

JOURNAL OF THE SENATE

Wednesday, April 16, 1969

The Senate was called to order by the President at 11:00 a.m.
A quorum present—45:

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

Excused: Senators Hollahan, Boyd and Poston.

Prayer by Senator Gunter:

O God, the fountain of all wisdom, whose statutes are good and whose law is truth, we beseech thee to guide and bless the Legislature of this State, so that it may enact for our people only those things that would be pleasing to thee. Deliver us, we pray, in our individual callings, from the service of self that we may do the work we are called of thee to do, to the glory of thy Name and the welfare of the people. Amen.

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

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

Page 52, column 2, between lines 25 and 26 insert the following: censed Businesses and from the Senate.

Page 53, counting from the bottom of column 1, strike lines 1 through 5 and insert the following: Statutes; deleting the requirement that state or county employees be residents for two years prior to employment; providing an effective date.

Page 53, column 2, between lines 25 and 26 insert the following:

The Honorable John E. Mathews, Jr. April 11, 1969
President of the Senate

Sir:

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

Page 54, counting from the bottom of column 2, strike lines 14 through 17.

Page 54, counting from the bottom of column 2, line 18, strike “; amending section” and insert a period

Page 72, counting from the bottom of column 1, line 1, strike “a senator” and insert Senator Gunter

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass: SB 28

The bill was placed on the Calendar.

The Committee on Agriculture recommends the following pass: SB 400

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Constitutional Amendments and Revision recommends the following pass: SJR 259 SJR 260

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

The Committee on Constitutional Amendments and Revision recommends the following not pass: SJR 230

The bill was laid on the table.

REPORTS OF SUBCOMMITTEES

The Safety Subcommittee recommends to the Committee on Transportation: Senate Bills 302, 262 and 261 be reported favorably.

The Licensed Businesses Subcommittee recommends to the Committee on Commerce and Licensed Businesses: Senate Bills 223 and 370 be reported favorably; Senate Bills 158 and 393, favorably with amendments.

The Financial Institutions and Consumer Protection Subcommittee recommends to the Committee on Commerce and Licensed Businesses: Senate Bills 68 and 300 be reported favorably.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 56 with 6 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 39 with 2 amendments SB 52 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.

Senator Horne moved that the Senate authorize and direct the President to extend an invitation to the Honorable Frank M. Hudson, President of the Senate in 1909, and now approaching his 98th birthday, to attend a session of the Senate and, otherwise, extend the highest regards of the Senate as he celebrates his anniversary. The motion was unanimously adopted.

INTRODUCTION

By Senators Karl and Daniel—

SB 514—A bill to be entitled An act relating to Citrus County; empowering the board of county commissioners of Citrus County to establish and enforce zoning regulations for all territory in Citrus County that lies within one (1) mile of the right-of-way of the Cross Florida Barge Canal and tributaries thereto, except any part thereof that lies within the municipal limits of any incorporated municipality; empowering the board to regulate and restrict height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land and water for trade, industry, residence, agriculture, or other specific uses; empowering the board

to divide said territory into districts, and within such districts to regulate and restrict the erection and construction, alteration, and repair, use of buildings and structures and land and water; providing for the appointment of a zoning commission and a board of adjustment; providing for the adoption of building, plumbing, and electrical codes; providing remedies and penalties for violation of this act or any order, resolution, or regulation made under the authority conferred hereby; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 514.

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

By Senators Karl and Daniel—

SB 515—A bill to be entitled An act relating to Citrus County, Florida; relating to law libraries, filing fees in the Circuit, County Judge's and Small Claims Court in Citrus County, Florida, imposing additional filing fees in such courts and appropriating same for a County Law Library setting the amount of such additional filing fees, providing for the collection of said additional filing fees; providing for said funds to be used for the establishment and maintenance of a County Law Library; providing for the administration of said law library, declaring the establishment and maintenance of said library to be a public need and a general county purpose; declaring the purchase of law books and legal periodicals for placement in said County Law Library to be a general county purpose; providing that all property belonging to said library shall be deemed to be held and used as a charitable public trust; providing for payment of monies collected in Citrus County, pursuant to Chapter 63-604, Laws of Florida, Acts of 1963, into said trust; providing for a Librarian; repealing all laws in conflict herewith and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 515.

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

By Senators Lane, Barrow and Hollahan—

SB 516—A bill to be entitled An act relating to racing meetings; amending section 550.04, Florida Statutes; prohibiting the attendance of minors at horse racing meetings unless accompanied by a parent or guardian; providing for an effective date.

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

By Senator Wilson—

SB 517—A bill to be entitled An act relating to Part II of the Insurance Code; amending Section 627.01001(5) to provide for attorney fees to an insured or beneficiary of a credit life or credit disability insurance contract; providing an effective date.

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

By Senators Poston and Hollahan—

SB 518—A bill to be entitled An act relating to conducting elections; amending section 102.111, Florida Statutes, to change the time within which counties shall file returns with the board of state canvassers; amending section 102.166(3), Florida Statutes, to change time for filing a protest with the county canvassing board; adding section 102.166(4), Florida Statutes, to require a person filing a protest with canvassing board to post a bond and to pay the costs of the recount in certain instances; providing an effective date.

