

JOURNAL OF THE SENATE

Tuesday, April 22, 1969

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

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

Excused: Senators Gunter, McClain, Thomas and Plante.

Prayer by Senator Barrow:

Our Gracious God, Supreme Architect of the Universe, Creator of all living things, how grateful we are for this beautiful day and your most precious gift of all, that of life itself. Please grant us strength, courage and wisdom so to live and use our lives that we may better serve our fellow-man, and thus serve thee.

Especially do we now lift up for your consideration the family and friends of Leslie Peadar Gunter, beloved wife of our fellow Senator, Bill Gunter, in their bereavement. Bless them and comfort them in their hour of need. Guide them safely in thy pathways and grant them the understanding of thy wisdom.

In Jesus name we pray. Amen.

The Journal of April 21 was corrected and approved as follows:

Page 119, counting from the bottom of column 2, strike lines 1 through 5 and insert the following:

SB 627—A bill to be entitled An act relating to the municipal firemen's pension trust fund; amending paragraphs (a) and (b) of subsection (2) of section 175.162, Florida Statutes, to increase computation formula for retirement income benefits for full time and volunteer firemen from one and sixty-seven hundredths per cent per year to two per cent per year and to increase such formula for those contributing less than three per cent from one per cent to one and twenty hundredths per cent; amending subsection (5) of section 175.191, Florida Statutes, to increase computation formula for retirement income benefits for firemen who retire because of disability from one and sixty-seven hundredths per cent to two per cent per year and to increase such formula for those contributing less than three per cent from one per cent to one and twenty hundredths per cent; providing an effective date.

Page 120, column 1, strike lines 1 through 4

Page 121, counting from the bottom of column 1, strike lines 1 through 10 and insert the following:

SB 644—A bill to be entitled An act relating to the municipal police officers' retirement trust fund; amending subsection (2) of section 185.16, Florida Statutes, to increase pension benefits for normal retirement from one and sixty-seven hundredths per cent per year to two per cent per year; amending subsection (5) of section 185.18, Florida Statutes, to increase pension benefits for disability retirement from one per cent per year to one and twenty hundredths per cent per year; providing an effective date.

Page 121, column 2, strike lines 1 through 5

The Journal of April 16 was further corrected and approved as follows:

Page 95, counting from the bottom of column 1, strike line 6 and insert the following: In title, line 7, page 1, strike the period and insert the following: ; providing an

Page 95, column 2, line 3, strike "12" and insert 11

REPORTS OF COMMITTEES

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 8 with 2 amendments

The Committee on Education recommends the following pass:
SB 444 with 1 amendment SB 490

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Education recommends the following pass:
SB 170 SB 182 with 1 amendment

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

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

SB 10 with 1 amendment SB 154 with 3 amendments

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

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 364 with 4 amendments

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

The Committee on Education recommends a Committee Substitute for the following: SB 181 with 1 amendment

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

The Committee on Education advises that the following bills were reported unfavorably by the subcommittee designated, and that the committee, having taken no action to remove from the table, hereby reports same unfavorably:

Public Schools Subcommittee: SB 412

Universities and Colleges: SB 44

The bills were laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees:

Licensed Businesses Subcommittee : Senate Bills 579, 582, 616 and 623 (10 days to report to Committee on Commerce and Licensed Businesses)

Financial Institutions and Consumer Protection Subcommittee: Senate Bills 600, 605, 618, 635, 636, 637, 640, 641 and 642 (10 days to report to Committee on Commerce and Licensed Businesses)

Local Government Subcommittee: CS for HB 176 (10 days to report to Committee on Governmental Organization) SB 628 (8 days to report to Committee on Governmental Organization)

Mental Health, Retardation, and Institutions Subcommittee SB 593 (10 days to report to Committee on Health, Welfare and Institutions.)

Public Schools: SB 633 and HB 212 (7 days to report to Committee on Education)

Health and Welfare Subcommittee: SB 601 (10 days to report to Committee on Health, Welfare, and Institutions)

Labor and Industrial Relations: SB 619 (7 days to report to Committee on Judiciary)

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 82

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on April 22, 1969.

EDWIN G. FRASER
Secretary of the Senate

On motion by Senator Friday the following announcement was spread upon the Journal:

Senator Weber announced that the Associated Press has presented its first-place award in the "public service category" to reporter Frank Jacobson of the Key West Citizen for his series of articles exposing illegal practices in connection with conduct of the city electric system of Key West. The articles included references to a legislative audit initiated by the Senate-House Audit Committee, with the request of the Monroe County legislative delegation in January, 1968.

