

JOURNAL OF THE SENATE

Tuesday, April 15, 1969

The Senate was called to order by the President at 11:00 a.m.
A quorum present—48:

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

Prayer by Dr. Gerald M. Burt, English Methodist Church, Southampton, England:

—Grant to us, thy servants, O God, wisdom and insight, that in seeking rightly to serve our fellow men, we may also do thy will; through Jesus Christ our Lord. Amen.

The Journal of April 14 was corrected and approved as follows:

Page 62, counting from the bottom of column 1, strike line 2

REPORTS OF COMMITTEES

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 208

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

The Committee on Health, Welfare, and Institutions recommends the following pass:

SB 24 SB 62 SB 64
SB 160 with 2 amendments SB 81 with 6 amendments

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

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 284

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

The Committee on Health, Welfare, and Institutions recommends the following pass:

SB 18 SB 60 SB 220 with 3 amendments

The bills were placed on the Calendar.

The Committee on Transportation recommends the following pass:

SB 27 SB 70 with 3 amendments

The bills were placed on the Calendar.

The Committee on Transportation recommends the following pass:

SB 310 SB 376 with 1 amendment SB 318

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

The Committee on Transportation recommends the following pass: Senate Bills 179 and 363.

The bills were referred to the Committee on Governmental Organization under the original reference.

REPORT OF SUBCOMMITTEE

The Subcommittee on Universities and Colleges recommends to the Committee on Education: SB 378 be reported favorably; SB 362, favorably with amendments.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

CS for SB 65 with 3 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 retained on the Calendar pending roll call.

Your Engrossing Clerk to whom was referred—

SB 11 with 3 amendments SB 12 with 2 amendments

—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.

By direction of the President, SB 399 was also referred to the Committee on Agriculture.

INTRODUCTION

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

SCR 493—A concurrent resolution in memoriam Dwight David Eisenhower.

WHEREAS, on March 28, 1969, The Almighty General whose stars are those that glitter in the firmament of infinity, summoned into His own command, Dwight David Eisenhower, Thirty-Fourth President of The United States of America, a soldier who through his simple devotion to God, country and duty, demonstrated his fitness for this ultimate promotion, and

WHEREAS Dwight David Eisenhower was a man of military might whose great genius was his gift of waging peace on earth; who through his Great Crusade waged war in order that Nazi oppression be wiped out; who brought to an end the conflict in Korea that saw not another American soldier killed in that combat, and who through the leverage of liaison and understanding reined in, the galloping race for atomic power on this planet, and

WHEREAS Dwight David Eisenhower, an American called average, became in his time the Number One Citizen of the Civilized World, and

WHEREAS he was a bulwark against the spread of Communism in that world, and

WHEREAS Dwight David Eisenhower in his years as President of the United States saw his efforts imprint themselves on the history of his country in the areas of geographic growth, governmental reorganization, fiscal sanity, elevation of the individual, medical assistance to the aged, financial aid to those wishing to advance their education thus increasing the defense stature of the country, and

WHEREAS President Eisenhower projected America into deep space, in the short span of three years from the drawing board to the launch pad, catching up to and passing the Russian aerospace achievement, and

WHEREAS he chose for that launch pad the mighty thrust of the Florida peninsula with its command of the landing sealanes of the Carribbean, and

WHEREAS through his contribution in the field of strengthening military installations, lengthening the highway system that feeds Florida's tourist industry, he implemented much of the sound and extensive growth of Florida during and after the Eisenhower years, NOW, THEREFORE,

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

That this Resolution be spread upon the Journals of the Senate and of the House of Representatives.

BE IT FURTHER RESOLVED that a copy of this concurrent resolution under the Great Seal of the State of Florida be forwarded to the family of the late lamented Dwight David Eisenhower.

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

On motion by Senator Sayler, by two-thirds vote, SCR 493 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

Unanimous consent was granted Senator Sayler to take up SCR 493 out of order.

On motions by Senator Sayler, the rules were waived and SCR 493 was read the second time by title, unanimously adopted, and certified to the House immediately, by waiver of the rule.

By Senators Gunter and Barrow—

SB 494—A bill to be entitled An act relating to scholarships; amending sections 239.25, 239.26, 239.27, and 239.28, Florida Statutes; authorizing and providing for boards of county commissioners to award annually four (4) year scholarships in agriculture to county high school seniors; providing for appropriation of county funds; providing an effective date.