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

By Senators Poston and Hollahan—

SB 519—A bill to be entitled An act relating to school millage elections; amending section 236.32(3)(b) 2., Florida Statutes, relating to instructions on voting machines; providing an effective date.

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

By Senators Poston and Hollahan—

SB 520—A bill to be entitled An act relating to qualification and registration of electors; amending section 97.041(2), Florida Statutes, to change the time within which a person who attains the age of twenty-one after the close of registration books may register; amending section 97.072, Florida Statutes, to provide for duplicate registration identification cards; amending section 97.081(5), Florida Statutes, to change time for registration of freeholders; repealing section 100.241(4), Florida Statutes, relating to registration of freeholders; providing an effective date.

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

By Senators Poston and Hollahan—

SB 521—A bill to be entitled An act relating to election code, registration office, officers and procedures; amending section 98.051(2), Florida Statutes, to change date for closing registration books; providing an effective date.

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

By Senators Poston and Hollahan—

SB 522—A bill to be entitled An act relating to the district school system; amending section 230.23(4)(g), Florida Statutes, to provide that primary election, general election, and school district millage election days shall be school holidays; providing an effective date.

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

By Senators Poston and Hollahan—

SB 523—A bill to be entitled An act relating to candidates, amending section 99.023(1), (3), Florida Statutes, to change time of oath of a write-in candidate and time of notification of each board of county commissioners of write-in candidacies by the secretary of state; amending section 99.061(1), Florida Statutes, to change time for filing qualification papers for nomination of a political party for state, county and United States offices; providing an effective date.

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

By Senators Poston and Hollahan—

SB 524—A bill to be entitled An act relating to elections; amending section 101.131(2), Florida Statutes, to change time for designation of poll watchers; amending section 101.151(5), Florida Statutes, to alter specifications for general election ballots; amending section 101.253, Florida Statutes, to change time when candidate may withdraw and have his name removed from the ballot; providing for the preparation of a special ballot by the supervisor of elections on which the names of candidates who are unopposed will appear; providing that the supervisor or his deputy shall cast a vote for such candidate; amending section 101.62(1), Florida Statutes, to change time for requesting application blanks for absentee ballots; providing an effective date.

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

By Senators Poston and Hollahan—

SB 525—A bill to be entitled An act relating to special elections; amending section 100.111(6)(b), Florida Statutes, to change time limits for giving of notice of a special election; changing the time within which a candidate may qualify and have his name placed on the ballot; changing the time within which certain names shall be stricken from the ballot; providing an effective date.

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

By Senators Hollahan, Poston, Haverfield, Gong, Gunter, Trask, Bishop, Barron, Barrow and Pope—

SB 526—A bill to be entitled An act relating to agricultural fairs; amending chapter 616, Florida Statutes, by adding section

616.20 to provide an appropriation for the construction of agricultural and livestock exhibition buildings; amending section 616.22, Florida Statutes, to require matching funds from fair associations; providing effective date.

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

By Senators Friday and Bell—

SB 527—A bill to be entitled An act relating to pilot commissioners and pilots; amending section 310.11, Florida Statutes, relating to rates of pilotage; providing minimum rates for pilotage based upon draft; providing an effective date.

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

By Senator McClain—

SB 528—A bill to be entitled An act relating to disability retirement of state or county officers and employees; amending Section 122.09, Florida Statutes; providing disability retirement for state or county officers who have accumulated ten (10) years of service and who have only a single break, not to exceed one (1) year, in the last five (5) years of their employment; providing an effective date.

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

By Senators McClain, Horne and Boyd—

SB 529—A bill to be entitled An act relating to the legislature; amending section 11.13(1), Florida Statutes; providing increased compensation for members of the legislature beginning April 1, 1969; providing an effective date.

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

By Senator Thomas—

SB 530—A bill to be entitled An act relating to sale of securities, exempt transactions; amending section 517.06(6), Florida Statutes; providing for issue, transfer, or exchange of securities from one corporation to another or to security holders in connection with mergers, consolidations, or sale of corporate assets.

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

By Senator Thomas—

SB 531—A bill to be entitled An act relating to the sale of securities, exempt transactions; amending section 517.06, Florida Statutes, by adding subsections (17) and (18); providing for sale of securities by an employer to an employee subject to certain conditions.

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

By Senator Thomas—

SB 532—A bill to be entitled An act relating to the regulation of public utilities; amending sections 366.02 and 366.11, Florida Statutes, to subject municipally owned electric and gas utilities to the jurisdiction of the Florida Public Service Commission to the extent that they are providing services outside the municipal boundaries; providing an effective date.

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

By Senator Thomas—

SB 533—A bill to be entitled An act relating to the water and sewer system regulatory law; amending section 367.16, Florida Statutes, to subject municipally owned water and sewer utilities to the jurisdiction of the Florida Public Service Commission to the extent that they are providing services outside the municipal boundaries; providing an effective date.

