

JOURNAL OF THE SENATE

Thursday, April 24, 1969

The Senate was called to order by the President at 11:00 a.m.
A quorum present—43:

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

Excused: Senators Askew, Broxson, Chiles, Gunter and Saunders.

Prayer by Senator de la Parte:

Heavenly Father, we pause to ask thy special presence be with Senator Gunter and his family in their hour of sorrow. Shed upon them the peace which passeth all understanding and gird them with strength to bear the loss of their loved one.

Grant us grace to desire ardently all that is pleasing to thee, to examine it prudently, to acknowledge it truthfully, and to accomplish it perfectly, for the praise and glory of thy name. Amen.

The Journal of April 23 was corrected and approved.

REPORTS OF COMMITTEES

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

SB 193	HB 208	HB 207
HB 209	HB 206	SB 115

The bills were placed on the Calendar.

The Committee on Insurance recommends the following pass: SB 176 with 2 amendments

The bill was placed on the Calendar.

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

SB 184 with 4 amendments	SB 236 with 3 amendments
SB 237 with 2 amendments	SB 250 with 11 amendments

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

The Committee on Commerce and Licensed Businesses recommends the following pass: SB 448 SB 158 with 2 amendments

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

The Committee on Commerce and Licensed Businesses recommends the following pass: SB 345 with 1 amendment

The Committee on Insurance recommends the following pass: SB 108 with 3 amendments

The bills contained in the foregoing reports 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 319 with 7 amendments

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

The Committee on Health, Welfare, and Institutions recommends a committee substitute for the following: SB 106

The bill with committee substitute attached was referred to the Committee on Governmental Organization under the original reference.

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

SB 445 SB 3 SB 559 with 4 amendments

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

The Committee on Health, Welfare, and Institutions recommends the following pass: CS for HB 89 with 1 amendment

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

The Committee on Health, Welfare, and Institutions recommends the following not pass: SB 264

The bill was laid on the table.

The Committee on Natural Resources and Conservation recommends the following not pass:

SB 244 with 7 amendments

The bill was laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

The following bills were referred to Subcommittees and Select Committees:

SB 4 withdrawn from Local Government Subcommittee and referred to a Select Subcommittee (8 days to report to Committee on Governmental Organization)

Mental Health, Retardation, and Institutions Subcommittee: Senate Bills 700 and 653; HB 142 (10 days to report to Committee on Health, Welfare, and Institutions)

Health and Welfare Subcommittee: Senate Bills 720, 693 and 678; House Bills 305 and 223 (10 days to report to Committee on Health, Welfare, and Institutions)

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 105 with 2 amendments

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

EDWIN G. FRASER
Secretary of the Senate

The bill was certified to the House.

On motion by Senator Williams, the President appointed Senators Williams, Bishop and Plante as a committee to escort the Commander-in-Chief of the Veterans of Foreign Wars, Richard W. Homan, to the rostrum where he was received with applause and addressed the Senate. At the conclusion of his remarks he was escorted from the rostrum and reseated by the Committee.

Senator Friday announced that due to unavoidable circumstances the meeting of the Committee on Rules and Calendar scheduled for this day had been postponed until Monday afternoon, April 28.

On motion by Senator Hollahan, the rules were waived and the Committee on Governmental Organization was granted an additional hour for its meeting on April 25.

On motion by Senator Horne, the rules were waived and the Committee on Judiciary was granted an additional hour for its meeting this day.

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses and its Subcommittees were granted an additional hour and a half for their meetings on April 28 and 30.

Unanimous consent was granted Senator Gong to change his vote from nay to yea on the amendment offered by Senator Hollahan to SB 242 on April 23.

INTRODUCTION

By Senators Boyd and Broxson—

SB 727—A bill to be entitled An act relating to education; relating to appointive superintendents of schools; prescribing procedures for adopting the appointive system; providing for return to elective system; providing an effective date.

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

By Senators Boyd and Broxson—

SB 728—A bill to be entitled An act relating to public education, amending section 230.321, Florida Statutes; authorizing school boards to fix salaries of appointive superintendents; removing minimum and maximum salary requirement; providing an effective date.

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

By Senators Boyd and Broxson—

SB 729—A bill to be entitled An act relating to public education, finance; amending Section 236.02(6)(a)2., Florida Statutes; allowing a school board in its duly adopted salary schedule to count other service in lieu of the required fifteen (15) years of Florida service; providing an effective date.

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

By Senators Boyd and Broxson—

SB 730—A bill to be entitled An act relating to public education, district school system; amending Chapter 230, Florida Statutes, by adding thereto Section 230.011; providing for consolidation of two (2) or more contiguous districts into a single district; prescribing the procedure for calling referendum election; prescribing for propositions to be submitted to the electors; prescribing procedures for conducting the election; prescribing the form of ballot; providing for determining the results of the election; providing for the notice of the election; providing for years on which the election may be held; providing the effective date of any consolidation; providing for the election and term of office of board members elected subsequent to vote of electors to consolidate but prior to effective date thereof; providing for initial election of officers of consolidated school district; providing for indebtedness of districts included in the consolidated district; providing for budget of the consolidated district; providing authority to provide reasonable compensation for unexpired term of contract of any appointive superintendent whose district is abolished through consolidation; providing an effective date.

