitled An act relating to juvenile courts; amending section 39.11(2) by adding paragraph (f); authorizing the court to order the natural or adoptive parents to pay attorney's fees and costs in the juvenile court proceeding; providing an effective date.

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

By Senator de la Parte—

SB 428—A bill to be entitled An act relating to juvenile courts; amending section 39.02(1), Florida Statutes; authorizing juvenile judges to waive jurisdiction of any or all traffic cases involving children when in the public interest; providing an effective date.

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

By Senator de la Parte—

SB 429—A bill to be entitled An act relating to juvenile courts; amending section 39.08, Florida Statutes, by adding

subsection (2); providing in appropriate cases for examination by a licensed psychiatrist or psychologist of children alleged to be mentally incompetent or mentally retarded and authorizing the judge of the juvenile court to commit children to the division of mental retardation or the division of mental health; 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 de la Parte—

SB 430—A bill to be entitled An act relating to garnishment; amending section 222.11, Florida Statutes; authorizing garnishment of not more than five percent (5%) of gross earnings of head of a family for emergency hospital and ambulance services; providing an effective date.

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

By Senators de la Parte and Gunter—

SB 431—A bill to be entitled An act relating to alcoholic beverages; prohibiting the carrying of weapons where spirituous liquors are sold, served or consumed; providing for notice on the premises; providing for penalties; 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 de la Parte—

SB 432—A bill to be entitled An act relating to higher education; stating the intent of the legislature in passing this act; requiring the obtaining of a certificate of approval of the state board of education by nonpublic colleges, universities, and certain other educational institutions and providing the procedure therefor; providing certain exceptions for accredited institutions now in operation; creating a higher educational standards council; providing for its appointment, duties, and promulgation of regulations; prescribing duties of the state board of education as to the administration of this act; providing for hearings and appeals of institutions denied a certificate of approval or whose certificates have been revoked; prescribing certain duties of the attorney general; providing a penalty for violations; providing an effective date.

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

By Senator de la Parte—

SB 433—A bill to be entitled An act relating to the juvenile courts; amending sections 39.02(1)(a), 39.03(1) and (7), 39.04, 39.05(1) and (4), 39.06(2), 39.08, and 39.10(1), (2), and (3), Florida Statutes, to incorporate therein the concept of a "child in need of supervision"; 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 de la Parte—

SB 434—A bill to be entitled An act relating to juvenile courts; amending section 39.06(8), Florida Statutes, authorizing service of process in cases not involving permanent commitment to a child placement agency by certified mail to the child and his parent, guardian, or counsel; providing an effective date.

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

By Senator Gong—

SB 435—A bill to be entitled An act relating to declarations of trust; amending chapter 689, Florida Statutes, by adding section 689.075 to list powers that may be retained by the settlor of an inter vivos trust, either singly or jointly with another, without affecting its nontestamentary character; pro-

viding for retroactive application to trusts executed by persons living on the effective date of this act; providing an effective date.

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

By Senator Gong—

SB 436—A bill to be entitled An act relating to expired leases; repealing section 821.31, Florida Statutes, regulating holding over by lessee whose lease has expired; providing an effective date.

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

By Senators Gong and Shevin—

SB 437—A bill to be entitled An act providing immunity of full-time newsmen from citations of contempt; providing for no conflict with other sanctions of discovery procedure; providing for no conflict with chapter 836, Florida Statutes; providing an effective date.

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

By Senator Gong—

SB 438—A bill to be entitled An act relating to the Florida arts commission; amending section 272.21, Florida Statutes, increasing membership of the commission and fixing qualifications; authorizing the employment of a director and staff; redefining the commission's powers and duties; designating commission as agency for receipt of certain funds; 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 Gong—

SB 439—A bill to be entitled An act relating to conservation; amending section 370.13, Florida Statutes, regulating the taking and possession of stone crabs; providing a penalty; providing an effective date.