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

By Senators Horne, Boyd, Chiles, Thomas, de la Parte, Pope, Mathews, Karl and Askew—

SB 534—A bill to be entitled An act relating to the teacher's retirement system; amending section 238.07(15A), Florida Statutes, to eliminate reduction of retirement allowances by social security benefits; providing an effective date.

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

By Senators Horne, Boyd, de la Parte, Askew and Mathews—

SB 535—A bill to be entitled An act relating to teachers' retirement; amending subsection (2) of section 238.03, Florida Statutes, providing for membership of the board of trustees; providing an effective date.

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

By Senator Horne—

SB 536—A bill to be entitled An act relating to the Florida crippled children's commission; revising and amending sections 391.01, 391.02, 391.03, 391.04, 391.05, 391.06, 391.07, 391.08, 391.09 and 391.10, all Florida Statutes; providing for appointment and term of office of members of commission; providing for powers and duties of commission; providing for approved diagnostic and treatment facilities; providing for employment of professional personnel; providing for surgical and medical care or treatment of indigent and semi-indigent crippled children; providing for biennial appropriation.

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

By Senator Gong—

SB 537—A bill to be entitled An act relating to court costs and the right to proceed in forma pauperis; amending section 57.081(1) and (2), Florida Statutes; providing for the right to proceed in forma pauperis in any county of the state; providing for the services of court reporters for persons proceeding in forma pauperis; clarifying the legislative intent that forma pauperis proceedings may be had in probate and guardianship proceedings; providing for payment of actual expense by county in which the insolvent and poverty-stricken person resides; providing an effective date.

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

By Senator Myers—

SB 538—A bill to be entitled An act relating to the investment of public funds; amending section 215.47, Florida Statutes; defining the kinds of securities in which state funds may be invested; providing an effective date.

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

By Senator Henderson—

SB 539—A bill to be entitled An act relating to prison wardens and deputy sheriffs; amending Chapter 944, Florida Statutes to provide that wardens employed under the Florida Correctional System and deputy sheriffs employed by any county of the State of Florida shall be entitled to be defended in civil suits brought against them for acts committed while in the performance of their duty at county expenses; provided that the county and state is authorized to indemnify such persons against losses arising out of judgments in such suits; providing an effective date.

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

By Senators Henderson, Weissenborn, Deeb, Gunter, Young, Thomas, Stone, Williams, Johnson, Bafalis, Boyd, Saylor, Slade and Ducker—

SJR 540—A Joint Resolution proposing an amendment to Section 11 of Article X of the Florida Constitution; providing

authority for private use of sovereignty submerged lands only if in the public interest.

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

By Senators Boyd and Karl—

SB 541—A bill to be entitled An act relating to education; directing the state department of education to initiate a study of school facility use; providing an effective date.

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

By Senator Boyd—

SB 542—A bill to be entitled An act relating to state parks; authorizing development of a state park in Manatee County by the Florida board of parks; providing an appropriation; 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 Senator Weissenborn—

SB 543—A bill to be entitled An act relating to administrative procedure act; amending section 120.26(4), Florida Statutes, adding new subsection (5) to said section and renumbering subsequent subsections accordingly; permitting filing of exceptions only to the recommended order of a hearing examiner or member of the agency; authorizing the filing of a petition for rehearing to the agency order; providing an effective date.

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

By Senators Askew and Broxson—

SB 544—A bill to be entitled An act relating to staff members or employees of state historical commissions teaching courses and holding part-time positions at state universities; permitting compensation from more than one appropriation; providing an effective date.

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

By Senators Bell and Stolzenburg—

SB 545—A bill to be entitled An act relating to county executive committees of each political party; amending introductory paragraph of section 103.111(3)(a), Florida Statutes, to provide for the election of one (1) precinct committeeman and one (1) committeewoman from each precinct; providing that any political party having more than one thousand (1,000) qualified electors in a precinct may elect one (1) additional precinct committeeman and one (1) committeewoman from said precinct; repealing subparagraphs 1., 2. and 3., of section 103.111(3)(a), Florida Statutes; providing an effective date.

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

By Senator Haverfield—

SB 546—A bill to be entitled An act relating to taxation; levying an excise tax on the severance of all solid minerals and timber; prescribing tax rate; providing the manner of collection and administration; prescribing procedure for paying taxes; prescribing penalty; providing for certain exemptions; providing tax credits; providing an effective date.

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

By Senator Broxson—

SB 547—A bill to be entitled An act relating to alcoholic beverages; creating the state alcoholic beverage commission; providing for its membership, terms of office, and compensation; delegating certain powers to the commission; adopting administrative code; repealing sections 561.08, 561.09(1), 561.11, 561.15(3), 561.19, and 561.29, Florida Statutes, rela-

ting to beverage licenses and enforcement of the beverage law; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Friday, by two-thirds vote, SB 450 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Friday, by two-thirds vote, HCR 72 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Friday, by two-thirds vote, House Bills 448, 451 and 452 were withdrawn from the Committee on Rules and Calendar and placed on the Local Calendar.