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

By Senators Boyd and Broxson—

SB 731—A bill to be entitled An act relating to taxation, assessment roll; amending sections 193.25, 193.28 and 193.29, Florida Statutes, changing the date for completing the assessment roll; changing the date for hearing complaints from owners or agents of real estates; changing the date when clerk of circuit court act for tax assessor; changing the date for the completion of assessment rolls.

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

By Senators Boyd and Broxson—

SB 732—A bill to be entitled An act relating to public education, school plants; amending subsection (2) of section 235.06; Florida Statutes, amending subsection (1) of section 235.26, Florida Statutes; removing requirement that regulations be formulated jointly by the state board of education, the state fire marshal and the state board of health and authorizing the state board of education to formulate and prescribe all regu-

lations relating to school property and buildings; providing an effective date.

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

By Senator Weissenborn—

SB 733—A bill to be entitled An act creating a division of migrant labor; providing for administration by the lieutenant governor; providing definitions; prescribing duties; authorizing rules and regulations; providing for cooperation by other state agencies; and providing effective date.

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

By Senator Thomas—

SB 734—A bill to be entitled An act relating to the sale of securities, exempt securities; amending section 517.05(10), Florida Statutes, deleting provisions relating to nonresident promoter and limiting same to certain nonprofit agricultural cooperatives.

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

By Senator Thomas—

SB 735—A bill to be entitled An act relating to sale of securities, exempt transactions; amending section 517.06(11), Florida Statutes, to include partnerships; providing for twenty (20) transactions in lieu of fifteen (15) in a twelve (12) month period; permitting the payment of sales commissions to persons registered pursuant to section 517.12, Florida Statutes.

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

By Senators Thomas, Gunter and Gong—

SB 736—A bill to be entitled An act relating to public employees; amending sections 112.311, 112.313, 112.314, 112.315, and 112.316, Florida Statutes; amending section 112.318, Florida Statutes, by adding subsection (5); providing that the code of ethics shall apply to officers and employees of counties, cities, or other political subdivisions of the state; providing for local employees to file a statement with clerk of the circuit court as to interests in businesses having commitments with or regulated by state, county, or city; repealing section 112.319, Florida Statutes; providing an effective date.

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

By Senator Stone—

SB 737—A bill to be entitled An act relating to tattooing; amending section 877.04(1), Florida Statutes, prohibiting tattooing of any person unless by a licensed physician or dentist or under his direction; providing an effective date.

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

By Senator Stone—

SB 738—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, 1968; providing exemptions, political subdivisions, communications; providing an effective date.

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

By Senator Stone—

SB 739—A bill to be entitled An act relating to tax on sales, use and other transactions; amending sections 212.02(6), (9), (12), (16), and 212.03(1), (3); creating section 212.031; amending sections 212.04(1), 212.05, 212.06(1), (2), 212.07(2A), and 212.08(3), (5), (6), (7), (10), all Florida Statutes, by removing certain exemptions and increasing the tax on items

presently taxed at three percent (3%) to four percent (4%); imposing a three percent (3%) tax on the sale of motor vehicles, farm equipment, ships and equipment designed for and used exclusively by commercial fisheries, and the sale, rental and storage of industrial machinery; imposing a four percent (4%) tax on the rental of real property with certain exceptions, intrastate telephone and telegraph services, sale of electric power, fuels with certain exceptions, magazines, ice, admissions to certain entertainment performances, and charges for films and transcriptions and other expendable items in producing radio or television broadcasts; exempting subsidiary corporations when leasing from a parent corporation; amending section 212.12(10), Florida Statutes, prescribing bracketed scale for payment of tax; repealing sections 212.08(4), (8)(f) and 212.11(3), Florida Statutes; creating section 561.471, Florida Statutes, providing for monthly payment of tax by distributors and repealing section 561.47, Florida Statutes; providing an effective date.

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

By Senator Plante—

SB 740—A bill to be entitled An act relating to the state junior college board; amending subsection (3) of section 230.0100, Florida Statutes, by providing for additional powers and duties of the state junior college board and placing administrative authority in said board; providing an effective date.

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

By Senator Young—

SB 741—A bill to be entitled An act relating to return of property taken by larceny; amending section 811.201, Florida Statutes, providing for inclusion of personal property and goods as subjects of larceny; providing an effective date.

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

By Senator Shevin—

SB 742—A bill to be entitled An act relating to real property; amending section 192.04, Florida Statutes, to provide that real estate titled and used as a condominium or cooperative apartment shall be subject to taxation for real property taxes in 1969 on January 8, 1969; providing an effective date.

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

By Senator Myers—

SB 743—A bill to be entitled An act relating to chapter 215, Florida Statutes, (financial matters, generally); amending section 215.22, Florida Statutes, by repealing subsections (13) and (14) of section 215.22, Florida Statutes, which authorize a four per cent cost of general government deduction from the municipal firemen's pension trust fund and the municipal police officer's retirement trust fund and renumbering subsequent subsections; providing an effective date.