INTRODUCTION

By Senators Daniel and Hollahan—

SB 650—A bill to be entitled An act relating to the reorganization of the executive branch of government; providing for the creation of seventeen (17) executive departments of government, to be named: the department of general administrative services, the department of banking and finance, the department of community affairs, the department of highway safety and motor vehicles, the department of law enforcement, the department of transportation, the department of conservation and natural resources, the department of air and water pollution control, the department of records, archives, and history, the department of education, the department of agriculture, the department of business and professional regulation, the department of commerce, the department of insurance, the department of labor and industry, the department of citrus promotion and development, and the department of health and rehabilitative services; providing for their administration and supervision; providing definitions; providing for the employment of department directors and other personnel; providing for rules and regulations for each department; providing authorization for each department to acquire property; providing for advisory committees; authorizing each department to enter into contracts; authorizing each department to accept gifts, grants, loans, and endowments; providing for divisions of each department; providing for the transfer to said departments of all executive functions of government not excluded by the State Constitution of 1968; creating a board of regents; providing for its membership; creating an air and water pollution control board; providing for its membership; abolishing those agencies, boards, commissions, authorities, and committees, the duties and powers of which have been transferred to any department created by this act; repealing Chapters 21, 417, 501, 290, and 489, Florida Statutes, and Sections 119.04 and 573.63, Florida Statutes; providing for confirmation by the senate; providing a severability clause; providing for conflicts; providing an effective date.

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

By Senators Daniel, Friday, Trask, Johnson, Karl, Stone, Gunter, Horne, Young, Henderson, Lane and Bell—

SB 651—A bill to be entitled An act relating to the operation of motor vehicles by nonresidents, and the requirements of registration thereof; amending section 320.38, exempting non-resident migrant farm workers.

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

By Senators Daniel, Friday, Trask, Johnson, Karl, Gunter, Stone, Horne, Young, Henderson, Lane and Bell—

SB 652—A bill to be entitled An act relating to driver's license; amending section 322.04; creating an additional exemption.

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

By Senator Myers—

SB 653—A bill to be entitled An act relating to the division of mental retardation; making an appropriation to staff the diagnostic and evaluation clinic at Sunland training center at Miami; providing an effective date.

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

By Senators Myers and Friday—

SB 654—A bill to be entitled An act relating to the gross receipts tax; amending section 367.19, Florida Statutes; to provide that all such tax payments shall be placed in the Florida public service regulatory trust fund; providing an effective date.

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

By Senator Boyd—

SB 655—A bill to be entitled An act relating to the milk commission; repealing sections 501.01, 501.02, 501.03, 501.04, 501.05, 501.051, 501.06, 501.07, 501.08, 501.09, 501.10, 501.11, 501.13, 501.15, 501.16, 501.17, 501.18, 501.19, 501.20, 501.21, and 501.23, Florida Statutes; providing for the transfer of funds remaining in the commission budget to the University of Florida Foundation—SHARE, to be spent for specified purposes; providing an effective date.

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

By Senator Williams—

SB 656—A bill to be entitled An act relating to Putnam County; providing for assessment of taxes of any municipality in that county by the county tax assessor of that county and the collection thereof by the county tax collector of that county; providing for reasonable compensation for such additional duties to be paid by any such municipality; providing the method of such assessment and collection; providing that this act may not become effective in any municipality until approved by a majority vote of the electors qualified to vote in such municipality voting in an election called for such purpose.

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

By Senator Gunter—

SB 657—A bill to be entitled An act relating to payment of jurors by the state; amending section 40.24, Florida Statutes; allowing counties to pay jurors additional compensation; providing an effective date.

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

By Senator Chiles—

SB 658—A bill to be entitled An act relating to the loading of stump wood on railway gondola cars; specifying methods; providing for safe loading and fixing responsibility thereof; providing for liability of the consignee; providing an effective date.

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

By Senator Barrow—

SB 659—A bill to be entitled An act relating to the safety of the capitol building; abolishing the permanent capitol safety committee.

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

By Senators Hollahan and Shevin—

SB 660—A bill to be entitled An act relating to inter-American culture and trade center; amending chapter 554, Florida Statutes, by adding section 554.28 to provide for appropriations to inter-American culture and trade center.

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

By Senators Shevin, Hollahan, Haverfield, Poston, Stone, Fincher, Myers and Mathews—

SB 661—A bill to be entitled An act relating to State Attorneys; amending Section 27.14, Florida Statutes, authorizing the Chief Justice of the Supreme Court to order an exchange of State Attorneys instead of the Governor; amending Section 27.15, Florida Statutes, authorizing the Chief Justice of the Supreme Court to require a State Attorney of one circuit to assist the State Attorney of another circuit instead of the Governor; providing for expenses; providing an effective date.

