

JOURNAL OF THE SENATE

Friday, April 18, 1969

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

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

Excused: Senator Henderson

Prayer by Senator Myers:

Our God and God of our Fathers let us be ever mindful of the main task: A commitment to a better life for our children, a commitment to a world of constant change, of improvement, of growth. Let us not stagnate in the certitudes of ideology or the finalities of dogma. Let us realize that there is no infallible party, no iron creed, no all purpose blueprint. Preserve instead our faith in human intelligence, human will, and human decency, for we know that in the long run, these are the forces which make history; and let us be ever mindful of the words of the Prophet Micah: "All that is required of thee is but to do justice, love mercy, and walk humbly with thy God."

The Journal of April 17 was corrected and approved as follows:

Page 107, column 1, between lines 28 and 29 in 4th column of roll call, insert Weissenborn

Page 107, column 1, strike lines 34 and 35

The Journal of April 15 was further corrected and approved as follows:

Page 82, counting from the bottom of column 1, line 8, strike "4" and insert 2

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

Page 54, counting from the bottom of column 2, line 23, before "land" insert sovereign

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following pass: SB 529 with 3 amendments

The bill was placed on the Calendar.

The Committee on Transportation recommends the following pass: HB 29 with 1 amendment

The bill was placed on the Calendar.

The Committee on Transportation recommends the following pass: SB 449 with 3 amendments SB 471

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

The Committee on Transportation recommends the following pass: SB 472, with 2 amendments

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

The Committee on Constitutional Amendments and Revision recommends the following not pass: SJR 334

The bill was laid on the table.

The Committee on Transportation recommends the following pass: Senate Bills 261 and 262

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

The Committee on Transportation recommends the following pass: SCR 302

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

REPORTS OF SUBCOMMITTEES

The Financial Institutions and Consumer Protection Subcommittee recommends to the Committee on Commerce and Licensed Businesses SB 384 be reported favorably; SB 183 favorably with amendments; SB 387 favorably with Committee Substitute.

The State Government Subcommittee recommends to the Committee on Governmental Organization Senate Bills 47 and 438 be reported unfavorably.

The Mental Health, Retardation, and Institutions Subcommittee recommends to the Committee on Health, Welfare, and Institutions Senate Bills 264, 193, and 3 be reported favorably.

The Jurisprudence Subcommittee recommends to the Committee on Judiciary Senate Bills 346, 348, 349, 371, 372, 373, 383 and 385 be reported favorably; SB 57, favorably with Committee Substitute; SB 58, favorably with amendments; Senate Bills 17 and 331, unfavorably.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Financial Institutions and Consumer Protection: Senate Bills 565 and 530 (12 days to report to Committee on Commerce and Licensed Businesses)

Licensed Businesses: SB 574 (12 days to report to Committee on Commerce and Licensed Businesses)

Universities and Colleges: HB 262 (7 days to report to Committee on Education)

State Government: Senate Bills 547 and 575 (10 days to report to Committee on Governmental Organization) SB 296 was withdrawn from Local Government and referred to State Government (12 days to report to Committee on Governmental Organization)

Local Government: Senate Bills 450 and 513, House Bills 188 and 281 (10 days to report to Committee on Governmental Organization)

Roads and Highways: Senate Bills 548, 549, 550, 551, 552, 553, 554 and 555 (7 days to report to Committee on Transportation)

Safety: House Bills 102 and 128 (7 days to report to Committee on Transportation)

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 28 with 4 amendments SB 87 with 1 amendment
SB 54 with 4 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.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SCR 493

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on April 18, 1969.

EDWIN G. FRASER
Secretary of the Senate

REPORT OF COMMITTEE ON RULES AND CALENDAR

Honorable John E. Mathews, Jr.
President
The Florida Senate

April 18, 1969

Sir:

The Committee on Rules and Calendar reports its favorable vote on Senate Bill 529, with amendments, and recommends that this report and the said Senate bill be taken up immediately as the report of this committee and considered by the Senate.