On motion by Senator Askew, by two-thirds vote, SB 544 was withdrawn from the Committee on Ways and Means.

On motion by Senator Chiles, by two-thirds vote, SB 241 was withdrawn from the Committee on Ways and Means and placed on the Calendar.

On a point of order raised by Senator Chiles, pursuant to Rule 4.6, SB 212 was also referred to the Committee on Ways and Means.

On motion by Senator Chiles, by two-thirds vote, SB 242 was withdrawn from the Committee on Ways and Means.

On motion by Senator Henderson, by two-thirds vote, SM 249 was withdrawn from the Committee on Natural Resources and Conservation and placed on the Calendar.

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

SM 249—A memorial to the congress of the United States urging the enactment of a law to protect rare and endangered species.

Whereas, congressman Richard D. McCarthy, New York, has introduced House Resolution 6634 to provide protection for rare and endangered wild species; and

Whereas, the second session of the 90th congress of the United States previously expressed considerable interest and support to the proposition that rare and endangered wild species be given adequate protection from possible extinction; and

Whereas, the American alligator is recognized as playing an important role in the management of fresh water resources in the state of Florida and is indirectly responsible for the preservation of other desirable and endangered species, particularly in everglades national park; and

Whereas, as a result of man's actions over the past years, the alligator population has been reduced considerable, and continues to be reduced at an alarming rate; and

Whereas, poachers who illegally hunt, kill, and sell the skins of the alligators contribute considerably to the reduction of the alligator population; and

Whereas, illegally gained skins and products are routed through interstate commerce; and

Whereas, similar problems are world wide due to the importation of illegally captured products of many other endangered species into this and other countries; and

Whereas, the legislature of the state of Florida has a deep and abiding interest in protecting and preserving wildlife from extinction, Now, Therefore,

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

That we do hereby petition the members of the congress of the United States to adopt House Resolution 6634 introduced by congressman Richard D. McCarthy, New York, in the 91st congress to provide protection for rare and endangered species,

at the earliest possible date, and do seriously urge that protection of the American alligator be included within the scope of such legislation.

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.

On motions by Senator Henderson, the rules were waived and SM 249 was read the second time by title, adopted and certified to the House. The vote was: Yeas—32 Nays—None

Mr. President	Deeb	Karl	Shevin
Askew	de la Parte	Knopke	Stolzenburg
Bafalis	Ducker	Lane	Stone
Beaufort	Friday	Myers	Thomas
Bell	Gunter	Ott	Weber
Bishop	Henderson	Plante	Williams
Broxson	Horne	Reuter	Wilson
Chiles	Johnson	Sayler	Young

Senator Barrow was recorded as voting Yea.

On motion by Senator Horne, the rules were waived and the Committee on Judiciary was granted an additional 15 days for the consideration of Senate Bills 13, 14, 17, 20, 21, 29, 40, 49, 57, 58, 69, 72, 73, 80, 95, 97, 98, 99, 101, 102, 125, 148, 149, 151, 155, 163, 167, 168, 174, 175, 191, 192, 196, 197, 199, 202, 203, 205, 206, 207, 209, 211, 213, 215, 221, 224, 227, 231, 235, 245, 246, 247, 248, 251, 285, 289, 295, 303, 304, 305, 306, 307, 308, 309, 313, 317, 322, 326, 327, 330, 331, 332, 336, 337, 338, 339, 340, 343, 344, 346, 347, 348, 349, 351, 353, 354, 355, 357, 359, 360, 361, 371, 372, 373, 383, 385, 392, 396, 401, 405, 406, 414, 415 and 420.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 15, 1969
President of the Senate

Sir:

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

By Representative James and others—

HB 102—A bill to be entitled An act relating to the State Road Board; amending chapter 334, Florida Statutes, by adding section 334.063, directing the board to include certain statistical studies in criteria for planning, construction, and maintenance of state roads; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 102, 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. April 16, 1969
President of the Senate

Sir:

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

By Representative Gautier—

HB 54—A bill to be entitled An act relating to the Florida corrections code; amending section 945.091(1)(b), Florida Statutes, relating to the extension of limits of confinement of certain prison inmates by deleting provision limiting the number of inmates permitted to work at paid employment and participate in certain educational, training and public programs; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 54, 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. April 16, 1969
President of the Senate

Sir:

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

By Representatives Lancaster and Mixson—

HB 300—A bill to be entitled An act relating to pesticides; amending subsection (1) of section 487.061, Florida Statutes, to provide a two year term for the industry representative on the pesticide technical committee; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 300, 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. April 16, 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 19—A bill to be entitled an act relating to criminal procedure; amending section 924.07, Florida Statutes, adding sub-section (7) to allow the state to appeal an order adjudicating a defendant insane under chapter 917, Florida Statutes.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 19, 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.

THIRD READING

SB 56—A bill to be entitled An act relating to child molesters, to provide that any person who shall handle, fondle or make an assault upon any person of the age of eighteen (18) years or less, by force or against said person'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; providing an effective date.

Was taken up and read the third time by title.

On motion by Senator Shevin, the rules were waived and SB 56 was placed back on second reading.

