

# JOURNAL OF THE SENATE

Friday, April 10, 1970

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

## INTRODUCTION

By Senator Mathews—

**SB 535**—A bill to be entitled An act relating to taxation; amending section 197.065, Florida Statutes, by adding a new subsection (4); authorizing the boards of county commissioners to file minimum tax notices and to pay such taxes from county funds; providing an effective date.

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

By Senator Stolzenburg—

**SB 536**—A bill to be entitled An act relating to the department of highway safety and motor vehicles; providing for personalized prestige automobile license plates; providing for application, fees, and issuance; providing for right of rejection of certain applications and recall of certain plates and return of fees; prohibiting duplicate plates; providing for transfer of plate to a replacement automobile with fee; defining prestige plates; providing effective date.

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

By Senator Henderson—

**SB 537**—A bill to be entitled An act relating to ad valorem tax assessment of oil, mineral, and other subsurface rights; amending section 193.481(1) and (2), Florida Statutes, (former section 193.221(1) and (2)) to provide for separate taxation of subsurface rights when such rights have a substantial value in excess of the fee; providing for consideration of actual use of lands involved in arriving at valuation; providing an effective date.

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

By Senator Reuter—

**SB 538**—A bill to be entitled An act relating to abortion; amending section 782.10, Florida Statutes, to provide that an abortion performed by a physician is not homicide; amending section 797.01, Florida Statutes, to delete advice to procure a miscarriage from punishable offenses; amending section 797.02, Florida Statutes, to prohibit advertising the availability of an unlawful miscarriage; repealing paragraph (i) of subsection (1) of section 458.12, Florida Statutes, as amended by chapter 69-205, Laws of Florida, relating to the revocation of medical licenses for aiding or participating in abortions; providing an effective date.

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

By Senator Saunders—

**SB 539**—A bill to be entitled An act relating to plant industry division of the department of agriculture and consumer services; amending subsections (1) and (3) of section 570.33, Florida Statutes, to provide minor clarification changes; amending subsection (1) of section 570.34, Florida Statutes, to provide a change in membership of the plant industry technical council; amending subsection (4) of section 570.35, Florida Statutes, to provide a minor clarification change; providing an effective date.

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

By Senator Saunders—

**SB 540**—A bill to be entitled An act relating to the plant industry; amending section 581.031 (14), Florida Statutes, to authorize the sale of propagated superior strains of plants and the sale of fruit incidental thereto; providing effective date.

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

By Senator Saunders—

**SB 541**—A bill to be entitled An act relating to the plant industry division of the department of agriculture and consumer services, amending subsections (1), (6), (7), (9), (15), (16), (17), (19), (20) of section 581.031, section 581.083, section 581.101, and subsection (1) of section 581.181, Florida Statutes, to strike the words "insect pests and disease" and in lieu thereof add the words "plant pests"; providing effective date.

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

By Senator Saunders—

**SB 542**—A bill to be entitled An act repealing section 865.03, Florida Statutes, relating to cottony cushion scale, a plant pest; providing an effective date.

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

By Senator Saunders—

**SB 543**—A bill to be entitled An act relating to the plant industry amending section 581.131, Florida Statutes; providing that it is unlawful to deal as a plant nurseryman without certificate of inspection issued by the plant industry division of the department of agriculture and consumer services; providing an effective date.

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

By Senator Saunders—

**SB 544**—A bill to be entitled An act relating to the plant industry division of the department of agriculture and consumer services; amending section 581.141, Florida Statutes, providing for revocation and suspension of certificate of inspection; providing an effective date.

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

By Senator Lane—

**SB 545**—A bill to be entitled An act relating to chiropractic practitioners; amending chapter 460, Florida Statutes, by adding section 460.106 to prohibit engaging in "physical therapy"; providing an effective date.

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

By Senator Lane—

**SB 546**—A bill to be entitled An act relating to dog tracks and frontons; amending section 550.291, Florida Statutes, by adding subsections (3) and (4); providing that the last race of any day shall start not later than 11:30 p.m.; providing that no meeting can be held within twenty-four (24) hours of the start of the other; providing an effective date.

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

By Senator Fincher—

**SB 547**—A bill to be entitled An act relating to workmen's compensation; amending section 440.45(1), Florida Statutes; relating number of judges of industrial claims to number of controverted claims; providing for pro hac vice appointments; and providing an effective date.