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

By Senator Gong—

SB 440—A bill to be entitled An act relating to and regulating the taking of crawfish; amending section 370.14(3)(c), Florida Statutes; providing that molesting or touching of another's traps is unlawful; providing an effective date.

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

By Senator Gong—

SB 441—A bill to be entitled An act providing for the relief of Sam Arbit; providing an appropriation; providing an effective date.

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

By Senator Gong—

SB 442—A bill to be entitled An act relating to payments to employee welfare funds; amending chapter 448, Florida Statutes, by adding section 448.07 making the failure of an employer to make agreed payments to welfare or pension fund a misdemeanor; providing an effective date.

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

mittees on Commerce and Licensed Businesses and Judiciary.

By Senator Karl—

SB 443—A bill to be entitled An act relating to universities, scholarships, etc., osteopathy scholarships; amending section 239.59(1), Florida Statutes, to provide for two (2) osteopathy scholarships; amending section 239.60, Florida Statutes, to provide for osteopathy scholarships in the amount of two thousand dollars (\$2,000) a year and eight thousand dollars (\$8,000) in entirety; providing an appropriation; providing an effective date.

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

By Senator Karl—

SB 444—A bill to be entitled An act relating to school opening; amending section 230.23(4)(f), Florida Statutes, to fix opening date.

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

By Senator Karl—

SB 445—A bill to be entitled An act relating to tax exemption of homes for the aged; amending section 192.06(14)(a), Florida Statutes, to eliminate licensing by the state board of health in certain instances; making the provisions of this act applicable to 1969 taxes; providing an effective date.

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

By Senator Karl—

SB 446—A bill to be entitled An act relating to the Florida watchmakers' commission; amending section 489.06(3), Florida Statutes, increasing annual renewal certificate fees; 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 Karl—

SB 447—A bill to be entitled An act relating to the probate of small estates; amending section 735.04(2), Florida Statutes, to increase to ten thousand dollars (\$10,000) the maximum value of estates for which administration may be dispensed with under certain conditions; providing an effective date.

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

By Senators McClain and Gong—

SB 448—A bill to be entitled An act relating to commercial discrimination; amending section 540.09, Florida Statutes, by renumbering present subsection (3) as (4) and adding new subsection (3); establishing liability to an attraction owner when any person, without the owner's permission, causes a tower or other structure to be built or used for the purpose of charging admission to look within the previously established attraction; 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 Horne—

SB 449—A bill to be entitled An act relating to the Department of Motor Vehicles, license registration plates; amending sections 320.05, 320.06, 320.061, 320.07, 320.18, 320.26, Florida Statutes; providing for license plates to be issued for five (5) year periods and renewed annually by a revalidation sticker; requiring registration of trailers and semitrailers; providing an additional fee on each plate and revalidation sticker for reflectorization to be deposited in Division of Corrections Industrial Trust Fund; prohibiting counterfeiting of revalidation stickers; creating section 320.0611, Florida Statutes, providing for the issuance of duplicates of certificates of registration and

replacement of license plates, lost, stolen or damaged; providing an appropriation; providing an effective date.

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

By Senator Bishop—

SB 450—A bill to be entitled An act exempting all counties with a population of less than 15,000 inhabitants, according to the last official federal decennial census, from the mandatory requirements of Section 23.069, Florida Statutes, relative to police training programs.

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

By Senator Weber—

SB 451—A bill to be entitled An act relating to hotels; amending section 509.221(5), Florida Statutes, to delete the requirement that sheets and pillow slips must be ironed as well as washed before use by another guest; providing an effective date.

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

By Senator Deeb—

SB 452—A bill to be entitled An act relating to the county school system; amending chapter 230, Florida Statutes, by adding section 230.221 to provide that district school boards shall not prohibit the playing of "Dixie"; providing an effective date.