Respectfully,
ELMER O. FRIDAY, JR.
Chairman, Committee
on Rules and Calendar

On motion by Senator Friday, the foregoing report was adopted.

By unanimous consent the Senate proceeded to the consideration of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, Motions relating to Committee Reference, and Messages from the House of Representatives.

INTRODUCTION

By Senators Myers and Friday—

SB 579—A bill to be entitled An act amending subsection (3) of section 350.78, Florida statutes, relating to the Florida public service regulatory trust fund; providing that the one fifteenth of one percent of the gross operating revenues of telephone, telegraph, electric, and gas utilities, required to be paid annually to the Florida public service commission, for deposit to the credit of such fund, shall be increased to one twelfth of one percent of such gross operating revenues, and shall be based on the operating revenues for the calendar year of 1968 instead of 1966; changing from July 1, 1967 to July 1, 1969, the date on or before which such utilities shall make such payment; and providing that such amendment become effective immediately upon becoming law.

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

By Senators Friday and Myers—

SB 580—A bill to be entitled An act relating to the Florida public service commission, disposition of road tax moneys collected; amending section 323.16(2), Florida statutes, to delete the restriction on the deposit of road tax funds into the Florida public service regulatory trust fund; providing an effective date.

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

By Senators Friday and Myers—

SB 581—A bill to be entitled An act relating to fees and charges imposed and required to be paid to the Florida public service commission under the provisions of chapter 323, Florida statutes, by increasing the amount of special permit fee imposed by section 323.20 from five dollars to ten dollars; by increasing the vehicle registration and identification fee imposed by section 323.22(1) from one dollar to four dollars for reciprocal motor carriers, and by increasing the fee for filing of interstate commerce commission authority imposed by section 323.28(2) from five dollars to ten dollars; providing for the disposition thereof, and providing an effective date.

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

By Senator Henderson—

SB 582—A bill to be entitled An act relating to beverage licenses providing that manufacturers, rectifiers or distillers may

not be licensed as distributors or exporters; providing an effective date.

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

By Senators Ott, Fincher, Shevin and Henderson—

SB 583—A bill to be entitled An act relating to state revenue; amending sections 550.084(1) and (3), 550.085 (1) and (2) and (3), 550.086, 550.087 and 550.088, all Florida Statutes pertaining to summer thoroughbred horse racing; providing that certain provisions of sections 550.04, 550.08, 550.26 and 550.29 shall not apply to such summer racing; fixing taxes and commission, fixing racing dates and allocation of racing days; creating section 550.091, Florida Statutes, authorizing new permit under certain conditions; providing an effective date.

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

By Senators Saunders, Gunter, Pope, Horne, Stone, Slade, McClain, Myers, Beaufort, Broxson, Barrow, Plante, Shevin and Haverfield—

SB 584—A bill to be entitled An act relating to county government; providing that counties shall have all powers of local self-government not inconsistent with general or special law; providing an effective date.

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

By Senators Broxson and Johnson—

SB 585—A bill to be entitled An act relating to education; amending section 228.041(11), (12), Florida Statutes, redefining instructional personnel and administrative personnel; providing an effective date.

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

By Senators Broxson and Johnson—

SB 586—A bill to be entitled An act relating to the state plan for public education; amending section 228.16(4), Florida Statutes, to provide that state financial support shall be extended first to technical or vocational programs that have as an objective the preparation of students for gainful employment; providing an effective date.

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

By Senator Broxson—

SB 587—A bill to be entitled An act relating to education, textbooks; amending section 233.09(1), Florida Statutes, directing the commissioner of education to call meetings of the state textbook committees at certain times; providing an effective date.

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

By Senators Broxson and Johnson—

SB 588—A bill to be entitled An act relating to education; directing the state department of education to establish a volunteer instructional aide auxiliary program; providing an effective date.