Senator Myers offered the following amendment which was adopted:

In Section 1, line 28, page 1, after the word "will" insert the following: in a lewd, lascivious or indecent manner,

Senator Shevin offered the following amendment which was adopted:

In title, line 7, page 1, following "said persons will" insert the following: in a lewd, lascivious or indecent manner,

Senator Shevin also offered the following amendment which was adopted:

In Section 1, line 25, page 1, strike: "of the age of eighteen (18) years or less," and insert the following: under the age of eighteen years,

Senator Shevin also offered the following amendment which was adopted:

In title, line 5, page 1, strike: "of the age of eighteen (18) years or less," and insert the following: under the age of eighteen years,

On motion by Senator Shevin, SB 56 as amended was read by title and failed to pass. The vote was:

Yeas—9

Barrow	Deeb	Pope	Scarborough
Bell	Haverfield	Sayler	Shevin
Broxson			

Nays—30

Mr. President	Gong	Myers	Trask
Askew	Gunter	Ott	Weber
Bafalis	Henderson	Plante	Weissenborn
Beaufort	Johnson	Reuter	Williams
Bishop	Karl	Saunders	Wilson
de la Parte	Knopke	Stolzenburg	Young
Ducker	Lane	Stone	
Friday	McClain	Thomas	

SECOND READING

SB 50—A bill to be entitled An act relating to bail; providing for the estreatment of bail when a person is convicted of an offense while free on appeal from a separate 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, lines 8-12, page 1, strike entire Section 1 and insert the following: Section 1. If a person admitted to bail on appeal is convicted of a separate offense while free on appeal, the bail on appeal shall be revoked and the defendant committed forthwith.

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

In title, line 3, page 1, strike "the estreatment" and insert the following: the revocation

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

In title, line 4, page 1, strike "an offense" and insert the following: a felony

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

In Section 1, line 2, page 1, strike "separate offense" and insert the following: felony

Pending further consideration of SB 50 as amended, on motion by Senator Shevin, HB 20, a companion measure, was taken up in lieu thereof.

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.

Was read the second time by title.

Senator Shevin offered the following amendment which was adopted:

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

Senator Shevin also offered the following amendment which was adopted:

After Section 1, line 13, page 1, add the following: Section 2. This act shall take effect January 1, 1970.

Senator Askew offered the following amendment which was adopted:

In Section 1, line 12, page 1, after words "on appeal" insert the following: commits and

Senator Askew also offered the following amendment which was adopted:

In title, line 5, after words "a person" insert the following: commits and

On motion by Senator Shevin, the rules were waived and HB 20 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Friday	McClain	Stolzenburg
Askew	Gong	Myers	Stone
Bafalis	Gunter	Ott	Thomas
Barrow	Haverfield	Plante	Trask
Beaufort	Henderson	Pope	Weber
Bell	Johnson	Reuter	Weissenborn
Deeb	Karl	Sayler	Williams
de la Parte	Knopke	Scarborough	Young
Ducker	Lane	Shevin	

Nays—1

Wilson

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 or subsequent felony conviction; providing an effective date.

Was taken up having been amended and retained on Second Reading April 15.

Senator Karl offered the following amendment which was adopted:

In Section 1, line 12, page 1, strike everything in Section 1 following the word "conviction," and insert the following: No person may be admitted to bail upon appeal from a conviction of a felony if such person has previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony.

On motion by Senator Shevin, SB 53 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

Mr. President	de la Parte	Knopke	Shevin
Askew	Ducker	Lane	Stolzenburg
Bafalis	Friday	McClain	Stone
Barrow	Gong	Ott	Thomas
Beaufort	Gunter	Plante	Weber
Bell	Haverfield	Pope	Williams
Broxson	Henderson	Reuter	Young
Chiles	Johnson	Saunders	
Deeb	Karl	Sayler	

Nays—4

Bishop Myers Weissenborn Wilson

Senator Scarborough was recorded as voting yea.

Consideration of Senate Bills 54, 59, 66, 74 and 78 was deferred, the bills retaining their places on the Calendar.

SB 87—A bill to be entitled An act relating to appeals from municipal courts; amending section 932.52(16), Florida Statutes, authorizing judge to set bond in certain cases at his discretion.

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 Sayler:

After Section 1, add new section to read: Section 2. This act shall take effect on January 1, 1970.

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

In Section 1, line 22, page 1, insert after "municipal judge," as prescribed by law,

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

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

On motion by Senator Saylor, the rules were waived and SE 87 as amended was read the third time by title.

On motion by Senator Saylor, the rules were waived and further consideration of SB 87 was deferred.

SB 92—A bill to be entitled An act relating to legislative apportionment; amending sections 10.021 and 10.031, Florida Statutes, to clarify the definition of house districts numbered ninety (90) through one hundred eight (108) and one hundred fourteen (114); providing an effective date.