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

By Senator Myers—

SB 744—A bill to be entitled An act relating to crawfish regulations; amending Section 370.14, Florida Statutes by adding paragraph (7) to provide that counties bordering on the waters of Florida may further regulate crawfish traps, their tackle or buoys and to provide for their removal, penalties for violations under certain conditions; providing an effective date.

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

By Senator Myers—

SJR 745—A joint resolution proposing an amendment to the Constitution of the State of Florida; amending Article VII by adding a new section relating to ad valorem taxes in excess of ten (10) mills to be levied for not longer than ten (10) years upon the assessed value of real estate and tangible personal

property, for capital improvements, by district boards of public instruction when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation.

Was read the first time by title and referred to the Committee on Constitutional Amendments and Revision.

By Senators de la Parte and Pope—

SB 746—A bill to be entitled An act relating to regulation, education and certification of speech pathologists and audiologists; defining the act and designating its administration by the Commissioner of Education; declaring legislative intent; providing definitions within the act; creating certification requirements; providing for administration of the act; establishing certification requirements and examination of applicants; providing for advisory council to be filled by appointment; powers and duties of advisory council; special certification; establishing fees; providing for suspension and revocation of certificates; exemptions; providing penalties; severability clause; providing effective date.

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

By Senator Horne—

SB 747—A bill to be entitled An act relating to acting state attorneys; amending section 27.16, Florida Statutes, providing for the appointment of acting state attorneys; providing for such appointment when the state attorney is disqualified to act in a particular case and for the cessation of the acting state attorney's powers under the appointment upon completion of duties.

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

By Senator Horne—

SB 748—A bill to be entitled An act relating to acting state attorneys; amending section 27.17, Florida Statutes, fixing the compensation of acting state attorneys.

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

By Senator Horne—

SB 749—A bill to be entitled An act relating to firearms; amending section 790.23(1), Florida Statutes, to make it unlawful for any convicted felon to have in his care, custody, possession, or control a firearm of any type or kind.

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

By Senator Horne—

SB 750—A bill to be entitled An act relating to the legislature as affected by chapter 11, Florida Statutes; transferring section 11.01 relating to the Florida commission for promotion of uniformity of legislation in the United States to chapter 13, Florida Statutes; amending sections 11.13(3), 11.142, 11.144, 11.145, 11.146, 11.181, 11.185, 11.20(4), 11.22(1) 11.23(1), (3), 11.24(5), (6) and 11.243(3), (4) for the purpose of making the provisions thereof accord with intent of amendments to chapter 11 enacted by chapters 67-472 and 68-35, Laws of Florida, and other amendments proposed by this act; amending section 11.02 relating to notice of legislation by providing for notice by the posting thereof; amending section 11.07 relating to the method of enrolling bills to require retention of coded indicators of language added to and deleted from sections of the Florida Statutes and the state constitution; amending section 11.12 providing for the payment of salaries, subsistence and mileage of members of the legislature and its employees and other expenses authorized by legislative action and providing for preaudit by the comptroller of all vouchers for legislative expense; amending section 11.141 providing for the appointment of select committees by the senate and house of representatives for their respective houses; amending section 11.143 providing for contempt proceedings before circuit courts for failure of witnesses to comply with subpoenas issued by legislative committees; providing more equitable compensation for witnesses; amending section 11.147 prescribing the functions of the joint legislative management committee; amending section 11.148 relating to the fiscal accounting division, providing for the appointment of a director and prescribing his duties; amending section 11.15 establishing certain permanent offices of the legislature and for the election of legislative officers to fill such offices; amending section 11.151 estab-

lishing a contingency fund to be expended at the discretion of the president of the senate and the speaker of the house; creating section 11.24 (11), (12), (13) prescribing additional services to be performed by the legislative service bureau, including preparation of summaries and indexes of bills, research, and the maintenance of a permanent statutory revision plan and legislative drafting service; amending section 11.242(6)(d),(j) relative to duties of the statutory revision service in the publication of the Florida Statutes and the preparation of reviser's bills relating to superseded or invalidated statutes; amending section 11.25 excluding employee salaries and expenditures of the legislature from the control of certain executive agencies; amending section 11.26 placing certain restrictions on all employees of the legislature; changing the designation of the "legislative reference bureau" and the "statutory revision department" to legislative service bureau and statutory revision service respectively; repealing sections 11.08, 11.09, 11.10, 11.11, 11.14, 11.161, 11.17, 11.241, 11.245, and subsection (5) of section 11.243, Florida Statutes; providing an effective date.

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

By Senator Poston—

SB 751—A bill to be entitled An act relating to railroad crossings; transferring section 317.9928, Florida Statutes, to chapter 351, Florida Statutes, as section 351.31, Florida Statutes, and amending it to require a twenty (20) second whistle or bell warning by locomotives crossing public highways; providing an effective date.

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

By Senator Poston—

SB 752—A bill to be entitled An act relating to railroad crossings; amending chapter 357, Florida Statutes, by adding section 357.10, to require railroad companies to maintain certain reflectorized cross-buck signs at all crossings; repealing section 351.03, Florida Statutes, relating to signs and bells; providing an effective date.