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

By Senator Reuter—

SB 589—A bill to be entitled An act implementing the provisions of article XII, section 9(c), of the Florida constitution; providing for the issuance of fuel tax anticipation certificates as authorized thereunder; designating the state board of administration as the state fiscal agency referred to therein; providing that the Florida state road department or its statutory successor shall issue the fuel tax anticipation certificates authorized thereunder; and, providing an effective date.

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

By Senator Reuter—

SB 590—A bill to be entitled An act implementing the provisions of article XII, section 9(c), of the Florida constitution; providing for the issuance of bonds as authorized thereunder; designating the state board of administration as the state fiscal agency referred to therein; providing that the Florida development commission or its statutory successor shall issue the bonds authorized thereunder; and, providing an effective date.

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

By Senators Williams, Karl, Bell and Ott—

SB 591—A bill to be entitled An act relating to junior colleges; providing for the use of monies earned from college auxiliary enterprises and undesignated gifts; providing an effective date.

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

By Senators Williams, Karl and Ott—

SB 592—A bill to be entitled An act relating to public officers and employees; amending subsection (13) of section 112.061, Florida Statutes, to provide for travel advances to official student representatives to college and university sponsored activities; providing an effective date.

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

By Senator Poston—

SB 593—A bill to be entitled An act relating to public buildings; handicapped persons; amending section 255.21, Florida Statutes, requiring all new public buildings to incorporate facilities for physically handicapped persons; providing an effective date.

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

By Senator Poston—

SB 594—A bill to be entitled An act relating to tax on sales, use and other transactions; amending subsection (6) of section 212.08, Florida Statutes, by exempting counties and municipalities from tax on the purchase of tangible personal property used in the construction of public works; providing for effective date.

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

By Senator Poston—

SB 595—A bill to be entitled An act relating to veterans; amending sections 295.01, 295.02 and 295.04, Florida Statutes, to provide educational benefits to children of veterans with one hundred percent (100%) service-connected disability and increasing the amount of appropriation and benefits to all eligible children; providing an effective date.

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

By Senator Poston—

SB 596—A bill to be entitled An act relating to the Hollywood reclamation district in the counties of Broward and Dade; amending section 8 of chapter 67-904, Laws of Florida, revising the boundaries of said district by removing all lands in Dade county from within the district boundaries; providing an effective date.

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

By Senator Poston—

SB 597—A bill to be entitled An act relating to limitations of actions; amending section 95.11(1) and (3), Florida Statutes;

providing for twenty year limitations on actions on judgments or decrees of courts of record, promissory notes and mortgages; providing for ten year limitations of actions on written contracts; providing an effective date.

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

By Senator Poston—

SB 598—A bill to be entitled An act relating to grand juries; authorizing the impanelling of additional, concurrent grand juries in any county when necessary; directing the same upon certain recommendation; providing the powers of such grand juries; repealing Chapter 67-2224, Laws of Florida; providing an effective date.

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

By Senator Poston—

SB 599—A bill to be entitled An act amending Chapter 167, F. S., relating to general powers of municipalities by adding section 167.78, authorizing and empowering governing bodies of municipalities to sell or to lease air space above municipally owned land in the same manner and under the same conditions as municipally owned land or other interests therein; providing an effective date.

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

By Senator Poston—

SB 600—A bill to be entitled An act relating to building standards; adopting minimum standards for glass and glazing in all phases of construction statewide; 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 Poston—

SB 601—A bill to be entitled An act amending section 154.02, Florida Statutes, to require per capita distribution of all state funds appropriated and federal funds received for distribution to county public health units, except special project grants or donations from private or public sources; and providing 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 Poston and Hollahan—

SB 602—A bill to be entitled An act to amend section 27.54, Florida Statutes, relating to the public defender; requiring that all funds for the operation of the office be appropriated by the legislature from state funds and requiring submission of budget to budget director; and providing effective date.

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

By Senator Sayler—

SB 603—A bill to be entitled An act relating to education; authorizing the school board of each district to fix the annual salary of the superintendent of schools; providing an effective date.