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

By Senators Broxson and Boyd—

SB 495—A bill to be entitled An act relating to public school buildings; directing the state commissioner of education to employ a state school architect to prepare certain building plans and specifications for use by district school boards; providing an effective date.

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

By Senator Broxson—(By Request)—

SB 496—A bill to be entitled An act relating to junior colleges; vesting authority for the operation of junior colleges in the district boards of trustees; directing total state financial support for junior colleges; repealing section 230.0111(2), Florida Statutes, relating to county support of junior colleges; providing an effective date.

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

By Senator Broxson—

SB 497—A bill to be entitled An act relating to school finance; repealing section 236.251, Florida Statutes, establishing a millage limitation for counties desiring to participate in the minimum foundation program; providing an effective date.

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

By Senator Daniel—

SB 498—A bill to be entitled An act relating to elections; amending paragraph (d) of subsection (9) of section 99.161, Florida Statutes, to remove the prohibition as to the amount of money a party executive committee may contribute to a candidate; providing an effective date.

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

By Senator Daniel—

SB 499—A bill to be entitled An act relating to elections; requiring a voting machine for each 350 registered electors in a precinct; providing an effective date.

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

By Senator Bell—

SB 500—A bill to be entitled An act amending Chapter 559, Florida Statutes, Regulation of trade, commerce and investments by adding chapter 559.07; providing funds to be earmarked for funding junior college program providing that amounts held in reserve by any trading stamp company for redemption of trading stamps which because of passage of time or other factors are no longer redeemable shall escheat to the State of Florida; providing for annual reports, amending Part I of Chapter 559, Florida Statutes, by adding Section 559.042; requiring trading stamps to reflect the month and year of issuance; adding Section 559.051 to Part I of Chapter 559, Florida Statutes, to provide that trading stamps not redeemed within one year shall belong to the state to be deposited in the state school fund; relating to trading stamp exchanges; providing for registration thereof; amending Section 559.01, Florida Statutes by adding subsection (4); amending Chapter 559, Florida Statutes, by adding Section 559.041; providing for free transferability of trading stamps between rightful owners without loss of redemption rights; amending Chapter 559, Florida Statutes, by adding Section 559.07; providing an effective date; amending Section 559.06, Florida Statutes, to make penalty provision applicable to subsequent amendments to Part I of Chapter 559; Florida Statutes, providing an effective date.

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

By Senators Young, Sayler and Bafalis—

SB 501—A bill to be entitled An act relating to the Florida drug abuse law; amending paragraphs 404.02(1)(a) and (b), F. S., subsection 404.02(4) and 404.04(1), F. S., paragraph 404.04(2)(c), F. S., sections 404.06, 404.07, 404.11 and 404.15, F. S.; providing that possession of hallucinogenic drugs is unlawful and contraband, with certain exceptions; clarifying various provisions of chapter 404, F. S., in furtherance of the intentions of chapter 67-136, laws of Florida, which added hallucinogenic drugs to the list of those controlled by chapter 404, F. S.; granting powers of inspection and injunction to the Florida bureau of law enforcement; increasing certain penalties; providing an effective date.

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

By Senators Young and Johnson—

SCR 502—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 Rules and Calendar.

By Senator Chiles—

SB 503—A bill to be entitled An act relating to civil procedure; amending sections 45.031(7), 48.011, 48.051, 48.151, 48.19, 49.071, 51.011(3), 56.21, 56.27, 64.071, 66.041, 68.06, 76.24(4), 77.081, 82.071, 82.081, 82.091 and 82.101, Florida Statutes; renumbering sections 47.101, 47.111, 47.121, 47.131, 47.141, 47.151, 47.163, 47.172, 47.181, and 47.191, Florida Statutes, as section 47.091(1)-(11); repealing sections 56.071 and 702.02, Florida Statutes; providing an effective date.

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

By Senators Pope, Askew, Bafalis, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Broxson, Chiles, Daniel, Deeb, de la Parte, Ducker, Fincher, Friday, Gong, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson, Karl, Knopke, Lane, McClain, Mathews, Myers, Ott, Plante, Poston, Reuter, Saunders, Saylor, Scarborough, Shevin, Slade, Stolzenburg, Stone, Thomas, Trask, Weber, Weissenborn, Williams, Wilson and Young—

SM 504—A memorial to the Congress of the United States to amend Title 12, U. S. Code, Section 548, to allow the State of Florida to collect sales and use taxes, documentary stamp taxes, and intangible taxes from national banks.