Was taken up and read the second time by title. On motion by Senator Weber, the rules were waived and SB 92 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Friday	Myers	Stone
Askew	Gong	Ott	Thomas
Bafalis	Gunter	Plante	Trask
Barrow	Haverfield	Pope	Weber
Beaufort	Henderson	Reuter	Weissenborn
Bell	Johnson	Saunders	Williams
Chiles	Karl	Saylor	Wilson
Deeb	Knopke	Scarborough	Young
de la Parte	Lane	Shevin	
Ducker	McClain	Stolzenburg	

Consideration of SB 105 was deferred, the bill retaining its place on the Calendar.

SB 126—A bill to be entitled An act relating to an additional ground for divorce; providing a new section 65.041, Florida Statutes, establishing permanent insanity as grounds for divorce under certain conditions and limitations; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Chiles, the rules were waived and SB 126 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gong	Ott	Trask
Askew	Haverfield	Plante	Weber
Bafalis	Henderson	Reuter	Weissenborn
Barrow	Johnson	Saunders	Williams
Beaufort	Karl	Saylor	Wilson
Bell	Knopke	Scarborough	Young
Chiles	Lane	Shevin	
de la Parte	McClain	Stone	
Friday	Myers	Thomas	

Nays—3

Deeb	Ducker	Pope
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Senator Gunter was recorded as voting Yea.

Consideration of SB 153 was deferred, the bill retaining its place on the Calendar.

SB 116—A bill to be entitled An act relating to pesticides; amending subsection (1) of section 487.061, Florida Statutes, to provide a two year term for the industry representative on the pesticide technical committee; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Thomas, the rules were waived and SB 116 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Ducker	McClain	Stolzenburg
Askew	Friday	Myers	Stone
Bafalis	Gong	Ott	Thomas
Barrow	Haverfield	Plante	Trask
Beaufort	Henderson	Pope	Weber
Bell	Johnson	Reuter	Weissenborn
Chiles	Karl	Saunders	Williams
Deeb	Knopke	Scarborough	Wilson
de la Parte	Lane	Shevin	Young

SB 122—A bill to be entitled An act relating to the Department of Agriculture; amending subsection (1) of section 576.091, Florida Statutes, to provide additional members to the fertilizer technical committee; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Thomas, the rules were waived and SB 122 was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Ducker	Lane	Stone
Askew	Friday	McClain	Thomas
Bafalis	Gong	Ott	Trask
Barrow	Gunter	Plante	Weber
Beaufort	Haverfield	Reuter	Weissenborn
Bell	Henderson	Saunders	Williams
Chiles	Johnson	Scarborough	Wilson
Deeb	Karl	Shevin	Young
de la Parte	Knopke	Stolzenburg	

SJR 127—A joint resolution proposing an amendment to Section 2, Article VI, of the Constitution of the State of Florida, relating to electors.

Was taken up.

A quorum call was requested. A quorum of 36 members was present.

On motion by Senator Chiles, further consideration of SJR 127 was deferred. The vote was:

Yeas—22

Mr. President	Gong	Plante	Thomas
Askew	Gunter	Reuter	Trask
Beaufort	Karl	Saunders	Weissenborn
Chiles	Knopke	Scarborough	Wilson
de la Parte	McClain	Shevin	
Friday	Ott	Stone	

Nays—14

Bafalis	Ducker	Lane	Williams
Barrow	Haverfield	Pope	Young
Bell	Henderson	Stolzenburg	
Deeb	Johnson	Weber	

Consideration of Senate Bills 194, 18 and 60 was deferred, the bills retaining their places on the Calendar.

SB 220—A bill to be entitled An act relating to tuberculosis hospitals; amending chapter 392, Florida Statutes, by adding section 392.243, changing the name of the Southeast Florida Tuberculosis Hospital to the A. G. Holley Tuberculosis Hospital; providing an effective date.

Was taken up and read the second time by title.

The Committee on Health, Welfare, and Institutions offered the following amendment which was adopted on motion by Senator Gong:

In lines 22 and 23, page 1, strike "Tuberculosis" and insert state

The Committee on Health, Welfare, and Institutions also offered the following amendment which was adopted on motion by Senator Gong:

In Section 1, lines 1 and 4, page 2, strike "Tuberculosis" and insert State

The Committee on Health, Welfare, and Institutions also offered the following amendment which was adopted on motion by Senator Gong:

In title, line 9, page 1, strike "Tuberculosis" and insert State

On motion by Senator Gong, the rules were waived and SB 220 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Mr. President	Ducker	Myers	Thomas
Askew	Friday	Ott	Trask
Bafalis	Gong	Plante	Weber
Barrow	Gunter	Pope	Weissenborn
Beaufort	Haverfield	Reuter	Williams
Bell	Johnson	Saunders	Wilson
Bishop	Karl	Sayler	Young
Chiles	Knopke	Scarborough	
Deeb	Lane	Shevin	
de la Parte	McClain	Stolzenburg	

Consideration of SB 70 was deferred, the bill retaining its place on the Calendar.