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

By Senators Hollahan, Horne, Scarborough and Weber—

SB 453—A bill to be entitled An act relating to thoroughbred horse racing; amending Chapter 550, Florida Statutes, by amending Section 550.081 and by repealing Sections 550.084; 550.085; 550.086; 550.087; 550.088 and 550.089 and by adding thereto Sections 550.40; 550.41; 550.42; 550.43; 550.44; 550.45 and 550.46 and 550.47, to define the winter thoroughbred horse racing season and the summer thoroughbred horse racing season; to create a one hundred twenty (120) day annual summer thoroughbred horse racing season and to authorize the State Racing Commission to issue an additional permit for such summer thoroughbred horse racing; and to provide for time of operation and charity days for summer thoroughbred horse racing; to provide for tax, commission, breakage on summer thoroughbred racing; to provide summer thoroughbred racing periods; to provide for a minimum purse per race of Two Thousand Dollars (\$2,000.00); to provide for allocation and reallocation of racing periods; to provide for application of Section 550, Florida Statutes; to repeal conflicting laws; to provide an effective date.

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

By Senator Barrow—

SB 454—A bill to be entitled An act relating to hunting and fishing on premises without permission of owner; amending section 821.03, Florida Statutes, amending subsections (1) and (2) by requiring written permission to hunt or fish on any land and by adding subsections (3) and (4) limiting liability of owner against injuries suffered by hunters and fishermen; 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 Lane—

SB 455—A bill to be entitled An act relating to Monroe county; repealing chapter 65-1927, Laws of Florida, relating to the granting of a cablevision franchise; providing an effective date.

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

mittees on Rules and Calendar and Commerce and Licensed Businesses.

By Senator Barrow—

SB 456—A bill to be entitled An act relating to schools; amending section 236.602, Florida Statutes, providing that the number of instruction units in any district for and on behalf of which the state board of education or any district school board shall issue bonds or certificates under Section 18 of Article XII of the Constitution of 1885 as amended and adopted by reference in the Constitution of 1968, shall never be less than the number of instruction units in such district in the school fiscal year preceding the school fiscal year in which such bonds or certificates are issued, to the extent necessary to pay the principal of and interest on such bonds or certificates and reserves therefor maturing and becoming due in any future school fiscal year; providing an effective date.

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

By Senators Gong, Myers and Lane—

SB 457—A bill to be entitled An act relating to public health, communicable diseases upon the consent of the minor; amending chapter 384, Florida Statutes by adding section 384.061; providing that parental consent need not be obtained; providing an effective date.

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

By Senators Thomas and Gunter—

SB 458—A bill to be entitled An act relating to the department of agriculture; amending section 503.09, Florida Statutes, providing for the exemption from the application of Chapter 503, Florida Statutes, to frozen desserts retail establishments; providing an effective date.

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

By Senator Thomas—

SB 459—A bill to be entitled An act relating to banks and banking; amending subsection (1) of section 659.16, Florida Statutes; requiring every bank to maintain a cash reserve and designating the form in which the same shall be maintained; and providing an effective date.

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

By Senators Chiles, Karl, Stone, Thomas, Trask, Boyd, Hollahan and Mathews—

SB 460—A bill to be entitled An act relating to credit unions; amending sections 657.16, 657.161, 657.17, 657.18, 657.20 and 657.22, F. S.; authorizing officers, directors and committeemen to borrow from their own credit unions with certain restraints; expanding the investment authority and authorizing investments for credit unions; reducing reserve requirement from twenty per cent of capital and deposits to ten per cent of outstanding loans; removing restrictions on number of dividends declared each year and allowing dividends to be paid from undivided earnings rather than net earnings; establishing new and detailed procedures for the voluntary liquidation and providing a basis and procedures for the involuntary liquidation of credit unions; authorizing credit unions to destroy records after five rather than ten years; providing an effective date.

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

By Senator Poston—

SB 461—A bill to be entitled An act relating to ambulance services to assure adequate and continuing services; providing for licensing and prescribing minimum standards; providing that services be provided by county where private services are inadequate; providing that violation shall be a misdemeanor; repealing section 877.07, Florida Statutes; providing an effective date.