WHEREAS, a three-judge United States District Court for the Northern District of Florida, in the case of The First National Bank of Homestead and Okaloosa National Bank at Niceville, v. Fred O. Dickinson, Jr., Comptroller of the State of Florida, and The Florida Revenue Commission and J. Ed Straughn, Director of Revenue, State of Florida, enjoined the above-named Defendants from levying, assessing or collecting (a) sales and use taxes levied on goods, services and rentals purchased by Plaintiffs, (b) intangible personal property taxes on mortgages owned and recorded by Plaintiffs, and (c) documentary stamp taxes on notes, mortgages, or other evidences of debt held by Plaintiffs, and on shares of stock and capital debentures issued by Plaintiffs, and

WHEREAS, the Comptroller of the State of Florida requested Honorable Earl Faircloth, Attorney General of the State of Florida, to prosecute an appeal of the decision of the United States District Court, which appeal was filed in the United States Supreme Court, and

WHEREAS, the United States Supreme Court, in a memorandum decision on January 20, 1969, affirmed the judgment of the United States District Court for the Northern District of Florida, and

WHEREAS, a petition for rehearing was filed by the Attorney General of the State of Florida, at the request of the Comptroller of the State of Florida, which petition was denied by the United States Supreme Court on February 25, 1969, and

WHEREAS, the Comptroller of the State of Florida requested an opinion from the Attorney General of the State of Florida as to the applicability of the decision in the case of Dickinson, Comptroller, v. First National Bank of Homestead to state banks and received on March 14, 1969, the Attorney General's opinion to the effect that "by virtue of Section 192.54, Florida Statutes, State of Florida chartered 'banks, trust companies and Morris Plan banks' enjoy this same immunity," and

WHEREAS, the effect of the decision of the United States Supreme Court will cost the State of Florida millions of dollars annually in total revenue at a time when Florida is facing record-breaking requests for funds to support public services, and

WHEREAS, the Directors of the Florida Banker's Association have urged their congressional representatives to close up a loophole which exempts them from paying state sales taxes, documentary stamp taxes, and intangible property taxes, and

WHEREAS, the Cabinet of the State of Florida on February 4, 1969, unanimously adopted a resolution to be delivered by the Comptroller of Florida to the Congressional delegation of Florida, urging Congress to act to amend Title 12, U. S. Code, Section 548, and

WHEREAS, a bill entitled H. R. 9794 was offered in Congress on April 1, 1969, by the Florida delegation, to clarify the liability of national banks for certain taxes, as follows: "sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes," and

WHEREAS, the Legislature of the State of Florida is acutely aware and concerned with the need for additional revenues necessary to finance the ever increasing responsibilities and needs of a fast growing state, and

WHEREAS, the loss of any tax revenue would seriously affect the ability of the state to meet its growing financial requirements and commitments, and

WHEREAS, immediate action is urgently needed so as to clearly allow the levy and collection of sales and use taxes, documentary stamp taxes, and intangible taxes from national banks, NOW, THEREFORE,

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

That the Congress of the United States is hereby requested to adopt the bill introduced by the Florida delegation in the House of Representatives which provides as follows: "A national bank has no immunity from any sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes which it would be required to pay if it were a bank chartered under the laws of the State or other jurisdiction within which its principal office is located."

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Was read the first time in full and referred to the Committees on Rules and Calendar and Ways and Means.

On motions by Senator Pope, by two-thirds vote, SM 504 was withdrawn from the Committees on Rules and Calendar and Ways and Means and placed on the Calendar.

Unanimous consent was granted Senator Pope to take up SM 504 out of order.

On motions by Senator Pope, the rules were waived and SM 504 was read the second time by title, unanimously adopted and certified to the House.

By Senator Chiles—

SB 505—A bill to be entitled An act relating to fees of the justice of the peace; amending section 37.08, Florida Statutes, to provide that fees for the justice of the peace shall be the same as those of the clerk of the circuit court for similar services; providing an effective date.

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

By Senator Chiles—

SB 506—A bill to be entitled An act relating to the lien of final judgments and decrees on real estate; amending sections 28.221(4), 28.29(1) and 55.10, Florida Statutes; providing the books in which judgments and decrees are to be recorded to become liens on real estate; providing the method for recordation; amending chapter 55, Florida Statutes, by adding section 55.101; validating judgments and decrees that have been recorded heretofore in the manner prescribed in this act; providing for the elimination of liens on real estate when judgments and decrees have been recorded otherwise than in judgment lien books and official records; providing an effective date.