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

By Senator Poston—

SB 753—A bill to be entitled An act to provide for the establishment of a "grade crossing protection trust fund"; amending chapter 357, Florida Statutes, by adding section 357.11 authorizing the fund to be used in the installation, construction, reconstruction or maintenance of crossing protection or reconstruction, alteration, relocation, improvement or maintenance of any railroad grade crossings except those on state maintained systems. To empower the Florida State Road Department to administer said fund and to apportion the costs incident to such crossings or crossing protection among the interested parties; providing an appropriation; providing an effective date.

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

By Senator Poston—

SB 754—A bill to be entitled An act relating to railroad crossings; authorizing the State Road Department, the boards of county commissioners of the several counties, and the legislative bodies of municipalities of this state to designate as "STOP" crossings certain grade crossings of public ways within their jurisdiction over railway tracks; authorizing the erection of certain signs at or near such "STOP" grade crossings; declaring it unlawful for the driver of a vehicle to fail to stop within specified distances traversing such "STOP" crossing; providing an effective date.

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

By Senator Askew—

SB 755—A bill to be entitled An act relating to free motor vehicle license plates; amending section 320.084, subsection (1),

Florida Statutes, by adding (c), to provide free license plates to disabled veterans; 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 756—A bill to be entitled An act relating to license fees for mobile homes, trailer coaches, house trailers, campers or other trailers used for housing accommodations; amending Section 320.081(5), Florida Statutes, to provide for apportionment and distribution of license fees and taxes collected to the several counties and State; providing an effective date.

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

By Senators Henderson and Barrow—

SB 757—A bill to be entitled An act relating to traffic regulations; amending Subsection 317.9930(1), F. S., relating to fleeing from a police officer, prohibiting operators of motor vehicles to flee or attempt to elude police officers or officers or agents of other law enforcement agencies or commissions.

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

By Senator Hollahan—

SB 758—A bill to be entitled An act relating to dispensing opticians; amending section 484.01, Florida Statutes; providing a purpose and declaration of legislative policy and amending section 484.02, Florida Statutes; amending and renumbering section 484.05, Florida Statutes, as 484.03; amending and renumbering section 484.03, Florida Statutes, as 484.04; amending and renumbering section 484.04, Florida Statutes, as 484.05; amending and renumbering section 484.08, Florida Statutes, as 484.06; amending and renumbering section 484.06, Florida Statutes, as 484.07; amending and renumbering section 484.09, Florida Statutes, as 484.08; renumbering section 484.07, Florida Statutes, as 484.09; amending sections 484.10 and 484.11, Florida Statutes; 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 Mathews, Askew, Bafalis, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Broxson, Chiles, Daniel, Deeb, de la Parte, Ducker, Fincher, Friday, Gong, Haverfield, Henderson, Hollahan, Horne, Johnson, Karl, Knopke, Lane, McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Saylor, Scarborough, Shevin, Slade, Stolzenburg, Stone, Thomas, Trask, Weber, Weissenborn, Williams, Wilson and Young—

SR 759—A Resolution in Memoriam Leslie Letitia Peaden Gunter.

WHEREAS, The Senate membership wears an aura of sadness at the untimely demise of the lovely young helpmate of our esteemed colleague Senator William Dawson (Bill) Gunter, Jr., and

WHEREAS, we would express our sorrow, sympathy and condolence in this hour, NOW, THEREFORE,

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

That the Senate in Session assembled does hereby record this testimonial

IN MEMORIAM
LESLIE LETITIA PEADEN GUNTER

Who was born on September 17, 1934 at Chipley, Florida, the daughter of Mr. and Mrs. L. B. Peaden. Later her parents moved to Live Oak and she was graduated from high school there. She and Senator Gunter were married in August, 1956 and in 1958 made their home in Orlando. Added to the happiness of this marriage were two sons, Bartlett David and Joel Stephen, now 6 and 4 years of age respectively.

Mrs. Gunter was a registered nurse by professional training which she received at Baptist Hospital, New Orleans. She was active in the Mary Cullen Democratic Women's organization and a devout member of the First Baptist Church of Orlando, where

she was active in the Women's Missionary Society and other phases of church work. There was ever exemplified in her life the sustaining grace of an abiding Christian faith. The long and severe illness suffered before her death did not rob her of that great courage and unselfish, cheerful disposition drawn from a close walk with the One she so faithfully sought to serve. During the short span of her years she wrought an unusual example of those virtues which would be emulated by all right thinking persons. The beautiful memories of her exemplary life constitute a rich legacy which she has left to her family, her legion of friends and acquaintances, which must ever be a reminder to them of His Grace which enables the bereaved in time to say: "The Lord giveth and the Lord taketh away. Blessed be the name of the Lord."

BE IT FURTHER RESOLVED that this Resolution be spread upon the pages of the Journal of the Florida Senate; that a copy hereof duly attested be forwarded to the surviving relatives: Mrs. L. B. Peaden, Live Oak, Miss Reba Peaden, Orlando, Mrs. Mary Jean Redding, Marianna, Mrs. Joan Brown, Leesburg, Mr. Myles Peaden, Leesburg and Mr. Charles Peaden, Alaska; mother, sisters and brothers respectively of Mrs. Gunter, and that the Senate stand for a moment in silent prayer evoking His acceptance of her works and endeavors while on earth and His Sustaining Grace upon all of those her going from their midst has thus bereaved.