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

By Senator Pope—

SB 662—A bill to be entitled An act relating to private academic schools, minimum standards; amending sections 247.01, 247.02, 247.03, and 247.04 and adding sections 247.051, 247.061, 247.071, 247.081, 247.091, 247.101, 247.111, 247.121, 247.131, 247.141, 247.151, 247.161, 247.171, 247.181, 247.191, and 247.201, Florida Statutes; providing a system of approval and accreditation for private academic schools; providing for certification of certain agents; excluding certain schools from this chapter; creating the private academic schools council and providing for its functions, powers, and duties; providing for the issuance of provisional certificates; providing for the appointment of an executive secretary, his functions, powers, and duties; providing for requirements for a surety bond; providing certificates of approval and accreditation, their renewal, refusal, suspension, or revocation; fixing certificate fees; providing for appeals and penalties; providing for certain duties and powers to be vested in the state board of education and the commissioner of education; providing an appropriation; repealing sections 247.05, 247.06, 247.07, 247.08, 247.09, 247.10, 247.11, 247.12, 247.13, 247.14, 247.15, 247.16, 247.17, 247.18, 247.19, and 247.20, Florida Statutes, relating to private schools; providing an effective date.

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

By Senators Thomas and Lane—

SB 663—A bill to be entitled An act relating to insurance; amending section 627.0851(1), Florida Statutes, to require uninsured motorist coverage in amounts not less than the policy coverage for bodily injury liability; providing that lessees under long-term leases have sole right to reject the coverage; providing an effective date.

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

By Senator Poston—

SB 664—A bill to be entitled An act relating to insurance; amending subsections (1),(3) and (5) of section 627.101, subsection (3) of section 627.111, section 627.141, subsection (1) of section 627.151, subsection (3) of section 627.181 and subsection (3) of section 627.211, Florida Statutes, providing for the approval or disapproval of rate filing by the insurance commissioner; giving the insurance commissioner the power to modify rate filings on workmen's compensation insurance; providing the effect and effective date of modification of rate filing; providing an effective date for this act.

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

By Senator Poston—

SB 665—A bill to be entitled An act relating to restricted licenses; amending subsection 322.12(1), Florida Statutes, exempting holders of restricted licenses from paying an additional

fee for taking their first driving test when having the restrictions lifted; providing an effective date.

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

By Senator Poston—

SB 666—A bill to be entitled An act relating to regulation of traffic on highways; amending subsection (1) of section 317.131, Florida Statutes; providing that a driver of a vehicle involved in certain accidents need not forward a report of the accident if the investigating officer has done so; providing an effective date.

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

By Senator Poston—

SB 667—A bill to be entitled An act repealing section 322.141, Florida Statutes, relating to color of drivers' licenses issued to minors; providing an effective date.

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

By Senator Poston—

SB 668—A bill to be entitled An act relating to renewal of drivers' licenses; amending section 322.221 (1) and (2), Florida Statutes; providing for re-examination at discretion of the department of public safety; providing for production of medical reports; providing an effective date.

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

By Senator Poston—

SB 669—A bill to be entitled An act relating to drivers' licenses; amending paragraph (1)(a) and subsection (3) of section 322.09, Florida Statutes, regarding application of minors for drivers licenses requiring the signature of one parent only; repealing subsection 322.09(2), Florida Statutes; deleting the reference to head of a family who has signed application; providing an effective date.

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

By Senator Poston—

SB 670—A bill to be entitled An act relating to the state board of health; amending section 381.011, Florida Statutes, providing for the composition of the board; expanding the number of members of the board to nine; providing the qualifications of members of the board; providing for appointment of members of the board and the filling of vacancies on the board; providing for election of president of the board; providing an effective date.

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

By Senator Poston—

SB 671—A bill to be entitled An act relating to outdoor advertising; amending chapter 479, Florida Statutes, by adding section 479.23, excluding erection of signs incidental to other improvements from chapter 479, Florida Statutes; amending section 479.16 (1) defining certain exceptions to chapter 479, Florida Statutes; providing an effective date.

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

By Senator Poston—

SB 672—A bill to be entitled An act amending Chapter 208, Florida Statutes, by adding a new section 208.12 relating to the distribution of the second gas tax under the provisions of section 9 (c) (4) of Article XII of the revised Florida Constitution of 1968.