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

By Senator Friday—(By Request)—

SB 507—A bill to be entitled An act relating to the confirmation of conveyances of sovereignty lands in the State of Florida; amending subsection 253.12 (8), Florida Statutes, by adding an earlier date of confirmation of such conveyances; providing an effective date.

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

By Senator Ducker—

SB 508—A bill to be entitled An act relating to the amendment of the Florida Statutes to include new chapter 376; relating to the creation of a Florida State wilderness system; stating the purpose of such a system and outlining procedure for creating it; providing for an effective date.

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

By Senator Weissenborn—

SB 509—A bill to be entitled An act relating to food stamp and surplus commodity distribution, as defined; assigning responsibility to the state department of public welfare; requiring a food stamp or surplus commodity program in each county; providing for options available to counties; stating legislative intent; making appropriations; 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 Senators McClain and Saunders—

SB 510—A bill to be entitled An act relating to education, amending chapter 236, Florida Statutes, by adding section 236.75, Florida Statutes; providing a method for distribution of state funds for public school food service programs; providing an appropriation; providing an effective date.

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

By Senator de la Parte—

SB 511—A bill to be entitled An act relating to the limitations of length of trains operating in the State of Florida; providing a penalty; 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 Chiles—

SB 512—A bill to be entitled An act relating to elections; amending section 99.161(1),(2),(5),(8)(a),(12), Florida Statutes; eliminating the prohibition against certain persons making contributions and requiring such persons to file reports of contributions with the secretary of state; removing the maximum contribution limit; requiring contributions of certain amounts to be by check; requiring contributors to file certain reports, statements, and affidavits; prohibiting the use of trust funds for the benefit of candidates; directing campaign treasurers to file copies of certain checks; directing the secretary of state to perform certain duties regarding the administration and reporting of contributions and the investigation and enforcement of law relating thereto; providing an effective date.

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

By Senators Shevin, Myers, Mathews, Wilson, Stone, Poston and Fincher—

SB 513—A bill to be entitled An act relating to community redevelopment by counties and municipalities upon approval of the voters in a referendum; declaring legislative intent and findings of necessity; defining certain terms used in this act; providing for the encouragement of private enterprise; providing

for the formulation of a workable program; providing for findings of necessity by counties or municipalities; providing for the preparation of a plan for a community redevelopment project; providing for neighborhood and community redevelopment plans; providing for the general powers of counties and municipalities to carry out the provisions of this act; providing for the exercise of eminent domain; providing for the disposal of property in a community redevelopment area; providing for the issuance of bonds; providing that such bonds are legal investments; providing that property held by a county or municipality under this act shall be exempt from taxes and from levy and sale by virtue of an execution; providing for mutual cooperation by public bodies; providing for the exercise of the powers under this act in counties with a home rule charter and in those without a home rule charter; providing for the exercise of powers under this act by a community redevelopment agency or housing authority; providing for the creation of a community redevelopment agency; providing that the powers of this act are supplemental to those of any other law; prohibiting conflicts of interest; providing a severability clause; providing for a referendum; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Young, by two-thirds vote, SCR 404 was withdrawn from the Committee on Ways and Means and from the Senate.

On motion by Senator Ducker, by two-thirds vote, SB 256 was withdrawn from the Committee on Commerce and Licensed Businesses and from the Senate.

On motions by Senator de la Parte, by two-thirds vote, Senate Bills 200, 201 and 399 were withdrawn from the Committees on Health, Welfare, and Institutions and Agriculture.

On motion by Senator de la Parte, by two-thirds vote, SB 241 was withdrawn from the Committee on Health, Welfare, and Institutions.

On motion by Senator Thomas, by two-thirds vote, SB 118 was withdrawn from the Committee on Agriculture and from the Senate.