Was read the first time by title. On motion by Senator Friday, SR 759 was read the second time in full and unani- mously adopted by a rising vote of the Senate Body, which, by request of the President, remained standing for a moment in silent prayer.

MOTIONS RELATING TO COMMITTEE REFERENCES

On motion by Senator Boyd, the rules were waived and the Committee on Education was granted an additional 14 days for the consideration of Senate Bills 491, 456, 362 and 90.

On motion by Senator Barron, the rules were waived and the Committee on Insurance was granted an additional 10 days for the consideration of Senate Bills 164, 165 and 214.

On motion by Senator Pope, the rules were waived and the Committee on Transportation was granted an additional 10 days for the consideration of Senate Bills 2, 128, 129, 132, 136, 140, 141, 145, 177, 178, 180, 234, 263, 276, 277, 278, 279, 280, 281, 282, 288, 292, 311, 312, 314, 315, 316, 341, 342, 374, 375, 418 and 461.

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 5 legislative days for the consideration of Senate Bills 68, 71, 158, 183, 223, 228, 232, 267, 268, 269, 271, 272, 273, 300, 367, 384, 275 and 283.

On motion by Senator Friday, the rules were waived and the Committee on Rules and Calendar was granted an additional 10 legislative days for the consideration of SB 441.

On motion by Senator Hollahan, by two-thirds vote, SB 736 was withdrawn from the Committee on Governmental Organiza- tion.

On motion by Senator Thomas, by two-thirds vote, HB 304 was withdrawn from the Committee on Judiciary.

On motions by Senator Myers by two-thirds vote, SJR 745 was withdrawn from the Committee on Constitutional Amend- ments and Revision and from the Senate.

On motions by Senator Horne, on behalf of Senator Broxson, by two-thirds vote, SB 687 was withdrawn from the Committee on Education and from the Senate.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was read:

Honorable John E. Mathews, Jr.
President
Florida State Senate
The Capitol
Tallahassee, Florida

April 23, 1969

Dear Mr. President:

This is to express my desire to address your Honorable Body, in joint session with the House of Representatives, April 24, 1969, convening at 1:00 p.m.

Sincerely,
Claude R. Kirk, Jr.
Governor

The Governor advised that on April 24 he had filed in the Office of Secretary of State, with his approval, SCR 493.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

April 24, 1969

Sir:

I am directed to inform the Senate that the House of Repre- sentatives has adopted—

By Representative Rowell—

HCR 1166—A concurrent resolution providing for a joint session of the Senate and House of Representatives.

WHEREAS, His Excellency, Governor Claude R. Kirk, Jr. has expressed a desire to address the Legislature in Joint Session; NOW, THEREFORE,

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

That the House of Representatives and the Senate convene in Joint Session in the chamber of the House of Representatives at 1:00 o'clock P. M. this day Thursday, April 24, 1969, for the purpose of hearing the Governor.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1166, contained in the above message, was read the first time in full. On motion by Senator Friday, the rules were waived and HCR 1166 was read the second time by title, adopted and certified to the House.

UNFINISHED BUSINESS

SB 95—A bill to be entitled An act relating to the Uniform Narcotic Drug Law; amending section 398.22(1)(d)1., Florida Statutes, to increase the minimum sentence for the first conviction for the sale of illegal drugs to minors to ten (10) years.

Was taken up together with the following substitute amend- ment which was adopted:

In Section 1, line 23, page 1, strike: lines 23 through 27 and insert the following: 1. For a first conviction, imprisonment in the state penitentiary for life or for any number of years not less than ten (10), and in addition the person convicted may be fined not more than ten thousand dollars (\$10,000.00), im- position of sentence shall not be suspended or deferred, nor shall the person so convicted be placed on probation. If the offender shall not have attained the age of twenty-one (21) years and shall not have been previously convicted of any offense under chapters 398, or 404, Florida Statutes, at the time of the commission of an offense under this section, he shall upon conviction be imprisoned in the state prison for not more than ten (10) years or fined not more than ten thousand dollars (\$10,000.00) or both. The license to practice in Florida of any practitioner, as defined in subsections 398.02(1)(2)(3), or any pharmacist, as defined by subsection 398.02(6), shall upon conviction be automatically revoked.

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

The Committee on Judiciary offered the following amendment which was moved by Senator Ott:

In title, line 7, page 1, strike the period and insert the following: ; providing such sentence shall not be suspended or deferred nor the person so convicted placed on probation; exempts offender under twenty-one (21) years not previously convicted of any offense under chapters 398 or 404, Florida Statutes, from mandatory provisions of section; providing an effective date.

Senator Ott offered the following substitute amendment which was adopted:

In title, line 7, page 1, strike the period and insert the following: ; providing such sentence shall not be suspended or deferred nor the person so convicted placed on probation; exempts offender under twenty-one (21) years not previously convicted of any offense under chapters 398 or 404, Florida Statutes, from mandatory provisions of section; requires the revocation of license to practice medicine or pharmacy upon conviction; providing an effective date.