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

By Senator Poston—

SB 673—A bill to be entitled An act amending Section 16, Chapter 68-27, Laws of Florida; providing that the tax refund shall also apply to sub-contracts entered into pursuant to a master contract dated prior to April 1, 1968, but shall not apply to addendums or renegotiations occurring after April 1, 1968, nor shall it apply to purchases which represent a capital investment; providing an effective date.

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

By Senator Poston—

SB 674—A bill to be entitled An act relating to contractors; authorizing boards of county commissioners to establish contractors examining boards in their counties; providing that the boards of county commissioners may establish classifications, exemptions, and fees; exempting certain municipalities; providing an effective date.

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

By Senator Poston—

SB 675—A bill to be entitled An act relating to retail installations sales and installment sales financing; amending chapter 520, F. S., by adding part IV to regulate and license home improvement contractors, salesmen and finance companies; providing for license fees; providing penalties.

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

By Senator Johnson—

SB 676—A bill to be entitled An act relating to local government; providing for the creation of metropolitan area study commissions to study and propose means of improving essential governmental services in urban areas; requiring a referendum; providing for implementation of recommendations; providing severability; providing an effective date.

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

By Senator Johnson—

SB 677—A bill to be entitled An act relating to education, contract negotiations; prohibiting school boards from negotiating with sole bargaining agents; providing an effective date.

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

By Senator Johnson—

SB 678—A bill to be entitled An act relating to the state board of health, research aviaries; providing a purpose-of-act section; authorizing the state board of health to establish and operate research aviaries in Indian River County; providing an appropriation; 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 Johnson—

SB 679—A bill to be entitled An act relating to local government; providing for the selection of members to serve on metropolitan area study commissions; providing an effective date.

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

By Senator Wilson—

SB 680—A bill to be entitled An act repealing section 320.59, Florida Statutes, 1957, relative to liability to guests or passengers in motor vehicles; providing an effective date.

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

By Senator Wilson—

SB 681—A bill to be entitled An act relating to personal injury; providing for discovery in personal injury litigation of existence, nature and extent of applicable liability insurance; providing for certain exceptions; providing an effective date.

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

By Senator Stolzenburg—

SB 682—A bill to be entitled An act relating to taxation and finance; amending title XIII, Florida Statutes, by adding chapter 220, to provide for an annual postaudit of the accounts and financial records of governmental agencies that exercise ad valorem taxing powers; providing definitions; providing the auditor with authority to examine all necessary accounts; providing for the acceptance of audits by the state auditing department done in accordance with chapter 21, Florida Statutes; providing that incomplete audits by the state can be completed by a licensed certified public accountant; providing that violation of the act shall be cause for removal from office; providing that penalty provisions are cumulative; providing an effective date.

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

By Senator Broxson—

SB 683—A bill to be entitled An act relating to public education, finance and taxation; amending the introductory paragraph and subsections (1), (2) and (3) of Section 236.074, Florida Statutes; providing additional capital outlay funds for kindergartens; prescribing the method of determining the increase in average daily attendance; providing an effective date.

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

By Senator Broxson—

SB 684—A bill to be entitled An act relating to public education, finance and taxation; amending the introductory paragraph and subsection (9) of Section 236.07, Florida Statutes, removing the required local effort for kindergartens; providing an effective date.

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

By Senator Broxson—

SB 685—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; providing an effective date.

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

By Senator Broxson—

SB 686—A bill to be entitled An act relating to educational agencies; amending Section 229.064, Florida Statutes, as enacted by Chapter 68-117, Laws of Florida; providing a maximum interest rate allowable on bonds issued pursuant to section 9, subsection (d), article XII of the state constitution of 1968; providing an effective date.

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

By Senator Broxson—

SB 687—A bill to be entitled An act relating to education; amending the introductory paragraph and paragraphs (c) and (d) of subsection (9) of Section 230.23, Florida Statutes, to provide for the maintenance and upkeep of school plants, bonding and insurance protection in accordance with regulations of the state board; amending the introductory paragraph and subsection (10) of Section 230.23, Florida Statutes, repealing paragraph (h) and renumbering paragraphs (i) and (j) as (h) and (i) and making editorial changes; amending the introduc-

tory paragraph and paragraphs (c) and (d) of subsection (11) of section 230.33, Florida Statutes, to provide for school plant surveys, bonding and insurance in accordance with regulations of the state board; amending chapter 235, Florida Statutes, by adding thereto Section 235.07, Florida Statutes, to require the State Board of Education to prescribe minimum standards for insurance and bonding; amending section 237.31, Florida Statutes, to authorize the state board of education to prescribe the amount of bond for school officials or employees not provided for by law; making editorial changes; providing an effective date.