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

By Senator Fincher—

**SB 548**—A bill to be entitled An act relating to workmen's compensation, amending paragraph 440.02(1)(c), Florida Statutes, providing for the coverage of agricultural labor, turpentine labor, labor in processing gum-spirits-of-turpentine, crude gum, oleorosin and gum rosin; providing an effective date.

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

By Senators Trask and Saylor—

**SB 549**—A bill to be entitled An act relating to the division of library services of the department of state; amending section 257.17, Florida Statutes; providing that counties which do not establish or maintain free libraries, or contract for same, shall receive an annual operating grant to be distributed among municipalities within the boundaries establishing or maintaining free libraries; 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 Fincher—

**SB 550**—A bill to be entitled An act relating to child labor; amending sections 450.011, 450.021, 450.061(1)(g), 450.071, 450.081(4), 450.111(2), and 450.151, Florida Statutes; to prescribe hours of employment in farm work; to revise the definition of "farm work"; to modify certain restrictions relating to hazardous occupations, places of sale of alcoholic beverages, and musical performances; and to provide an effective date.

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

By Senator Fincher—

**SB 551**—A bill to be entitled An act relating to workmen's compensation; amending section 440.15(5)(c), Florida Statutes; providing for apportionment of permanent disability or death attributable in part to prior disability, impairment or disease; providing an effective date.

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

By Senator Fincher—

**SB 552**—A bill to be entitled An act relating to unemployment compensation; amending section 443.07(6)(b), Florida Statutes, to provide a two-year period for repayment, or for recoupment from future benefits, of benefit overpayments, and providing an effective date.

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

By Senator Fincher—

**SB 553**—A bill to be entitled An act relating to workmen's compensation; amending section 440.15(2), Florida Statutes; providing for payment of compensation for temporary total disability during periods of rehabilitation; and providing an effective date.

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

By Senator Fincher—

**SB 554**—A bill to be entitled An act relating to workmen's compensation; amending sections 440.03, 440.05 and 440.56(1)

and repealing sections 440.04(1), 440.06, 440.07 and 440.08, Florida Statutes; providing compulsory coverage of employers and employees as defined; and providing an effective date.

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

By Senator de la Parte—

**SB 555**—A bill to be entitled An act relating to public education, amending section 232.01(1)(c), Florida Statutes; repealing section 232.01(2), Florida Statutes; removing the authority from district school boards to adopt regulations governing the attendance of married students as such; clarifying the rights of married and pregnant students within the required age to attend school; providing an effective date.

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

By Senator de la Parte—

**SB 556**—A bill to be entitled An act relating to abuse of children; amending section 828.041, Florida Statutes, to provide for reports of child abuse from physicians, institutions, nurses, schoolteachers and social workers; itemizing considerations in reporting maltreatment; providing for central registries; providing immunity from liability; making violation a misdemeanor; providing an effective date.

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

By Senators de la Parte, Pope, Weissenborn and Shevin—

**SJR 557**—A joint resolution proposing an amendment to Section 6 of Article VII of the Constitution of the State of Florida, providing for ten thousand dollars (\$10,000) homestead exemptions for persons resident for at least the five (5) preceding years in Florida who are sixty-five (65) years of age or older or who are totally and permanently disabled.

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

By Senator Wilson—

**SB 558**—A bill to be entitled An act relating to elections; amending section 101.141(4), Florida Statutes, requiring that an incumbent be designated on the primary ballot when another candidate for the same office has the same surname; providing an effective date.

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

By Senator Deeb—

**SB 559**—A bill to be entitled An act relating to the election code; amending section 103.111(3)(b), Florida Statutes, to provide for election of county executive committee chairman within thirty (30) days after the general election.

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

By Senator Shevin—

**SB 560**—A bill to be entitled An act relating to criminal procedure; amending chapter 901, Florida Statutes, by adding sections 901.27, 901.28, and 901.29, authorizing an arresting officer to issue a citation to appear in court in lieu of taking a person before a magistrate in misdemeanor cases; amending sections 901.06 and 901.23, Florida Statutes, releasing officer from duty to take a person before a magistrate when a citation to appear is issued; providing an effective date.

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

By Senator Shevin—

**SB 561**—A bill to be entitled An act relating to elections; amending section 101.021, Florida Statutes, authorizing certain electors to vote the official primary election ballot of any one (1) recognized political party; providing an effective date.