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

mittees on Transportation and Health, Welfare, and Institutions.

By Senator Poston—

SB 462—A bill to be entitled An act creating a commission of postmortem examiners composed of the attorney general, the director of the Florida bureau of law enforcement, the state health officer, and six (6) physicians appointed by the governor; providing for the commission to promulgate rules and regulations pertaining to death investigations and postmortem examinations, standards of performance of duties, the maintenance of records, qualifications, and appointments of medical examiners; providing for medical examiner districts; providing for the appointment of associate and deputy medical examiners and their qualifications; providing for performance of duties by the medical examiners and their associates and deputies; providing for causes of certain types of deaths to be determined in the public interest by means of investigations and examinations and autopsies; providing for notification of medical examiners of deaths to be investigated and penalty for failure to notify; providing for maintenance and preservation of records; providing for liaison between law enforcement investigators and medical examiners; providing for fees, salaries, and facilities for the performance of duties; providing for alternate designation of medical examiners in the event that medical examiners are unable to perform their duties; providing for bond or insurance for medical examiners and associate medical examiners and deputies; providing an effective date.

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

By Senator Poston—

SB 463—A bill to be entitled An act relating to nationally advertised contest, drawings, game or puzzle; amending subsection 849.09(1), F. S., to require companies sponsoring such contest to prove through factual evidence that it is impossible to rig or fix these games in any manner; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Daniel, by two-thirds vote, SB 240 was withdrawn from the Committee on Ways and Means and from the Senate.

By direction of the President, Senate Bills 200 and 201 were referred to the Committees on Health, Welfare, and Institutions, Governmental Organization and Agriculture, in that order.

By direction of the President, SB 300 was also referred to the Committee on Governmental Organization.

On motion by Senator Young, by two-thirds vote, SB 405 was withdrawn from the Committee on Judiciary and placed on the Calendar.

The rules were waived and unanimous consent was granted Senator Young to take up out of order—

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.

—which was read the second time by title. On motion by Senator Young, the rules were waived and SB 405 was read the third time by title, passed and certified to the House immediately by waiver of the rule. The vote was: Yeas—45 Nays—None

Mr. President	Bishop	Ducker	Hollahan
Askew	Boyd	Fincher	Horne
Bafalis	Broxson	Friday	Johnson
Barrow	Chiles	Gong	Karl
Beaufort	Daniel	Gunter	Knopke
Bell	Deeb	Henderson	Lane

McClain	Reuter	Slade	Weissenborn
Myers	Saunders	Stolzenburg	Williams
Ott	Saylor	Stone	Wilson
Pope	Scarborough	Thomas	Young
Poston	Shevin	Trask	

by title and referred to the Committee on Judiciary.

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

On motions by Senator Poston, by two-thirds vote, SB 131 was withdrawn from the Committee on Agriculture and from the Senate.

Sir:

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

On motion by Senator Friday, the rules were waived and the Senate reverted to the order of—

By the Committee on General Legislation—

REPORTS OF COMMITTEES

CS for HB 89—A bill to be entitled An act adopting the uniform anatomical gift law; authorizing the gift of all or part of a human body after death for specified purposes; repealing Sections 736.08 through, and including, Section 736.18, Florida Statutes; providing specific procedures, rights and duties; providing an effective date.

The Senate Rules Committee at its meeting April 10, 1969, unanimously voted to recommend to the Senate the following amendment:

—and requests the concurrence of the Senate therein.

Rule 12.3 be amended by the addition of the underscored words:

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

12.3 (a) *Except as otherwise herein provided*, upon receipt by the Senate of appointments, removals, or suspensions upon which the consent of the Senate is required, the President shall refer each to an appropriate select committee whose charge it shall be to make inquiry or investigation and advise the President and the Senate as to its recommendation concerning the subject referred and as to the necessity for deliberating such subject in executive session. Reports and findings of select committees appointed pursuant hereto are advisory only and shall be made in executive session.