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

By Senator de la Parte—

SB 688—A bill to be entitled An act relating to the basic science law; amending section 456.10, Florida Statutes, to eliminate U. S. citizenship as a qualification required of candidates to take the basic science examination; providing an effective date.

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

By Senator Barrow—

SCR 689—A resolution memorializing the life and sacrifice of Private First Class Paul Edwin Strouse, United States Marine Corps, who gave his life for his country in Viet Nam.

WHEREAS, Private First Class Paul Edwin Strouse, United States Marine Corps, was killed in action in Viet Nam on March 6, 1969, at the age of 18 years, and

WHEREAS, Private First Class Paul Edwin Strouse demonstrated the highest degree of dedication and devotion to his country by choosing to serve in combat in spite of certain physical disabilities and opportunities for transfer which would have relieved him of combat duty, and

WHEREAS, Private First Class Paul Edwin Strouse left surviving him his parents Mr. and Mrs. Mathew E. Strouse and his lovely wife Sheri Strouse, who are residing in the City of Crestview, and

WHEREAS, Private First Class Paul Edwin Strouse distinguished himself among men by his valor and bravery and has made the supreme sacrifice for his country and all of its citizens, NOW, THEREFORE,

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

IN MEMORIAM

PAUL EDWIN STROUSE

Private First Class Paul Edwin Strouse lived an exemplary life which included his accomplishments as an athlete and musician, having been an outstanding high school baseball player and a talented singer, and his further accomplishments as a combat Marine in Viet Nam.

BE IT FURTHER RESOLVED that although he was forced to curtail his athletic activities because of a heart condition and the United States Army, Navy and Air Force declined his offer to serve because of that condition, Private First Class Strouse enlisted in the United States Marine Corps and served his country in the Viet Nam combat zone. There he was offered an assignment of safety to entertain the troops because of his vocal talents but declined that assignment to remain in the battlefields with his fellow Marines, explaining that he did not want "to take it easy" and leave others to do the fighting. On March 6, 1969, at the age of eighteen, Private First Class Strouse was killed in combat, having made the supreme sacrifice for his country, and, as a final measure of esteem and respect,

BE IT FURTHER RESOLVED that we, the Legislature of the State of Florida, by means of this concurrent resolution, express our sorrow at the death of Private First Class Paul Edwin Strouse, and recognize his significant contribution to the nation, the State of Florida, and the safety of all citizens.

BE IT FURTHER RESOLVED that copies of this memorial resolution be certified by the chief clerk of the House of Representatives and the Secretary of the Senate, and forwarded

to the widow and family of Private First Class Paul Edwin Strouse.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the pages of the journals of this Legislature and made a permanent part of the records.

Was read the first time in full. On motion by Senator Barrow, the rules were waived and SCR 689 was read the second time by title, unanimously adopted, and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Ducker	Knopke	Stolzenburg
Askev	Fincher	Lane	Trask
Bafalis	Friday	Pope	Weber
Barrow	Gong	Poston	Weissenborn
Beaufort	Haverfield	Reuter	Williams
Bell	Henderson	Saunders	Wilson
Bishop	Hollahan	Sayler	Young
Broxson	Horne	Scarborough	
Chiles	Johnson	Shevin	
Deeb	Karl	Slade	

Senator Boyd was recorded as voting yea.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hollahan, by two-thirds vote, Senate Bills 627 and 644 were withdrawn from the Committee on Governmental Organization.

On motions by Senator Bafalis, by two-thirds vote, SB 6 was withdrawn from the Committee on Judiciary and from the Senate.

On motion by Senator Shevin, by two-thirds vote, SB 80 was withdrawn from the Committee on Judiciary and placed on the Calendar.

On motions by Senator Hollahan, by two-thirds vote, SB 518 was withdrawn from the Committee on Judiciary and from the Senate.

On motions by Senator Lane, by two-thirds vote, SB 286 was withdrawn from the Committee on Health, Welfare, and Institutions and from the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr.

April 21, 1969

President of the Senate

Sir:

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

By the Committee on Transportation—

CS for HB 353—A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending sections 325.12, 325.13, 325.16, 325.24(1), and 325.28, Florida Statutes; providing for annual inspections; authorizing the Department of Public Safety to promulgate a schedule for re-inspections; enlarging the time within which repairs may be made; increasing inspection fees; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 353, 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 21, 1969

President of the Senate

Sir:

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

By Representative Culbreath and others--

HB 247--A bill to be entitled An act relating to taxation of subsurface rights in real property; amending section 193.221(1) and (2), Florida Statutes, by providing that subsurface rights shall be taxed separately from the remaining interest in the fee; providing priority for fee holders at sales of tax certificates; providing an effective date.