On motion by Senator Stone, SB 95 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—1

Wilson

On motion by Senator Barron, the President appointed Senators Barron, Barrow and Horne as a committee to escort Miss Sylvia Hitchcock, former Miss U.S.A. and current Miss Universe, to the rostrum, where she received a standing ovation and addressed the Senate.

SB 453 was taken up, together with:

By The Committee on Commerce and Licensed Businesses—

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

—which was read the first time by title and SB 453 was laid on the table.

On motion by Senator Hollahan, the rules were waived and CS for SB 453 was read the second time by title.

Senators Myers and Wilson offered the following amendment which was moved by Senator Myers and failed:

In Section 2, lines 1-29, page 9, strike all of subsection (1) and insert the following: (1) The licensee conducting a horse race meeting during the summer thoroughbred racing season

shall pay a tax equal to five per cent (5%) of the total contributions to all pari-mutuel pools there conducted and made on any and every horse race, which tax shall be paid to the state treasurer for deposit in the general revenue fund of the state, up to an average daily amount of Four Hundred Thousand Dollars (\$400,000.00), which average shall be calculated at the end of each summer thoroughbred racing period. The licensee conducting a horse race meeting during the summer thoroughbred racing season shall pay a tax equal to eight per cent (8%) of the total contributions to all pari-mutuel pools there conducted and made on any and every horse race, which tax shall be paid to the state treasurer for deposit in the general revenue fund, on all contributions to such pari-mutuel pools in excess of a daily average of Four Hundred Thousand Dollars (\$400,000.00), which average is calculated as above.

The vote was:

Yeas—18

Mr. President	Haverfield	Ott	Weissenborn
de la Parte	Henderson	Poston	Wilson
Ducker	Knopke	Reuter	Young
Fincher	Lane	Sayler	
Gong	Myers	Shevin	

Nays—23

Bafalis	Boyd	Karl	Stone
Barron	Daniel	Plante	Thomas
Barrow	Friday	Pope	Trask
Beaufort	Hollahan	Scarborough	Weber
Bell	Horne	Slade	Williams
Bishop	Johnson	Stolzenburg	

Senator Bishop offered the following amendment which failed:

In Section (1), line 3, page 9, strike "five per cent (5%)" and insert the following: seven per cent (7%)

Senator Bishop also offered the following amendment which failed:

Line 10, page 14, strike: "Not"

Senator Bishop also offered the following amendment which failed:

Line 11, page 14, following (.) add the following: any track that fails to race for the allotted number of days for summer racing in the year 1970 or any subsequent year shall be prohibited from operating for a period of five (5) years

Senators Ott, Shevin, Fincher and Henderson offered the following amendment which was moved by Senator Ott:

Line 29, page 1, strike everything after the enacting clause and insert the following:

Section 1. Subsection (1) of section 550.084, Florida Statutes, is amended to read:

550.084 Summer thoroughbred horse racing period authorized.—

(1) Where there are three (3) or more thoroughbred horse race tracks operating under valid outstanding permits issued by the state racing commission located within a radius of one hundred (100) miles of each other, each such permit holder within the area shall be permitted during the period beginning [June 1] on the last Saturday in April and ending on [or before the following November 1] the last Saturday in October of each year to conduct an additional [thirty (30)] forty (40) days of thoroughbred horse racing, between the hours of 12:00 noon and [6:00] 6:30 p.m., eastern standard or daylight saving time exclusive of Sundays, upon dates allocated to it by the commission, which additional period of racing shall be known as the "summer thoroughbred horse racing period." The horse racing season beginning December 1 of each year and ending April 20 referred to in section 550.04, Florida Statutes, shall hereafter be known as the annual winter thoroughbred horse racing season.

Section 2. Subsection (3) of section 550.084 Florida Statutes is amended to read:

550.084 Summer thoroughbred horse racing period authorized.—

(3) The limitation of days of horse racing in any one (1) county as set forth in section 550.08 and the provisions of sections 550.04 and 550.29, Florida Statutes, shall not apply to the summer thoroughbred racing season or period. *No racing shall be permitted on Sunday and unless otherwise permitted by law, no minors, except jockey apprentices, exercise boys and grooms shall be permitted to attend said races or to be employed in any manner by a track.*

Section 3. Subsections (1), (2) and (3) of section 550.085, Florida Statutes, are amended to read:

550.085 Summer thoroughbred racing; tax; commission; breakage; admissions and occupational license tax.—

(1) Each licensee conducting a horse race meeting during the summer thoroughbred racing season shall pay a tax equal to [eight] six (6) per cent of the total contributions to all pari-mutuel pools *that daily average four hundred thousand dollars (\$400,000.00) or less, and shall pay a tax of eight per cent (8%) on all sums that exceed the four hundred thousand dollar (\$400,000.00) daily average* there conducted and made on any and every horse race, which tax shall be paid to the state treasurer in his capacity as ex officio treasurer of the commission. After expenses of the commission are paid, the state treasurer [as ex officio treasurer of the commission shall divide the proceeds realized from the eight per cent tax hereby imposed into as many equal parts as there are counties in the state and shall remit one part to each county on or before December 1 of each year during which summer thoroughbred horse racing has been conducted.] *shall deposit the proceeds realized from the tax hereby imposed into the general revenue fund.*

(2) The commission on a pari-mutuel pool on every horse race which may be withheld by the licensee and the state from the total contribution shall in no event, exceed [fifteen] sixteen (16) per cent of the amount contributed thereto, which commission shall include the [eight per cent] tax hereinabove provided for.