CS for HB 89, contained in the above message, was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Judiciary.

(b) *An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record shall not be referred to a select committee nor considered by the Senate until the pending charges have been dismissed or until final determination of the charges at the trial court level.*

The Honorable John E. Mathews, Jr. April 10, 1969
President of the Senate

Sir:

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

On motion by Senator Friday, the foregoing report was adopted. The vote was: Yeas—39 Nays—None

By Representative West—

Mr. President	Deeb	Karl	Scarborough
Askew	Ducker	Knopke	Shevin
Bafalis	Fincher	Lane	Slade
Barrow	Friday	McClain	Stone
Beaufort	Gong	Myers	Thomas
Bell	Gunter	Ott	Weissenborn
Boyd	Henderson	Poston	Williams
Broxson	Hollahan	Reuter	Wilson
Chiles	Horne	Saunders	Young
Daniel	Johnson	Saylor	

HCR 203—A concurrent resolution commending students of Jacksonville University for courageous and unselfish acts.

WHEREAS, a catastrophic conflagration did occur at an apartment complex in the vicinity of Jacksonville University, Jacksonville, Florida, on the night of January 13, 1969, and

WHEREAS, the fire was a most serious threat to the lives of the occupants of said apartments and to the property of all nearby citizens of the City of Jacksonville, and

WHEREAS, firefighting manpower was seriously limited during the early and critical moments of the fire, and

WHEREAS, without hesitation, but with meritorious concern for the welfare of others, students of Jacksonville University did decisively rush to the aid of Jacksonville firemen, and

WHEREAS, such aid in additional timely manpower was a significant factor in bringing said fire under control, NOW THEREFORE,

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

The above students have brought honor to Florida and to Jacksonville University and are hereby commended for their courageous and unselfish acts given in the cause of humanity and order and to the betterment of society.

BE IT FURTHER RESOLVED that a copy of this resolution signed by officers of the House of Representatives and Senate and certified by the Secretary of State of the State of Florida under the Great Seal of the State of Florida, be forwarded to the President of the student body of Jacksonville University and a copy of said resolution to the President of Jacksonville University.

—and requests the concurrence of the Senate therein.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 10, 1969
President of the Senate

Sir:

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

By Representative Gautier—

HB 2—A bill to be entitled An act relating to wire tapping and electronic surveillance; prohibiting interception and disclosure of wire or oral communications or the manufacture, distribution or possession of wire or oral communication intercepting devices by unauthorized persons and prescribing criminal penalties and confiscation of equipment therefor; prohibiting use as evidence of unauthorized intercepted wire or oral communications; providing for authorization of interception, disclosure and use as evidence of legally intercepted wire or oral communications; establishing procedure for such interception; creating civil liability and specifying damages for illegal use of wire tap or electronic listening device; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2, contained in the above message, was read the first time

HCR 203, contained in the above message, was read the first

time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Pope, by two-thirds vote, HCR 203 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Pope, the rules were waived and HCR 203 was read the second time by title, unanimously adopted and certified to the House.

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

April 10, 1969

Sir:

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

By Representative Grizzle—

HCR 66—A concurrent resolution expressing regret of the passing of Henrietta Malkeil Poynter, Editor of Congressional Quarterly in Washington.