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

By Senator Sayler—

SB 604—A bill to be entitled An act relating to public officers and employees; amending Chapter 112, Florida Stat-

utes, by adding thereto section 112.082; permitting superintendents of schools to participate in group insurance plans; providing an effective date.

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

By Senator Saylor—

SB 605—A bill to be entitled An act relating to banks; amending Section 659.02(2), Florida Statutes; amending the filing fee from five hundred dollars to fifteen hundred dollars.

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

By Senators Saylor, Young, Wilson, Deeb, Daniel and Slade—

SB 606—A bill to be entitled An act amending Section 236.251(1), (2), and (4) Tax Levy; participation in minimum foundation program; limitation; to provide for the continuation of the allocation of additional state funds to afford a one thousand two hundred dollar increase per instructional unit over that amount that was available during 1967-68 for those school districts that participated in the additional state funds during 1968-69 and are levying ten (10) mills of tax; to add section 5 providing employer matching for retirement and social security; providing an effective date.

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

By Senator Pope—

SB 607—A bill to be entitled An act relating to the retirement system for school teachers; amending section 238.05 (1),(b), Florida Statutes, and adding to said section subsection (5), providing an option for any person who is qualified for retirement under one state retirement system not to become a member of the teachers retirement system; providing for election to be made within sixty (60) days; providing said election not to affect the rights already accrued under the other system; providing an effective date.

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

By Senators Pope, Barron, Barrow, McClain, Hollahan, de la Parte, Karl, Gunter, Beaufort, Williams, Knopke, Daniel, Shevin, Broxson, Haverfield, Weissenborn and Mathews—

SB 608—A bill to be entitled An act relating to homestead tax exemption; amending section 192.12, Florida Statutes, by adding subsections (3) and (4) providing for ten thousand dollar (\$10,000) exemptions for persons resident for at least the five (5) preceding years in Florida and who are sixty-five (65) and older or who are totally disabled.

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

By Senator Deeb—

SB 609—A bill to be entitled An act relating to higher education; authorizing the state to make tuition grants to students for undergraduate education by payment of a portion of the tuition fee for Florida residents attending non-public institutions; providing for the availability of funds from the operating budget of the state university system; providing an effective date.

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

By Senator Karl—

SB 610—A bill to be entitled An act relating to architecture; amending chapter 467, Florida Statutes, to provide a new section 467.19, Florida Statutes, providing for corporate and partnership practice of architecture; providing for issue of certificates of authorization for such practice by the board; providing for procedures for qualification and application for such certificates; providing for regulation of fees, revocation and suspension, and the practice of architecture under such certificates by the board; providing an effective date.

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

By Senator Karl—

SB 611—A bill to be entitled An act relating to architecture; amending section 467.01, Florida Statutes, to extend qualifications for eligibility to appointment as a member of the Florida state board of architecture, to include not less than five (5) years' experience as a member of the faculty of the school or department of architecture at the University of Miami at Coral Gables, Florida; amending section 467.03, Florida Statutes, to authorize the board of architecture to establish standards of professional practice; amending section 467.10, Florida Statutes, to provide who shall be entitled to a certificate of registration to practice architecture; amending section 467.11, Florida Statutes, to provide procedures and requirements for admission for the practice of architecture without examination; amending section 467.13, Florida Statutes, to provide that the roster of architects shall include the names and business addresses of all business organizations and principals of such organizations authorized to offer architectural services; amending section 467.14, Florida Statutes, to provide for grounds and procedures for suspension or revocation of a certificate of registration; providing an effective date.

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

By Senator Karl—

SB 612—A bill to be entitled An act relating to architecture; amending section 467.08, Florida Statutes, to provide for qualifications and procedural requirements for applicants for examination and for registration to practice architecture; providing an effective date.