--and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 247, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable John E. Mathews, Jr. April 21, 1969
President of the Senate

Sir:

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

By Representatives Ogden and Hess--

HB 237--A bill to be entitled An act relating to hospital and medical service plan corporations; repealing subsection 641.01(2), F. S., to remove their designation as a charitable and benevolent institution; amending subsection 641.13(1), F. S., to impose the license fees and premium receipt tax of chapter 624, F. S., upon such corporations; providing an effective date.

--and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 237, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

CONSIDERATION OF SENATE AND OTHER RESOLUTIONS

HCR 72--A resolution recognizing the unique seagoing accomplishments of Hugo Vihlen.

WHEREAS, Hugo Vihlen established a record unequaled in all time by sailing his five foot eleven inch dinghy "April Fool" on a solo voyage across the Atlantic Ocean from Casablanca, Africa, to Fort Lauderdale, Florida, and

WHEREAS, airline pilot, Hugo Vihlen is a new breed of pioneer who forsook the convenience, speed, luxury, and safety of a Delta Airline jet cockpit to make history by crossing the Atlantic in a virtual bathtub, and

WHEREAS, Hugo Vihlen, always modest, soft-spoken, humble but at the same time sincere in his effort to achieve his lifetime ambition of sailing the Atlantic, and

WHEREAS, this was a single-handed effort of man alone against the sea, and

WHEREAS, he did, with tireless effort, driving force, and seriousness of purpose, overcome almost insurmountable obstacles in completing his trans-Atlantic voyage, and

WHEREAS, it was only because of his imagination, initiative, vision, foresight, a determination and intestinal fortitude coupled with the desire to achieve the objective that he completed the task, and

WHEREAS, this native Floridian will go down in the annals of history with such men as da Vinci, Captain Cook, Admiral Byrd, Rickenbacker, Lindbergh, Hillary, John Glenn, and Chester, and

WHEREAS, Hugo Vihlen has throughout his lifetime exemplified the traditions of an all-American hero, Marine fighter pilot,

commercial airline pilot, and most recently solitary sailor of the Atlantic, which serves to make him an inspiration to the youth of America and a living example of the ideals of perseverance to which they should aspire, and

WHEREAS, Hugo Vihlen's activities have inspired universal expressions of congratulations making him one of the outstanding Floridians of the day, NOW, THEREFORE,

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

That Hugo Vihlen be recognized as an outstanding American and a unique Floridian whose exceptional achievements and accomplishments have reflected great credit upon himself and the State of Florida.

Was taken up and read the second time in full. On motion by Senator Bell, HCR 72 was adopted and certified to the House. The vote was: Yeas--39 Nays--None

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

UNFINISHED BUSINESS

SB 242--A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending sections 325.12, 325.13, 325.16, and 325.24(1), Florida Statutes; providing for annual inspections; authorizing the department of public safety to promulgate a schedule for reinspections; enlarging the time within which repairs may be made; increasing inspection fees; providing an effective date.

Was taken up together with the following pending amendment offered by Senators Young and Bafalis, Senator Young having moved the adoption thereof:

After Section 5, line 11, page 6, insert a new section to read: Section 5. Section 325.32, Florida Statutes, is repealed. and renumber following sections.

Senator Barrow offered and moved the following amendment to the amendment:

Insert the following: after "repealed" period. Add. No County in the state of Florida may have automobile inspections more often than annually.

Senator Shevin raised a point of order that the amendment to the amendment had the same effect as the amendment and, therefore, was out of order. The President ruled the point was well taken.

The amendment offered by Senators Young and Bafalis was adopted. The vote was:

Yeas--25

Askew	Deeb	Lane	Trask
Bafalis	Ducker	Reuter	Weber
Barron	Fincher	Saunders	Williams
Barrow	Friday	Scarborough	Young
Bell	Henderson	Shevin	
Boyd	Horne	Slade	
Daniel	Johnson	Stolzenburg	

Nays--14

Mr. President	Haverfield	Ott	Weissenborn
Bishop	Hollahan	Pope	Wilson
de la Parte	Karl	Poston	
Gong	Knopke	Stone	

Senator Broxson was recorded as voting yea; Senator Myers, nay.