SB 27—A bill to be entitled An act relating to motor carriers; amending subsection 323.29(1)(a), Florida Statutes, by providing that the transport of pesticides shall be subject to the safety regulations of the commission; amending subsection 323.29(1)(c), Florida Statutes, providing that pesticides shall be subject to safety regulations; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Myers, the rules were waived and SB 27 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Friday	Myers	Thomas
Askew	Gong	Ott	Trask
Bafalis	Gunter	Plante	Weber
Beaufort	Haverfield	Pope	Weissenborn
Bell	Henderson	Reuter	Williams
Bishop	Johnson	Sayler	Wilson
Chiles	Karl	Scarborough	Young
Deeb	Knopke	Shevin	
de la Parte	Lane	Stolzenburg	
Ducker	McClain	Stone	

Senators Barrow and Saunders were recorded as voting yea.

SENATE MEMORIALS ON SECOND READING

SM 173—A Memorial to the Congress of the United States to request amendment of the Sugar Act to allow the Mainland Cane Sugar Area to fill a portion of the unused Puerto Rican quota.

WHEREAS, Florida sugarcane farmers and processors face a drastic and disastrous cane acreage reduction unless they are granted the right to sell more sugar, and

WHEREAS, prospects for these drastic restrictions on the Florida sugar industries come at a time when:

(1) Foreign producers are allowed to increase their sugar sales to the United States, and

(2) Other domestic sugar areas are producing and selling sugar without restriction, and

WHEREAS, if the impending additional cane acreage cuts are imposed upon Florida, many cane farmers and some processors will be forced out of business since there are no substitute crops they can grow or process, and

WHEREAS, for many years Puerto Rico has been unable to produce enough sugar to fill its annual sugar marketing quota, a logical solution to the Florida problem could be Congressional action to allow the Mainland Cane Sugar Area to fill a portion of the unused Puerto Rican quota, enough at least to prevent Florida farmers from having to take another drastic acreage cut, and

WHEREAS, the Sugar Act now provides that the unused Puerto Rican quota must be allocated to the Philippines and Western Hemisphere and in 1967, the Philippines could not use its share of the Puerto Rican deficit, and it all went to Western Hemisphere countries, and

WHEREAS, most of these Western Hemisphere countries had already been granted, by the 1965 Sugar Act Amendments, the right to greatly increase their sugar sales to the United States, and in all probability, with the size of the Puerto Rican deficit

tending to become larger each year, these foreign countries would still receive additional quota each year even if a portion of the deficit when to help Florida, and

WHEREAS, granting the Mainland Cane Sugar Area the right to fill part of the unused Puerto Rican deficit will not harm any domestic sugar producing area or the cane sugar refiners, and

WHEREAS, increased marketing rights for Florida sugar would contribute to the national interest since the United States balance-of-payments position would be improved, as less dollars would be sent abroad to buy foreign sugar, and

WHEREAS, increasing international tensions accentuate the need for larger, rather than less, production of sugar in the continental United States, and

WHEREAS, a further speedup in the exodus of farm workers to cities would be avoided, and

WHEREAS, any critical shortage of shipping would be alleviated, and

WHEREAS, a reduction in taxes paid to local, state, and federal governments would be avoided and, if the increased marketing rights are not granted, the Florida sugarcane industry will be reduced in size, resulting in less income and less taxes paid by those in the sugar industry and those in the many allied businesses, and

WHEREAS, the current sugarcane crisis is a vivid and specific example of an important United States agricultural industry being seriously crippled through quota restrictions when at the same time foreign production shipped to the United States is allowed to increase, NOW, THEREFORE,

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

That the Congress of the United States is urged to amend the Sugar Act to allow the Mainland Cane Sugar Area to fill a portion of the Unused Puerto Rican quota, enough at least to prevent the Florida sugarcane growers from having to take another drastic cut.

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 taken up and read the second time in full. On motion by Senator Stone, SM 173 was adopted and certified to the House. The vote was: Yeas—38 Nays—None

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

Senator Saunders was recorded as voting yea.

SM 188—A memorial to the congress of the United States urging support of the U. S. department of agriculture and the defeat of H. R. 5865, introduced on February 3, 1969, by Congressman Udall, which would remove tomatoes from section 8(e) of the agricultural marketing agreement act of 1937, as amended.

Whereas, many erroneous news items have been published criticizing Florida tomato growers and the U. S. department of agriculture concerning the adoption and effects of the regulation on limitation of tomato shipments effective January 8, 1969; and

Whereas, the recommendations of the Florida tomato committee, which have been promulgated by the secretary of agriculture, are designed to accomplish the declared policy of congress to establish and maintain such orderly marketing

conditions for tomatoes in interstate commerce as will establish parity prices as defined in the agricultural adjustment act of 1938; and

Whereas, any marketing order, issued pursuant to section 8(c) of the agricultural adjustment act of 1938, containing any terms or conditions regulating the grade, size, quality or maturity of tomatoes, produced in the United States, operates to prohibit the importation into the United States of any tomatoes during the period of time such order is in effect, unless they comply with the same grade, size, quality and maturity provisions required of the United States producers; and

Whereas, a marketing policy was adopted October 3, 1968, pursuant to paragraph 966.50 of the tomato marketing order; and