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

By Senator Plante—

SB 613—A bill to be entitled An act relating to education; amending section 236.01, Florida Statutes, to provide for a state school fund; amending section 236.02, Florida Statutes, providing minimum requirements of participation by the districts; amending section 236.03, Florida Statutes, to provide for the commissioner of education to determine average daily enrollment and distribution of the state school fund; amending section 236.04, Florida Statutes, providing a program for exceptional children; amending section 236.074, Florida Statutes, providing a method of allocation; amending section 236.08, Florida Statutes, providing for the commissioner of education to determine and certify allocations to the districts; amending section 236.09, Florida Statutes, providing for monthly allocation; amending section 236.13, Florida Statutes, providing for the expenditure of funds by district boards; amending section 236.25, Florida Statutes, providing for minimum and maximum district school tax; repealing section 236.031, Florida Statutes, recalculations; repealing section 236.05, Florida Statutes, a procedure for determining annual apportionment to each county, which is consolidated into section 236.08, Florida Statutes; repealing section 236.07, Florida Statutes, apportionment; repealing section 236.30, Florida Statutes, providing for a district current school fund, which is consolidated into section 236.29, Florida Statutes; providing an effective date.

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

By Senators Chiles and Friday—

SB 614—A bill to be entitled An act relating to the legislature; providing for special sessions to be convened upon proclamation of the presiding officers; providing an effective date.

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

By Senators Chiles, Myers and McClain—

SB 615—A bill to be entitled An act relating to consolidation and merger of corporations; amending subsection (1) of sections 608.20 and 608.21, Florida Statutes, by providing additional means of payment in certain consolidations and mergers; adding a new subsection (3) to section 608.20, Florida Statutes, which eliminates the necessity of a vote by the stockholders of a constituent corporation surviving a merger in certain circumstances; adding a new subsection (4) to section 608.23, Florida

Statutes, which limits appraisal rights of dissenting stockholders in consolidations and mergers under certain circumstances.

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

By Senators Hollahan and Weber—

SB 616—A bill to be entitled An act relating to the Florida uniform land sales practices law; amending section 478.021(2)(j), Florida Statutes, adding material to the definition of advertising; amending section 478.121(1)(1) and (2), Florida Statutes, requiring additional registration information; expanding the method for registering additional lands; amending section 478.131, Florida Statutes, changing the registration and renewal fee schedule; adding an exemption fee and penalty for delinquent renewals; amending section 478.141(1), Florida Statutes, requiring subdividers to provide legal access; amending section 478.151, Florida Statutes, allowing subdividers and salesmen to enter consent proceedings; amending section 478.221(3)(d), Florida Statutes, changing conditions for certain exemptions; amending section 478.23(2), Florida Statutes, requiring delivery of an offering statement within certain time; adding section 478.255, Florida Statutes, providing for a system of recording or registering contracts; establishing filing and processing fees; amending section 478.31, Florida Statutes, changing a condition for the regulation of salesmen; authorizing the board to administer examinations; amending section 478.33, Florida Statutes, changing the regulation of inactive subdivisions; repealing section 478.041(7), Florida Statutes, relating to powers of the board; 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 Lane—

SB 617—A bill to be entitled An act relating to the juvenile court of Broward County, Florida, amending chapter 67-987, Laws of Florida, by providing authority for the employment of an additional psychologist for the juvenile court; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 617.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Bafalis, by two-thirds vote, SB 9 was withdrawn from the Committees on Health, Welfare, and Institutions and Judiciary and from the Senate.

On motion by Senator Myers, by two-thirds vote, SB 113 was withdrawn from the Committee on Health, Welfare, and Institutions and re-referred to the Committee on Governmental Organization.

On motions by Senator Chiles, by two-thirds vote, Senate Bills 62 and 64 were withdrawn from the Committee on Ways and Means and placed on the Calendar.

On motion by Senator Saylor, by two-thirds vote, SB 185 was withdrawn from the Committee on Governmental Organization.

On motion by Senator Thomas, the rules were waived and the Committee on Agriculture was granted an additional 15 days for the consideration of Senate Bills 114, 124, 198, 258 and 345.