On motion by Senator Fincher, the Senate reconsidered the

vote by which the following amendment by Senator Pope failed on April 21.

In Section 5, lines 11 and 12, page 6, strike Section 5 and insert the following: Section 5. Section 325.28, Florida Statutes, is amended to read:

325.28 Inspection stickers of other states and carriers certificated by the Interstate Commerce Commission or Florida Public Service Commission. Every law enforcement officer of this state shall recognize any current official inspection sticker affixed to any motor vehicle from another state. Vehicles operating under Certificate of the Interstate Commerce Commission or Florida Public Service Commission subject to United States Department of Transportation safety regulations are exempt from displaying a Florida official inspection sticker; provided they have attached or display valid certificate number issued by the Interstate Commerce Commission or Florida Public Service Commission.

Section 6. This act shall be effective immediately upon becoming a law.

The question recurred and the amendment was adopted.

Senators Young and Bafalis offered the following amendment which was adopted:

In Title, line 7, page 1, following "325.24(1) and 325.08 insert the following: and repealing Section 325.32

Senator Pope offered the following amendment which failed:

In Section 4, Para. 1, page 4, strike: the entire section. insert the following: (1) (Each) All inspection stations, except self-inspectors as designated herein, and inspection stations operating in accordance with the provisions of §325.27, shall charge a fee of three dollars (\$3.00) for inspecting a motor vehicle to determine compliance with this part and shall give the operator a receipt indicating the articles and equipment approved or disapproved, and fee paid. Any inspection station operated pursuant to §325.27 of this part may charge an inspection fee not to exceed three dollars (\$3.00). When said vehicle is approved, upon payment to the inspection station of the fee, the inspection station shall affix a valid inspection certificate to said motor vehicle, and said inspection station shall maintain a record of the motor vehicles inspected which shall be available for twelve (12) months. Orders for inspection certificates must be placed with the Safety Inspection Section, Department of Public Safety, Neil Kirkman Building, Tallahassee, and shall be accompanied by proper remittance in the amount of forty (40c) for each certificate ordered. Provided however, that when any vehicle is inspected subsequent to the time required by this chapter, an additional delinquent fee of one dollar (\$1.00) shall be paid. The delinquent fee shall be forwarded to the Department of Public Safety. Delinquent fees collected in counties operating inspection stations pursuant to section 325.27 shall be credited against the 40c remittance required herein. All other delinquent fees shall be deposited in the general revenue fund. Said fee shall not be applicable to state agencies. Inspection certificates may be ordered only by licensed safety equipment inspection stations and self-inspectors as may be duly appointed from the safety inspection station. Any order for inspection certificates placed in person at the department of public safety must be accompanied by written authorization upon forms furnished by the department from the station to which the certificates are to be issued. If order is placed by a person other than the person in whose name the station is licensed, or if authorization is not presented, the certificates will be delivered in a manner to be determined by the department. Orders received by mail will be filled and delivered to the requesting inspection station in a manner to be determined by the department. Licensed inspection stations and self-inspectors will, upon request, be furnished forms required to be used by this part. All licensed stations are hereby required to keep an adequate supply of inspection certificates on hand at all times.

The vote was:

Yeas—19

Mr. President	Chiles	Hollahan	Saunders
Barrow	Daniel	Horne	Scarborough
Beaufort	Fincher	Karl	Weber
Bell	Friday	Myers	Weissenborn
Broxson	Henderson	Pope	

Nays—24

Askew	de la Parte	Lane	Slade
Bafalis	Ducker	Ott	Stolzenburg
Barron	Gong	Poston	Trask
Bishop	Haverfield	Reuter	Williams
Boyd	Johnson	Saylor	Wilson
Deeb	Knopke	Shevin	Young

Senators Ducker and Gunter offered the following amendment which was moved by Senator Ducker and failed:

In Section 4, line 3, page 5, following "." insert: Any revenues realized over that required to pay necessary operating expenses and any bonding charges shall be placed in a separate account and reductions in inspection charges shall be made over subsequent years.

Senator Weissenborn offered the following amendment which failed:

In Section 4, line 10, page 6, after "at all times," insert the following: All monies collected as fees by the respective counties for inspecting motor vehicles other than the forty cent (40c) fee is to be remitted to the state, not actually used by the respective counties in connection with their motor vehicle inspection programs, shall be paid to the Safety Inspection Section, Department of Public Safety, c/o Neil Kirkman Building, Tallahassee, Florida, to be used by said agency in the enforcement and implementation of the said motor vehicle inspection law.