A motion by Senator Thomas was adopted that the rules be waived and SB 285 be also referred to the Committee on Agriculture. The vote was:

Yeas—34

Mr. President	Chiles	Lane	Stolzenburg
Askew	Daniel	McClain	Stone
Bafalis	Ducker	Ott	Thomas
Barron	Friday	Plante	Trask
Barrow	Gong	Pope	Weber
Beaufort	Gunter	Saunders	Williams
Bishop	Horne	Scarborough	Young
Boyd	Johnson	Shevin	
Broxson	Knopke	Slade	

Nays—10

Bell	Hollahan	Reuter	Wilson
Deeb	Myers	Sayler	
Henderson	Poston	Weissenborn	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 14, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed—SB 405.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

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

April 15, 1969

Sir:

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

By Representative Gautier—

HB 18—A bill to be entitled An act relating to bail; amending chapter 903, Florida Statutes, by adding section 903.133 to require defendant to give good and sufficient reasons why bail pending appeal should be granted.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 18, contained in the above message, was read the first time by title. On motion by Senator Friday the rules were waived and the bill was placed on the Calendar.

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

April 14, 1969

Sir:

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

By Representative Gautier—

HB 20—A bill to be entitled An act relating to bail; providing for the revocation of bail when a person is convicted of a felony while free on appeal from a separate conviction.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 20, contained in the above message, was read the first time by title. On motion by Senator Friday the rules were waived and the bill was placed on the Calendar.

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

April 14, 1969

Sir:

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

By Representative Gautier—

HB 29—A bill to be entitled An act relating to motor vehicle title certificates, fraudulent dealings; amending section 319.33, Florida Statutes; defining certain offenses involving title certificates, registrations and other indicia of ownership; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 29, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

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

April 15, 1969

Sir:

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

By Representatives Lancaster and Mixson—

HB 299—A bill to be entitled An act relating to pesticides; amending subsection (1) of section 487.101, Florida Statutes, to provide pesticides in violation of law may be withheld from sale; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 299, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

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

April 15, 1969

Sir:

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

By Representative Firestone and others—

HB 13—A bill to be entitled An act relating to grand larceny; amending section 811.021(2) and (3), Florida Statutes, redefining grand larceny to include the fraudulent taking of property of an aggregate value of two hundred dollars (\$200.00) or more in any twelve (12) consecutive month period; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 13, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

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

April 15, 1969

Sir:

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

By Representatives Nergard and Powell—

HB 127—A bill to be entitled An act relating to elections; amending sections 100.061 and 100.091(1), Florida Statutes, changing the dates of the first and second primary elections; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 127, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

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

April 14, 1969

Sir:

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

By Representative Reedy and others—

HB 325—A bill to be entitled An act relating to regulation of traffic on highways; amending subsection (1) of section 317.131, Florida Statutes; providing that a driver of a vehicle involved in certain accidents need not forward a report of the accident if the investigating officer has done so; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 325, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

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

April 15, 1969

Sir:

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

By Representative Brantley—

HB 33—A bill to be entitled An act relating to mechanics' liens amending sections 713.02, 713.50, 713.74 and 713.75; repealing sections 713.55, 713.51, 713.52, 713.53, 713.54, 713.681 and 713.72; providing that chapter 713, part II, shall not provide a method of enforcement for mechanics' liens on real property; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 33, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

Senator Horne presiding.

PENDING ROLL CALL

CS for SB 65 was taken up and on motion by Senator Shevin, consideration thereof was deferred.

On motion by Senator Shevin, by two-thirds vote, HB 6 was withdrawn from the Committee on Judiciary and placed on the Calendar.

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

HB 6—A bill to be entitled An act relating to the Florida bureau of law enforcement; amending subsection 23.086(5)(b), Florida Statutes, to provide for the service of arrest warrants, capias or other court process; granting subpoena duces tecum authority; providing an effective date.

—which was read the second time by title.

Senator de la Parte offered the following amendment which was moved by Senator Shevin:

In Sections 1 and 2, begin line 25, Sec. 1, page 1, After the word "court." strike "*The bureau may compel by subpoena duces tecum signed by the commissioner the production of any telephone records, wire service records, or any records pertaining to telephone service or wire service under the jurisdiction of the Florida public service commission it may desire to examine in reference to any matter being properly investigated by the bureau.*

Section 2. This act shall take effect immediately upon becoming a law." and insert the following: Section 2. Subsection (9) of section 23.086, Florida Statutes, is amended to read:

23.086 Florida bureau of law enforcement; creation; organization; powers.—

(9) Pursuant to chapter 120, Florida Statutes, the [The] bureau shall adopt such rules and regulations deemed necessary to carry out its duties and responsibilities under this act. [which rules shall be binding on all agencies and persons affected thereby.]

Section 3. This act shall take effect immediately upon becoming a law.