On motion by Senator Ott, Rule 2.5 was waived and the Subcommittee on Law and Order was granted permission to hold a meeting Monday, April 21 at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Repre-

sentatives has concurred in Senate amendments to HB 18.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

April 17, 1969

Sir:

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

By Senator Thomas and others—

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

Amendment 1—

In Section 2, on page 2, line 18, between the word "any" and the word "factor", insert the word reasonable

Amendment 2—

In Section 2, on page 2, line 19, after the word "sex", insert where exercised in good faith

Amendment 3—

In Section 3, on page 3, line 4, strike: the period. and insert the following: within six months after termination of employment.

Amendment 4—

On page 3, following Section 3. Insert new section 4 to read as follows: Section 4. Nothing in this law shall be applicable to any employer subject to the federal fair labor standards act of 1938, as amended. and renumber existing section 4.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Thomas, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 82.

SB 82 was ordered engrossed and the action of the Senate was certified to the House.

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

April 18, 1969

Sir:

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

By Representative Wolfson—

HB 361—A bill to be entitled An act relating to obstructions in navigable waters; amending chapter 861, Florida Statutes, by adding section 861.021 prohibiting the floating of certain trap buoys in channels; making violations a misdemeanor; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 361, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

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

April 18, 1969

Sir:

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

By Representatives West and Westberry—

HB 32—A bill to be entitled An act relating to hunting on Sunday; repealing Sections 855.01, 855.02, 855.03, 855.04, 855.06 and 855.07, Florida Statutes, which prohibits firing of guns on Sunday.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 32, 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. April 17, 1969
President of the Senate

Sir:

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

By Representatives Tucker and Miers—

HB 678—A bill to be entitled An act relating to Leon County; providing for the employment and compensation of secretaries to the resident circuit judges in said county; providing that the compensation of such secretaries shall be paid by Leon County; providing an effective date.

Proof of Publication attached.

By Representative Reedy and others—

HB 669—A bill to be entitled An act relating to the City of Leesburg, Lake County, city charter; amending section 5, chapter 9820, Laws of Florida, 1923, as amended; providing authority for the grant or extension of public utility franchises; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 678.

HB 678, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

Evidence of notice and publication was established by the Senate as to HB 669.

HB 669, contained in the above message, was read the first time by title and referred to the Committees on Rules and Calendar and Commerce and Licensed Businesses.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representatives Craig and Reedy—

HB 738—A bill to be entitled An act relating to the Saint Augustine Police Officers' Retirement System, Chapter 57-1776; amending Subsection (16) of Section 2, by changing the pension benefit formula; repealing all laws or parts of laws in conflict herewith; and providing an effective date.

Proof of Publication attached.

By Representatives Craig and Reedy—

HB 739—A bill to be entitled An act requiring the Municipal Judge of the St. Augustine Municipal Court to be a member in

good standing of the Florida Bar; repealing all laws or parts of laws in conflict herewith; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 738 and 739.

House Bills 738 and 739, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representative Savage and others—

HB 753—A bill to be entitled An act relating to Pinellas county; amending section 3 of chapter 61-2677, Laws of Florida, 1961, to provide that assistant county attorneys may be employed or retained by the board of county commissioners of Pinellas county on a non-exclusive basis permitting them to have other employment; providing for their compensation; providing for ratification of prior acts of board of county commissioners of Pinellas county, relating to such matters; providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 753.

HB 753, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 18, 1969
President of the Senate

Sir:

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

By the Committee on Crime & Law Enforcement—

CS for HB 202—A bill to be entitled An act relating to gambling; amending subsection 849.09 (1), F. S., by adding a new paragraph (k); making illegal the possession of run down sheets, tally sheets, papers, records, instruments and paraphernalia designed for use in violation of gambling laws; amending subsection 849.09 (3), F. S., to provide a penalty therefor; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 202, 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. April 17, 1969
President of the Senate

Sir:

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

By Representatives Craig and Reedy—

HB 736—A bill to be entitled An act providing for the Clerk of the Municipal Court of the City of St. Augustine, Florida, to be appointed by the City Commission and providing for the powers and duties of said Clerk; repealing all laws or parts of laws in conflict herewith; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 736.