(3) In addition to the [foregoing eight per cent] tax hereinabove provided for, each licensee operating a horse race track during the summer thoroughbred racing season shall pay the breakage tax provided for in §550.26, which tax revenues shall be distributed as therein provided.

Section 4. Section 550.086, Florida Statutes, is amended to read:

550.086 Annual license; summer thoroughbred racing period.—On or before November 1 of each year, beginning November 1, [1965] 1969, each of the thoroughbred horse race tracks located within the said area may file in writing with the state racing commission its application for permission to conduct a thoroughbred horse racing meeting for a period of not to exceed [thirty (30)] forty (40) racing days, exclusive of Sundays, during the summer thoroughbred racing season commencing on [June 1] *the last Saturday in April* of the following year. On or before November 15 of each year, the state racing commission shall issue a license authorizing the permit holder to conduct a racing meet during the summer thoroughbred racing season during the period and for the number of days set forth therein.

Section 5. Section 550.087, Florida Statutes, is amended to read:

550.087 Minimum daily purses.—A permit holder licensed to conduct a summer thoroughbred horse race meeting shall [pay a minimum purse for each race conducted by it of not less than two thousand five hundred dollars (\$2,500.00) and shall distribute in total purse money not less than twenty per cent (20%) more than its daily minimum purse requirement] *be required during the running of the summer meeting to distribute in purses an average sum of twenty-five thousand dollars (\$25,000.00) for each day of racing.* Such permit holders by application for and acceptance of a license for a summer racing meeting shall be deemed to have agreed as a condition of the grant thereof that such minimum purses will be paid.

Section 6. Section 550.088, Florida Statutes, is amended to read:

550.088 Allocation or reallocation of racing days.—The state racing commission shall have the right to allocate or assign to

another track or other tracks authorized to conduct summer thoroughbred horse racing, upon application therefor, any days or dates during the summer thoroughbred racing season which have not been applied for, provided the aggregate total number of summer thoroughbred horse racing days shall not exceed [ninety (90)] *one hundred twenty (120) days, exclusive of Sundays, for any one (1) horse racing licensee during the summer thoroughbred racing period and provided further that such application must be filed on or before November 10 of each year, beginning November 10, [1965] 1969.* The state racing commission shall have the right to reallocate or reassign to any other track or other tracks authorized to conduct summer thoroughbred horse racing any racing dates previously allocated or assigned to a licensed thoroughbred horse racing track when said summer racing dates have been abandoned, surrendered, or will not be used for any reason whatsoever, provided the aggregate total number of summer thoroughbred horse racing days permitted hereunder shall not exceed [ninety (90)] *one hundred twenty (120) days, exclusive of Sundays, for any one (1) horse racing licensee.* [The failure of any thoroughbred horse race track to apply for dates to conduct a summer thoroughbred racing meet in any one or more years shall not preclude such track from making such application in any subsequent year].

Section 7. Chapter 550, Florida Statutes, is amended by adding section 550.091 to read:

550.091 Authorization for new permit under certain conditions.—In the event this act becomes law and in the further event the permittees herein designated do not jointly or severally conduct the one hundred twenty (120) days of summer horse racing in 1970 or in any year thereafter as authorized by section 550.084 and section 550.088, then and in that event the racing commission is hereby authorized to issue a new permit for summer thoroughbred horse racing.

Section 8. This act shall take effect immediately upon becoming a law.

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

In Section 3, line 23, page 3, strike: "shall deposit the proceeds realized from the tax hereby imposed in the general revenue fund." [and striking the hyphenation in lines 17 through 23]

Senator Horne raised a point of order that the amendment by the Senator from the 25th and others to SB 453 was out of order for the reason that it was substantially identical to a Senate bill introduced by him which remained within the jurisdiction of the Senate Committee of Commerce and Licensed Businesses. The amendment to that amendment was also out of order for the reason that it attached itself to an amendment not properly before this Senate. Rule 7.4, although providing for the procedure of striking all after the enacting clause and inserting new matter of the same general subject as stated in the original title, did not purport to reverse the philosophy of Rule 4.4 which compels all bills and joint resolutions to be referred to and considered by at least one committee, nor does it purport to mitigate the philosophy of Rule Two in its entirety, the effect of which is to provide that no bill or joint resolution shall be considered by the floor without consideration by and a favorable report from at least one standing committee of the Senate. The rule itself contains the proviso that to consider a measure, while still pending in such a committee of reference, the introducer must obtain the concurrence of two-thirds of the members present of the Senate. The amendment offered to this bill is so substantially identical as to foul the rules of procedure of the Senate and destroy the established committee system.

The President ruled the point was well taken.

By permission, the foregoing amendment and amendment to the amendment were withdrawn.