The President presiding.

A substitute motion by Senator Ott that HB 6 with pending amendment be re-referred to an appropriate committee was adopted. The bill was recommitted to the Committee on Judiciary.

A motion by Senator Ott that CS for SB 65 be re-referred to an appropriate committee was adopted. The bill was recom-

mitted to the Committee on Judiciary.

SECOND READING

SB 39—A bill to be entitled An act relating to securities for deposits of public funds; amending section 18.112, Florida Statutes, to authorize acceptance of Federal Home Loan Bank Bonds as securities for deposits of public funds.

Was taken up and read the second time by title.

The Committee on Commerce and Licensed Businesses offered the following amendment which was adopted on motion by Senator Saylor:

Add the following: Section 2. This act shall take effect on July 1st, 1969.

The Committee on Commerce and Licensed Businesses also offered the following amendment which was adopted on motion by Senator Saylor:

In title strike the period and insert the following: ; providing an effective date.

On motion by Senator Saylor, the rules were waived and SB 39 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—40

Mr. President	de la Parte	Lane	Shevin
Barrow	Ducker	McClain	Slade
Beaufort	Friday	Myers	Stolzenburg
Bell	Gong	Ott	Stone
Bishop	Gunter	Plante	Thomas
Boyd	Henderson	Poston	Trask
Broxson	Horne	Reuter	Weber
Chiles	Johnson	Saunders	Williams
Daniel	Karl	Saylor	Wilson
Deeb	Knopke	Scarborough	Young

Nays—1

Weissenborn

Senator Bafalis was recorded as voting yea.

DISCLOSURE PURSUANT TO RULE 1.36

I asked to be excused from voting on SB 39 because I am a director in a small bank.

Verle A. Pope, 12th District

On motion by Senator Shevin, consideration of SB 50 was deferred, the bill retaining its place on the Calendar.

SB 51—A bill to be entitled An act relating to bail; amending chapter 903, Florida Statutes, by adding section 903.133 to require defendant to give good and sufficient reasons why bail pending appeal should be granted.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment:

In Section 1, lines 13-16, page 1, strike: "Before any defendant shall be admitted to bail pending appeal, he shall give good and sufficient reasons to the court why such bail should be granted." and insert the following: Bail on appeal shall be denied unless the defendant shall give good and sufficient reasons to the court why such bail on appeal should be granted.

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

In Section 1, line 14, page 1, after the word "appeal" insert the following: after conviction

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

On motion by Senator Shevin, further consideration of SB 51 as amended was deferred.

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

HB 18—A bill to be entitled An act relating to bail; amending chapter 903, Florida Statutes, by adding section 903.133 to require defendant to give good and sufficient reasons why bail pending appeal should be granted.

—which was read the second time by title.

Senator Shevin offered the following amendment which was adopted:

After Section 1, line 17, page 1, insert the following: Section 2. This act shall take effect January 1, 1970.

Senator Shevin also offered the following amendment which was adopted:

In title, line 7, page 1, strike the period after the word "granted" and insert the following: ; providing an effective date.

On motion by Senator Shevin, the rules were waived and HB 18 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Fincher	Lane	Shevin
Askew	Friday	McClain	Slade
Bafalis	Gunter	Myers	Stolzenburg
Barron	Haverfield	Ott	Stone
Barrow	Henderson	Plante	Thomas
Bell	Hollahan	Poston	Trask
Boyd	Horne	Saunders	Weber
Deeb	Johnson	Sayler	Williams
de la Parte	Knopke	Scarborough	Young

Nays—5

Daniel	Karl	Weissenborn	Wilson
Gong			

Senators Pope and Reuter were recorded as voting nay.

Senator Ducker was recorded as voting yea.

SB 51 as amended was laid on the table.

SB 52—A bill to be entitled An act relating to bail; amending chapter 903, Florida Statutes, by adding section 903.132 to prohibit a person from admission to bail upon appeal from a capital offense or an offense punishable by life imprisonment.

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:

Line 19, page 1, insert the following: Section 2. This act shall take effect September 1, 1969.

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

In title, line 8, page 1, strike the period and insert the following: ; providing an effective date.