HB 736, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representatives Craig and Reedy—

HB 737—A bill to be entitled An act repealing Chapter 61-1357, Laws of Florida, which provided that no part of the taxes levied for road and bridge purposes under authority of Section 336.59, Florida Statutes, should be turned over to any cities or towns in any county of the state having a population of not less than thirty thousand (30,000) and not more than thirty two thousand (32,000) according to the latest official decennial census; repealing all laws or parts of laws, in conflict herewith; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 737.

HB 737, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representatives Tucker and Miers—

HB 679—A bill to be entitled An act authorizing the City of Apalachicola, Florida, to transfer the surplus monies from the "Interest and Sinking Fund No. 1" to its "General Fund", and authorizing the expenditure of said monies for the general government of the City of Apalachicola, Florida; providing an effective date.

Proof of Publication attached.

By Representatives Craig and Reedy—

HB 735—A bill to be entitled An act empowering the Board of County Commissioners of St. Johns County, Florida, to provide for the protection of property in said County from loss or destruction by fire, providing for a limitation on the amount to be expended therefor, and providing time for taking effect.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to House Bills 679 and 735.

House Bills 679 and 735, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representatives Woodward and Mixson—

HB 453—A bill to be entitled An act providing that no person shall change, divert, or accelerate through channeling or otherwise, the natural flow of water so as to cause it to be cast upon the public roads or highways, or rights-of-way thereof, in Gadsden County, Florida, to the extent that said roads, highways or rights-of-way thereof shall suffer damage or injury as a result thereof, without first having obtained written permission therefor from the Board of County Commissioners of Gadsden County, Florida; providing for public hearing and prescribing notice and procedure in connection therewith; providing for the application of this act; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 453.

HB 453, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable John E. Mathews, Jr. April 17, 1969
President of the Senate

Sir:

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

By Representatives Woodward and Mixson—

HB 449—A bill to be entitled An act to authorize and empower the Judge of the City Court of the City of Quincy, Florida to issue search warrants in aid of the enforcement of ordinances of said City to be executed within the limits of said City; to regulate their issuance, service and return; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 449.

HB 449, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

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

April 18, 1969

Sir:

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

By Representatives Mathews and Reed—

HB 795—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.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 795, 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.

Pursuant to the report of the Committee on Rules and Calendar, the Senate proceeded to the consideration of—

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 taken up and read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was adopted on motion by Senator Friday:

In Section 1, lines 22 and 23, page 1, strike "sixteen thousand five hundred dollars (\$16,500) each." and insert the following: fifteen thousand dollars (\$15,000) each.

The Committee on Rules and Calendar also offered the following amendment which was adopted on motion by Senator Friday:

In Section 2, lines 24 through 28, page 1, strike: Section 2 and renumber the remaining sections.

The Committee on Rules and Calendar also offered the following amendment which was adopted on motion by Senator Friday:

In Section 2, line 30, page 1, and line 1, page 2, strike "thirteen thousand five hundred dollars (\$13,500) each" and insert twelve thousand dollars (\$12,000) each.

On motion by Senator Friday, HB 795, a companion measure, was substituted for SB 529 as amended.

HB 795—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.

On motion by Senator Friday, the rules were waived and HB 795 was read the second time by title.

Senator Gunter offered and moved the following amendment:

After Section 1, line 27, page 1, insert the following: Section 2.

(1) In addition to the provisions of subsection 112.313 (2), Florida Statutes, each legislator shall file on or before April 15 of each year with the secretary of state a sworn copy of his most recent federal income tax return statement and that of his spouse, or that of himself and his spouse if a joint return is filed. Each legislator shall in addition file a sworn statement of all financial liabilities as to himself and his spouse, and a sworn financial statement listing each financial liability, and source of income of all his dependents and minor children.