Senators Ott, Shevin, Fincher and Henderson offered the following amendment which was moved by Senator Ott:

In Section 1, line 29, page 1, strike everything after the enacting clause and insert the following: Section 1. Subsection (1) of section 550.084, Florida Statutes, is amended to read:

550.084 Summer thoroughbred horse racing period authorized.—

(1) Where there are three (3) or more thoroughbred horse race tracks operating under valid outstanding permits issued by the state racing commission located within a radius of one hundred (100) miles of each other, each such permit holder within the area shall be permitted during the period beginning [June 1] *on the last Saturday in April* and ending on [or before the following November 1] *the last Saturday in October* of each year to conduct an additional [thirty (30)] *forty (40)* days of thoroughbred horse racing, between the hours of 12:00 noon and [6:00] *6:30 p.m.*, eastern standard or *daylight saving* time exclusive of Sundays, upon dates allocated to it by the commission, which additional period of racing shall be known as the "summer thoroughbred horse racing period." The horse racing season beginning December 1 of each year and ending April 20 referred to in section 550.04, Florida Statutes, shall hereafter be known as the annual winter thoroughbred horse racing season.

Section 2. Subsection (3) of section 550.084 Florida Statutes is amended to read:

550.084 Summer thoroughbred horse racing period authorized.—

(3) The limitation of days of horse racing in any one (1) county as set forth in section 550.08 and the provisions of sections 550.04 and 550.29, Florida Statutes, shall not apply to the summer thoroughbred racing season or period. *No racing shall be permitted on Sunday and unless otherwise permitted by law, no minors, except jockey apprentices, exercise boys and grooms shall be permitted to attend said races or to be employed in any manner by a track.*

Section 3. Subsections (1), (2) and (3) of section 550.085, Florida Statutes, are amended to read:

550.085 Summer thoroughbred racing; tax, commission; breakage; admissions and occupational license tax.—

(1) Each licensee conducting a horse race meeting during the summer thoroughbred racing season shall pay a tax equal to [eight] *six (6)* per cent of the total contributions to all pari-mutuel pools *that daily average three hundred thousand dollars (\$300,000.00) or less, and shall pay a tax of eight per cent (8%) on all sums that exceed the three hundred thousand dollar (\$300,000.00) daily average* there conducted and made on any and every horse race, which tax shall be paid to the state treasurer in his capacity as ex officio treasurer of the commission. After expenses of the commission are paid, the state treasurer [as ex officio treasurer of the commission shall divide the proceeds realized from the eight per cent tax hereby imposed into as many equal parts as there are counties in the state and shall remit one part to each county on or before December 1 of each year during which summer thoroughbred horse racing has been conducted.] shall deposit the proceeds realized from the tax hereby imposed into the general revenue fund.

(2) The commission on a pari-mutuel pool on every horse race which may be withheld by the licensee and the state from the total contribution shall in no event exceed [fifteen] *sixteen (16)* per cent of the amount contributed thereto, which commission shall include the [eight per cent] tax hereinabove provided for.

(3) In addition to the [foregoing eight per cent] tax hereinabove provided for, each licensee operating a horse race track during the summer thoroughbred racing season shall pay the breakage tax provided for in § 550.26, which tax revenues shall be distributed as therein provided.

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Section 7. Chapter 550, Florida Statutes, is amended by adding section 550.091 to read:

550.091 Authorization for new permit under certain conditions.—In the event this act becomes law and in the further event the permittees herein designated do not jointly or severally conduct the one hundred twenty (120) days of summer horse racing in 1970 or in any year thereafter as authorized by section 550.084 and section 550.088, then and in that event the racing commission is hereby authorized to issue a new permit for summer thoroughbred horse racing.

Section 8. This act shall take effect immediately upon becoming a law.

Pending further consideration of the foregoing amendment, pursuant to HCR 1166, the Senate formed in processional order and marched in a body to the Chamber of the House of Representatives with the President of the Senate leading, who was preceded by the Secretary of the Senate, the way being opened to the Chamber of the House of Representatives by the Sergeant at Arms of the Senate. The Senate was received in due form, and the Joint Session was called to order by the Honorable Frederick H. Schultz, Speaker of the House of Representatives, at 1:00 p.m.

The Speaker invited the President of the Senate, John E. Mathews, to the rostrum and requested him to preside over the Joint Session.

The President in the Chair.

The President declared a quorum of the Joint Session present.

Prayer was offered by Dr. Herbert M. Baumgard, Rabbi, Temple Beth Am, South Miami.

On motion by Representative Matthews that a Committee be appointed to notify the Governor that the Joint Session was assembled and ready to receive His Excellency's message, the President appointed Senators Plante, Johnson and Lane on the part of the Senate, and Representatives Matthews, Reed and

Sweeny on the part of the House of Representatives. The Committee withdrew.

The Committee appointed to wait upon the Governor re-appeared escorting His Excellency, Claude R. Kirk, Jr., Governor of Florida, who was received by the Joint Session standing and escorted to the rostrum.

The President presented the Governor who delivered his message to the Legislature concerning HB 795.

Following the Governor's address, the Committee previously appointed escorted the Governor from the rostrum and from the House Chamber.

On motion by Senator Friday, the Senate withdrew from the Joint Session and resumed its Session at 1:26 p.m. A quorum present.

CO-INTRODUCER

By permission, Senator Lane was recorded as a co-introducer of SB 663.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:28 p.m. to reconvene at 11:00 a.m., April 25, 1969.