Whereas, Florida growers must dispose of their restricted tomatoes to the in-state market or leave them in the fields, while Mexico can and does dispose of their restricted tomatoes to the forty-five million people in Mexico plus twenty million people in Canada; and

Whereas, Florida is denied these markets due to the reciprocal trade agreement between the United States and Canada which will not permit Florida shipment to that country in violation of the secretary's import regulation and Mexico is not a member of the general agreement on tariffs and trade and refuses to open her markets to outside competition during the time her farmers are in production; and

Whereas, the Florida tomato industry is the predominant domestic producer of fresh tomatoes during its seven-month season and the restrictions on the imports are the same as are on the Florida growers; and

Whereas, Florida's hundred million dollar tomato industry will be taken over by foreign producers unless uniform policies are maintained, Now, Therefore,

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

That we do hereby petition the members of the congress to defeat H. R. 5865 and do hereby urge the members to commend the U. S. department of agriculture for maintaining a fair and uniform policy in the tomato industry.

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 taken up and read the second time in full. On motion by Senator Stone, SM 188 was adopted and certified to the House. The vote was: Yeas—37 Nays—None

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

The President Pro Tempore, presiding.

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

SB 74—A bill to be entitled An act relating to probation; amending section 948.06(1), Florida Statutes, to provide for the service of a parole violation warrant by any probation or parole supervisor and all officers authorized to serve criminal process, all peace officers of this state; providing an effective date.

—which was read the second time by title.

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

In title, line 4, page 1, strike: "parole" and insert the following: probation

On motion by Senator Shevin, the rules were waived and SB 74 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Askew	Friday	Myers	Stone
Bafalis	Gong	Ott	Thomas
Barrow	Gunter	Plante	Trask
Beaufort	Haverfield	Pope	Weber
Bell	Henderson	Reuter	Williams
Bishop	Johnson	Saunders	Wilson
Chiles	Karl	Sayler	Young
Deeb	Knopke	Scarborough	
de la Parte	Lane	Shevin	
Ducker	McClain	Stolzenburg	

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

SB 78—A bill to be entitled An act amending section 11.08, Florida Statutes, to provide for the service of witness subpoenas by a duly constituted agent of a Florida legislative committee; providing an effective date.

—which was read the second time by title.

Senator Myers offered the following amendment which was adopted:

In Section 1, line 29, page 1, after "legislative committee" insert the following: over the age of 21 years

On motion by Senator Shevin, the rules were waived and SB 78 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Askew	Gong	Myers	Trask
Bafalis	Gunter	Plante	Weber
Barrow	Haverfield	Pope	Weissenborn
Beaufort	Henderson	Saunders	Williams
Bell	Johnson	Scarborough	Wilson
Bishop	Karl	Shevin	Young
Chiles	Knopke	Stolzenburg	
Ducker	Lane	Stone	
Friday	McClain	Thomas	

Nays—1

Ott

The President was recorded as voting yea.

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

SB 153—A bill to be entitled An act relating to county prisoners; amending chapter 948, Florida Statutes, by adding section 948.07, authorizing the establishment of a work-release program for county prisoners subject to supervision by the probation and parole commission after investigation; providing for participation in such program by the appropriate court, sheriff and board of county commissioners; providing an effective date.

—which was read the second time by title.

Senator Shevin offered the following amendment which was adopted:

Line 30, page 5, insert the following: (10) The Board of County Commissioners of any County may, upon the recommendation of the sheriff, authorize the person in charge of a county stockade or workcamp to implement Sections 4, 5, and 6, where such facility is not directly under the sheriff.

On motion by Senator Shevin, the rules were waived and SB 153 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—35 Nays—None

Askew	Gong	Myers	Stone
Bafalis	Gunter	Ott	Thomas
Barrow	Haverfield	Plante	Trask
Beaufort	Henderson	Pope	Weber
Bell	Johnson	Reuter	Weissenborn
Bishop	Karl	Saunders	Williams
Deeb	Knopke	Scarborough	Wilson
Ducker	Lane	Shevin	Young
Friday	McClain	Stolzenburg	

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Public Schools: Senate Bills 535 and 541 (5 days to report to Committee on Education)

Universities and Colleges: SB 544 (7 days to report to Committee on Education)

State Government: Senate Bills 488, 200, 201, 399 and HB 4 (10 days to report to Committee on Governmental Organization)

Health and Welfare: HB 299 and SB 509 (10 days to report to Committee on Health, Welfare, and Institutions)

Jurisprudence: SB 305 was withdrawn from the Subcommittee on Law and Order to which it was referred on April 10 and referred to the Jurisprudence Subcommittee.

CO-INTRODUCERS

By permission, Senators Bafalis, Friday and Thomas were recorded as co-introducers of SM 173.

By permission, Senators Bafalis, Haverfield, Stolzenburg, Friday, Barrow, Thomas, Gong, Weissenborn, Askew, Gunter, Scarborough, Pope, McClain and Lane were recorded as co-introducers of SM 188.

By permission, Senator Stolzenburg was recorded as a co-introducer of SB 416.

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 17, 1969.