(2) Prior to April 30 of each year, the secretary of state shall provide the governor with a certified list of all legislators who fail to file in accordance with the requirements of this section. An investigative committee shall then be appointed consisting of the governor as chairman, two (2) cabinet members

appointed by the governor, three (3) supreme court justices appointed by the chief justice, two (2) senators appointed by the president of the senate, and two (2) representatives appointed by the speaker of the house of representatives. The committee shall meet in open hearing within thirty (30) days after April 30 to hear all issues pertinent to the alleged violations. If, after such public hearing, the committee by open majority vote concludes that a breach of the requirements of this section has been committed, the committee may by open majority vote assess as penalty immediate suspension from all pay privileges and expenses for a period not to exceed six (6) months. The chairman of the committee shall forward its findings in writing to the comptroller who shall take appropriate action to suspend pay and expense warrants.

(3) In the event that any of the aforementioned appointing officials are themselves among those included on the secretary of state's certified list, the appointments to the investigating committee shall be as follows:

(a) Appointments of the governor shall be made by the lieutenant governor;

(b) Appointments of the speaker of the house of representatives shall be made by the speaker pro tempore of the house of representatives;

(c) Appointments of the president of the senate shall be made by the president pro tempore of the senate; and

(d) Appointments of the chief justice of the supreme court shall be made by such other supreme court justice as has served upon the court the greatest number of consecutive years.

(e) In the event that an alternate appointing officer is also among those on the secretary of state's certified list, the alternate appointing officer's appointments to the investigating committee shall be made by the member of the supreme court not himself on such list who has served upon the court the greatest number of consecutive years.

(4) The requirements of this section shall not be construed to apply to any legislator holding a legislative office on the effective date of this act, but as to such legislative officer, the requirements of this section shall become effective upon his filing for re-election to such previously held office or for any other legislative office.

—and renumber the remaining section accordingly.

Senator Friday raised a point of order that the foregoing amendment applied to an entirely different chapter of the statutes which would cause it to embrace another area and would not be in conformity with the Constitution or the rules. The President ruled that the point was well taken, that the amendment in its present form amends the statutes dealing with ethics and code of conduct and has no connection with legislative pay, and therefore was out of order.

Senators Bishop and Broxson offered the following amendment which was moved by Senator Bishop and failed:

In Section 2, line 26, page 1, strike: "\$12,000" and insert \$10,000

Senator Weissenborn offered and moved the following amendment:

In Section 1, line 27, page 1, insert the following: 3. other than per diem allowances and travel pay, no other monies shall be paid to the members of the Senate and the House of Representatives unless same shall be provided for by general law. Renumber Section 3 of the bill accordingly.

On motion by Senator Friday, the rules were waived and time of adjournment was extended until final action on HB 795.

Senator Boyd offered the following amendment to the amendment which failed:

After "Member of Senate and the House of Representatives" add unless same shall be for actual expenses incurred by the individual member,

The amendment by Senator Weissenborn failed.

On motion by Senator Friday, the rules were waived and HB 795 was read the third time by title.

Karl
Lane
Myers

Plante
Pope

Poston
Thomas

Weissenborn
Williams

Senator de la Parte presiding.

The President presiding.

HB 795 passed and was certified to the House. The vote was:

Yeas—30

Mr. President	Chiles	McClain	Stolzenburg
Bafalis	Deeb	Ott	Stone
Barron	de la Parte	Reuter	Trask
Barrow	Ducker	Saunders	Weber
Beaufort	Friday	Saylor	Wilson
Bell	Hollahan	Scarborough	Young
Boyd	Horne	Shevin	
Broxson	Knopke	Slade	

Nays—17

Askew	Daniel	Gong	Haverfield
Bishop	Fincher	Gunter	Johnson

On motion by Senator Thomas, Rule 2.5 was waived and the Select Advisory Committee on Insurance Companies was authorized to hold a meeting immediately upon adjournment of the Senate on Monday, April 21.

CO-INTRODUCERS

By permission, Senator Williams withdrew his name as a co-introducer of SB 242.

By permission, Senator Boyd was recorded as a co-introducer of SB 529.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 2:21 p. m. to reconvene at 11:00 a. m., April 21, 1969.