WHEREAS, the legislature has learned with deep regret of the passing in St. Petersburg on January 25 of Henrietta Malkeil Poynter, Associate Editor and Vice President of the St. Petersburg Times Publishing Company and Editor of Congressional Quarterly in Washington, and

WHEREAS, Mrs. Poynter was renown the world over as an innovator in the fields of mass communication, the idea and creation of Congressional Quarterly being among her substantial and notable contributions to the art and science of better informing people, and

WHEREAS, her distinguished journalistic career of 45 years caused her to be recognized as one of the nation's leading authorities on the United States Congress, and

WHEREAS, Mrs. Poynter had a wide range of interests beyond politics and government, with her knowledge of music, drama, art, fashion, food, and civic affairs reflected through the years from the pages of the St. Petersburg Times and Independent, and

WHEREAS, Mrs. Poynter has been correctly described as a tough and successful competitor in what was basically a man's world during much of her career, yet she never lost the feminine touch nor diminished her interest in women's affairs, and

WHEREAS, Mrs. Poynter was especially interested in community service performed by the clubwomen of Florida's Suncoast, and originated a series of Women's Club Salutes at which civic clubs of that area were honored for their contributions to the general wellbeing, and

WHEREAS, Mrs. Poynter was a patron of the St. Petersburg Museum of Fine Arts, to which she and her husband, Nelson Poynter, donated a room, and she also gave generously to her alma mater, Columbia University, and to Stetson University, Florida Presbyterian College, and the University of South Florida, and

WHEREAS, Mrs. Poynter served during World War II with government agencies headed by Nelson Rockefeller, Governor William (Wild Bill) Donovan and Robert E. Sherwood, and, as deputy program director of the government's short wave radio, she gave it the name "Voice of America", NOW, THEREFORE,

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

1. That the legislature hereby expresses its official regret over the passing of this distinguished citizen, and

2. That the Secretary of State deliver a copy of this resolution to Mrs. Poynter's husband, The Honorable Nelson Poynter, Editor and Publisher of The St. Petersburg Times.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 66, contained in the above message, was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Wilson, by two-thirds vote, HCR 66 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Wilson, the rules were waived and HCR 66 was read the second time by title, unanimously adopted and certified to the House.

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

April 10, 1969

Sir:

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

By Representative Reed—

HCR 67—A concurrent resolution expressing regret over the passing of The Honorable Evans Cray, Sr., former Speaker of the House of Representatives.

WHEREAS, The House of Representatives wishes to pay homage to the memory of The Honorable Evans Cray, Sr., who passed away on April 16, 1968, after a distinguished legislative career which included service as Speaker of the Regular and Extraordinary Sessions of 1945, and

WHEREAS, Speaker Cray was known for the warmth of his fellowship, the courage of his convictions as a lawmaker, and the strength of his leadership, and

WHEREAS, the Precedents of the House of Representatives evidence the wisdom he applied in administering the parliamentary affairs of the House as its Speaker, and

WHEREAS, Evans Cray, Sr., was born June 25, 1905, at Tampa, attended Hillsborough County public schools, and graduated from the University of Florida's Law School in 1927, and

WHEREAS, Mr. Cray believed opportunity existed in growing with a young county, came upon graduation to Martin, which then was but two years old, and thereafter served as City Attorney of Stuart, 1930-36; County Attorney, 1932-55; State Representative, 1936-46; and State Senator, 1946-54, and

WHEREAS, having voluntarily retired from the political arena in 1954, Mr. Cray nevertheless continued to maintain a lively interest in helping solve the growth problems of one of Florida's fastest expanding counties, and

WHEREAS, Mr. Cray was a member of Acacia Masonic Lodge, No. 163, F&AM, the Scottish Rite bodies of Lake Worth, and Mahi Temple of the Shrine, and was a charter member and past president of the Stuart Rotary Club, a past president of the Stuart Chamber of commerce, and, when stricken on November 25, 1967, with the fatal illness, was Chairman of the Martin County Resources and Development Commission, and

WHEREAS, Mr. Cray was associated in law practice with his two sons, Evans, Jr., and William F., who survive him as do his widow, Talley; a sister, Mrs. Laura Garrett of Jensen Beach, his mother, Mrs. Alice Click of Bradenton, and several grandchildren, NOW THEREFORE,

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

That speaking for the people of the State of Florida, we lament the loss of this distinguished son of Florida, and by means of this concurrent resolution convey to the family of Evans Cray, Sr., our sincere regret as to his passing.