Senator Pope offered the following amendment which was adopted:

In title, line 13, following "fees;" insert the following: providing penalties;

A motion by Senator Pope that the rules be waived and SB 242 be engrossed and retained on Second Reading failed.

The bill was ordered engrossed.

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.

With pending amendment was taken up, having been read the second time, amended and deferred on April 17.

Consideration of the pending amendment was deferred.

Senator de la Parte offered the following amendment which was adopted:

In Section 1, line 19, page 1, strike (;) at end of line after word "hereof". and insert the following: (,) or any pre-trial order entered by the court adverse to the state.

Senator de la Parte also offered the following amendment which was adopted:

In title, line 3, page 1, after line 3, following word "Statutes", insert the following: adding to subsection (1) to allow state to appeal any pretrial order by the court adverse to the state,

The pending amendment which reads as follows was adopted:

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

On motion by Senator Shevin, the rules were waived and HB 19 as further amended was read the third time by title, passed and certified to the House. The vote was: Yeas—42 Nays—None

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

SECOND READING

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

SB 70—A bill to be entitled An act relating to motor vehicle title certificates, fraudulent dealings; amending section 319.33, Florida Statutes; defining certain offenses involving title certificates, registrations and other indicia of ownership; providing a penalty; providing an effective date.

Was taken up and read the second time by title.

Unanimous consent was granted Senator Shevin to take up amendments proposed by him, in lieu of committee amendments, which would conform SB 70 with HB 29, a companion measure now on the Calendar.

Senator Shevin offered the following amendment which was adopted:

In Section 1 (4), line 22, page 2, strike "or conspire to do any of the foregoing,"

Senator Shevin also offered the following amendment which was adopted:

In Section 1 (4), line 26, page 2, strike "the period" and insert the following: , or to conspire to do any of the foregoing.

Pending further consideration of SB 70 as amended, on motion by Senator Shevin, HB 29, a companion measure, was taken up in lieu thereof.

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

Was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Shevin and failed:

Strike everything after the enacting clause and insert the following: Section 1. Section 319.33, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 319.33, Florida Statutes, for present text.)

319.33 Offenses involving vehicle serial numbers, applications, certificates, papers; penalty.—

(1) It is unlawful to alter or forge any certificate of title to a motor vehicle, or any assignment thereof or any cancellation of any liens on a motor vehicle; or to hold or use such certificate or assignment or cancellation knowing the same to have been altered or forged; or to procure or attempt to procure a certificate of title to a motor vehicle, or pass or attempt to pass a certificate of title or any assignment thereof to a motor vehicle, knowing or having reason to believe that such motor vehicle has been stolen; or to sell or offer for sale in this state a motor vehicle on which the motor number or manufacturer's serial number has been destroyed, removed, covered, altered or defaced with knowledge of such destruction, removal, covering, alteration or defacement of said motor number or manufacturer's serial number; or to use a false or fictitious name or give a false or fictitious address or make any false statement in

any application or affidavit required under the provisions of this law, or in a bill of sale or sworn statement of ownership or otherwise commit a fraud in any application.

(2) It is unlawful for any person knowingly to obtain goods, services, credit or money by means of an invalid, duplicate, fictitious, forged, counterfeit or stolen or unlawfully obtained certificate of title, registration, bill of sale, or other indicia of ownership of a motor vehicle.

(3) It is unlawful for any person knowingly to obtain goods, services, credit or money by means of a certificate of title to a motor vehicle, which certificate is required by law to be surrendered to the commissioner.

(4) It is unlawful for any person to knowingly have in his possession, sell, offer to sell, counterfeit or supply, or conspire to do any of the foregoing, a blank, forged, fictitious, counterfeit, stolen or fraudulently or unlawfully obtained certificate of title, registration, bill of sale, or other indicia of ownership of a motor vehicle.

(5) Any person who violates any provision of this section shall upon conviction thereof be imprisoned in the state penitentiary not exceeding five (5) years, or fined not exceeding five thousand dollars (\$5,000.00) or both. This section shall not be exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of motor vehicles, but shall be deemed supplementary thereto.

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

Senator Karl offered the following amendment which was adopted:

In Section 1(4), line 21, page 2, insert the following between the word "knowingly" and the word "have":, and with intent to defraud

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

In Section 2, line 4, page 3, strike everything after the word "effect" and insert the following: January 1, 1970.

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

In Section 1, line 28, page 2, following - "this section shall" insert the following: upon conviction thereof

On motion by Senator Shevin, the rules were waived and HB 29 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—43 Nays—None

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

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 23, 1969.