On motion by Senator Shevin, the rules were waived and SB 52 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—28

Askew	Ducker	Karl	Sayler
Barrow	Fincher	Knopke	Shevin
Beaufort	Friday	Lane	Slade
Boyd	Haverfield	Ott	Stolzenburg
Broxson	Hollahan	Pope	Thomas
Deeb	Horne	Poston	Trask
de la Parte	Johnson	Saunders	Weber

Nays—13

Mr. President	Henderson	Reuter	Young
Barron	McClain	Scarborough	
Bell	Myers	Weissenborn	
Gong	Plante	Wilson	

Senator Gunter was recorded as voting Yea.

SB 53—A bill to be entitled An act relating to bail; amending chapter 903, Florida Statutes, by adding section 903.131 to prohibit a person from admission to bail upon appeal from a second felony conviction.

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 1, line 12, page 1, after the word "second" insert the words or subsequent, and in line 13, page 1, after the word "second" insert or subsequent

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

Line 15, page 1, insert the following: Section 2. This act shall take effect September 1, 1969.

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

In title, line 6, page 1, after the word "second" insert the words or subsequent

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

In title, line 6, page 1, strike the period and insert the following: ; providing an effective date.

On motion by Senator Shevin, the rules were waived and further consideration of SB 53 as amended was deferred, the bill retaining its place on the Calendar.

On motion by Senator Shevin, consideration of SB 54 was deferred, the bill retaining its place on the Calendar.

SB 56—A bill to be entitled An act relating to child molesters, to provide that any person making a lewd, lascivious or indecent assault or act upon any child of the age of eighteen (18) years or less, by force or against said child's will or any person who shall handle, fondle or make an assault upon any child under the age of fourteen (14) years in a lewd, lascivious or indecent manner, or who shall knowingly commit any lewd or lascivious act in the presence of such child, without intent to commit rape where such child is female, shall be deemed guilty of a felony; providing punishment therefor.

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 1, line 25, page 1, strike: "child" and on page 2, line 1, strike: "child" and insert the following: person

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

In Section 1, line 8, page 2, strike: "shall be deemed guilty of a felony and punished by imprisonment in the state prison or county jail for not more than ten (10) years." and insert the following: shall upon conviction be deemed guilty of a felony and punished by imprisonment in the state prison or county jail for not more than ten (10) years.

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

Senator Shevin offered the following amendment which was adopted:

In title, line 17, page 1, strike: period and insert the following: ; providing an effective date.

Senator Shevin also offered the following amendment which was adopted:

In title, lines 5 and 7, page 1, strike: "child" and "child's" and insert for "child", person and for "child's", person's

Senator Myers offered the following amendment which was adopted:

In Section 1, line 24, page 1, strike: "making a lewd, lascivious or indecent assault or act" and insert the following: who shall handle, fondle or make an indecent assault

Senator Shevin offered the following amendment which was adopted:

In title, strike: "making a lewd, lascivious or indecent assault or act" and insert the following: who shall handle, fondle or make an assault

The bill was ordered engrossed.

By permission, the following report was received:

BILLS REFERRED TO SUBCOMMITTEES OR SELECT COMMITTEES

The following bills were referred to Subcommittees:

Public Schools: Senate Bills 284, 497, 495 and 510 (5 days to report to Committee on Education)

Junior Colleges and Vocational-Technical: SB 496 (7 days to report to Committee on Education)

Local Government: Senate Bills 323, 324, 325, 390, 425, 480 and 481 (10 days to report to Committee on Governmental Organization)

Mental Health, Retardation, and Institutions: Senate Bills 319, 350, 381, 429, 433, 445 and 293 (10 days to report to Committee on Health, Welfare, and Institutions)

Health and Welfare: Senate Bills 356, 358, 379, 380, 200, 119, 201, 443, 457, 458, 470 and CS for HB 89 (10 days to report to Committee on Health, Welfare, and Institutions)

Law and Order: Senate Bills 464, 465, 466, 478 and 482 (7 days to report to Committee on Judiciary)

Jurisprudence: Senate Bills 476 and 487 (7 days to report to Committee on Judiciary)

Roads and Highways: Senate Bills 418 and 484 (7 days to report to Committee on Transportation)

Safety: Senate Bills 263, 473 and 483 (7 days to report to Committee on Transportation)

CO-INTRODUCERS

By permission, Senator Barron was recorded as a co-introducer of SB 345.

By permission, Senator Pope was recorded as a co-introducer of SB 179.

By permission, Senator de la Parte was recorded as a co-introducer of SB 382.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:06 p. m. to reconvene at 11:00 a. m., April 16, 1969.