BE IT FURTHER RESOLVED that a copy of this resolution signed by officers of the House of Representatives and Senate and certified by the Secretary of State of the State of Florida under the Great Seal of the State of Florida, be forwarded to the bereaved family of Speaker Cray.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
 Clerk, House of Representatives

HCR 67, contained in the above message, was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote, HCR 67 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Thomas, the rules were waived and HCR 67 was read the second time by title, unanimously adopted and certified to the House.

UNFINISHED BUSINESS

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 with pending amendment, having been read the second time and amended on April 10. By permission, Senator Bafalis withdrew the amendment.

Senator Ott offered the following amendment which was adopted:

In Section 1, line 15, page 2, strike the period and insert the following: provided, that if the offender shall not have attained the age of twenty-one (21) years and shall not have been previously convicted of any offense under chapters 398, or 404, Florida Statutes, at the time of the commission of an offense under this section, he shall upon conviction be imprisoned in the state prison for not more than ten (10) years or fined not more than ten thousand dollars (\$10,000.00) or both.

Senator Ott also offered the following amendment which was adopted:

In the title, line 11, page 1, strike the period and insert the following: ; providing an exception for offenders who are minors.

Senator Young offered the following amendment which was adopted:

In Section 1, line 15, page 2, after "or both." add the following: Any practitioner, as defined in Section 404.01(6), or any pharmacist, as defined by Section 404.01(7), upon conviction his license to practice in Florida shall be automatically revoked.

On motion by Senator Bafalis, SB 7 as further amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

Mr. President	Daniel	Karl	Shevin
Askew	Deeb	Knopke	Slade
Bafalis	Ducker	Lane	Stone
Barron	Fincher	Ott	Thomas
Barrow	Friday	Pope	Trask
Beaufort	Gong	Poston	Weissenborn
Bishop	Gunter	Reuter	Young
Boyd	Henderson	Saunders	
Broxson	Hollahan	Sayler	
Chiles	Johnson	Scarborough	

Nays—5

Bell	Myers	Stolzenburg	Wilson
McClain			

SENATE BILL ON THIRD READING

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 with intent to use if necessary in the commission of the felony, any firearm or other deadly weapon shall upon conviction be guilty of a felony; 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.

Having been amended on April 10, was taken up and read the third time by title.

Senator Shevin offered the following amendment which was adopted by a two-thirds vote:

In Section 1, line 27, page 1, strike ",", and insert the following: in the state prison,

Senators Pope and Wilson were recorded as voting nay.

Senator Shevin also offered the following amendment which was adopted by a two-thirds vote:

In Section 1, line 3, page 2, strike "." and insert the following: in the state prison.

Senators Pope and Wilson were recorded as voting nay.

Senator Shevin also offered the following amendment which was adopted by a two-thirds vote:

In Section 1, line 29, page 1, strike "confinement" and insert the following: imprisonment

A motion by Senator Fincher that debate on SB 77 be limited to 5 minutes for each side failed. The vote was:

Yeas—20

Barrow	Deeb	Karl	Sayler
Beaufort	Ducker	Knopke	Scarborough
Bell	Fincher	Lane	Shevin
Bishop	Gunter	Poston	Stone
Daniel	Horne	Saunders	Trask

Nays—20

Askew	Friday	McClain	Stolzenburg
Barron	Gong	Myers	Thomas
Boyd	Henderson	Ott	Weissenborn
Broxson	Hollahan	Pope	Wilson
Chiles	Johnson	Slade	Young

SB 77 as further amended, passed and was ordered engrossed. The vote was:

Yeas—29

Mr. President	Daniel	Karl	Slade
Askew	Deeb	Lane	Stone
Bafalis	Ducker	Ott	Thomas
Barrow	Fincher	Poston	Trask
Beaufort	Friday	Reuter	Young
Bishop	Gunter	Saunders	
Boyd	Hollahan	Sayler	
Chiles	Johnson	Shevin	

Nays—9

Barron	Knopke	Myers	Weissenborn
Gong	McClain	Scarborough	Wilson
Henderson			

PAIRS

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Horne on SB 77. If he were present he would vote yea and I would vote nay.

John R. Broxson, 1st District

I am paired with Senator Haverfield on SB 77. If he were present he would vote yea and I would vote nay.

Chester W. Stolzenburg, 39th District

I am paired with Senator Williams on SB 77. If he were present he would vote yea and I would vote nay.

Verle A. Pope, 12th District

I am paired with Senator Weber on SB 77. If he were present he would vote yea and I would vote nay.

John W. Bell, 38th District

On motion by Senator Thomas, the President appointed Senators Thomas, Askew and Barrow as a committee to escort Congressman Don Fuqua of the 2nd Congressional District to the rostrum. Congressman Fuqua received a standing ovation and addressed the Senate briefly.

SECOND READING

Consideration of SB 11 was deferred, the bill retaining its place on the Calendar.

SB 34—A bill to be entitled An act relating to state and county employees; amending sections 11.22(1) and 947.08, Florida Statutes; amending chapter 112, Florida Statutes, by adding section 112.021; removing residence requirements for persons employed by the state or any county; repealing sections 112.02, 112.03 and 112.04, Florida Statutes.

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 Shevin:

In Section 2, line 2, page 2, strike: entire Section 2. and insert the following: Section 2. Section 947.08, Florida Statutes, is hereby repealed.

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

In title, lines 1-10, page 1, stike entire title and insert the following: A bill to be entitled An act relating to state and county employees; amending section 11.22, repealing section 947.08 and amending chapter 112, Florida Statutes; by removing the residence requirements for persons employed by the state or any county; repealing sections 112.02, 112.03 and 112.04, Florida Statutes.

On motion by Senator Sayler, the rules were waived and SB 34 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—41

Mr. President	Bell	Deeb	Henderson
Askew	Bishop	Ducker	Hollahan
Bafalis	Boyd	Fincher	Johnson
Barron	Broxson	Friday	Karl
Barrow	Chiles	Gong	Knopke
Beaufort	Daniel	Gunter	Lane

McClain	Reuter	Slade	Wilson
Myers	Saunders	Stone	Young
Ott	Sayler	Thomas	
Pope	Scarborough	Trask	
Poston	Shevin	Weissenborn	

Nays—1

Stolzenburg

SB 84—A bill to be entitled An act relating to Internal Improvement Trust Fund; amending section 253.12(1), Florida Statutes, to include submerged land in navigable fresh water lakes, rivers and streams within restrictions relating to bulkhead lines, and filling and dredging submerged lands; amending chapter 253, Florida Statutes, by adding section 253.1235 to provide that certain owners of submerged lands may fill such land or sell to the state at a certain price; amending section 253.124, Florida Statutes, by renumbering present subsections and adding a new subsection (1) to provide right to fill to bulkhead line for owners of submerged lands lying shoreward of bulkheads.

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 Stone:

In Section 1, line 12, page 2, after the word "submerged" insert the following: sovereign

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

In Section 3, lines 1—14, page 3, strike entire section.

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

In title, line 6, page 1, after the word "submerged" insert the following: sovereign

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

In title, lines 15-20, page 1, strike: "; amending section 253.124, Florida Statutes, by renumbering present subsections and adding a new subsection (1) to provide right to fill to bulkhead line for owners of submerged lands lying shoreward of bulkheads." and insert a period on line 15, page 1, after the word "price"

The bill was ordered engrossed.

CO-INTRODUCERS

By permission, Senator Gunter was recorded as a co-introducer of SB 391.

By permission, Senator Gong was recorded as a co-introducer of Senate Bills 1, 11 and 12.

By permission, Senator Scarborough was recorded as a co-introducer of SB 7.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:02 p. m. to reconvene at 11:00 a. m., April 14, 1969.