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

By Senator Shevin—

**SB 562**—A bill to be entitled An act authorizing the director of the division of adult corrections with the approval of the department of health and rehabilitative services to enter into agreements with the correctional authorities of other states and the United States bureau of prisons to provide facilities and programs for the confinement, treatment, and rehabilitation of various types of offenders on a basis of cooperation with one another; providing an effective date.

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

By Senators Ducker and Gunter—

**SB 563**—A bill to be entitled An act relating to water wells; providing that the department of natural resources shall regulate construction of wells; providing for delegation of administration to political subdivisions; providing for inspections by department; providing for licensing and examination of water well contractors; providing exemptions; providing fees; providing penalties; providing an effective date.

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

By Senator Ducker—

**SB 564**—A bill to be entitled An act relating to game and fresh water fish; amending chapter 372, Florida Statutes, by adding section 372.121, providing for control and management of state game lands by the commission; providing for adoption of rules and regulations for state-owned lands and privately-owned lands or waters under certain conditions; providing a penalty.

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

By Senators Mathews, Boyd, Horne, Chiles and Friday—

**SB 566**—A bill to be entitled An act relating to public schools; providing that a dual school system is prohibited; providing for a unitary school system; providing a definition of a unitary school system; providing an effective date.

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

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—45:

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

Excused: Senators Hollahan and Daniel.

Prayer by the Secretary of the Senate:

Eternal God, we read of strife throughout the world which gives to mankind problems of a destructive power. We recognize the acute need of Thy presence in all labors trying to solve these challenges that have injured the dignity of man.

Cause each of us here to have the noblest of ambitions as we try to resolve our differences. May the Holy Spirit counsel with us and may each of us recognize this influence. We plead for special blessings on our affairs of government here. Alert us all to that solution which will

give to us once again joy, peace of mind, respect one for another.

Most reverently, we seek Thy favor. Amen.

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

Page 74, column 1, insert "Weissenborn" alphabetically in the roll call

#### REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass: SB 381, SB 382.

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 330.

The bill with Committee Substitute attached was referred to the Committee on Health, Welfare, and Institutions under the original reference.

The Committee on Agriculture recommends the following not pass: SB 195, SB 270.

The bills were laid on the table.

The Committee on Agriculture recommends the following pass: SM 188.

The memorial was placed on the Calendar.

#### ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 23 with 1 amendment      SCR 229 with 2 amendments  
SB 267 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

EDWIN G. FRASER  
Secretary of the Senate

The bills were certified to the House.

#### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred— SCR 503.

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on April 10, 1970.

EDWIN G. FRASER  
Secretary of the Senate

The President announced the appointment of Senator Trask as a member of the standing Committee on Insurance.

On motion by Senator Ott, the rules were waived and the Committee on Judiciary-Law and Order subcommittee was granted an additional 7 days for the consideration of Senate Bills 39 and 198.

#### BILLS REFERRED TO SUBCOMMITTEES

Universities and Colleges: SB 494 (7 days to report to the Committee on Education)

Senate Bills 1 and 2 withdrawn from Universities and Colleges Subcommittee

Mental Health, Retardation, and Institutions: SB 562 (7 days to report to the Committee on Health, Welfare, and Institutions)

**Health and Welfare:** Senate Bills 513, 516, 525, 526, 527, 528, 545 and CS for SB 330 (7 days to report to the Committee on Health, Welfare, and Institutions)

**Law and Order:** Senate Bills 556 and 533 (7 days to report to the Committee on Judiciary)

**Jurisprudence:** Senate Bills 532 and 560 (7 days to report to the Committee on Judiciary)

**Labor and Industrial Relations:** Senate Bills 561, 559, 553, 558, 554, 551 and 547 (7 days to report to the Committee on Judiciary)

**Roads and Highways:** Senate Bills 475 and 350 (7 days to report to the Committee on Transportation)

**Safety:** Senate Bills 80 and 440 (7 days to report to the Committee on Transportation)

**Taxation:** Senate Bills 32, 40, 62, 86, 97, 147, 155, 189, 190, 193, 199, 203, 218, 219, 235, 249, 317, 318, 336, 341, 413, 425, 490 and 517 (23 days to report to the Committee on Ways and Means)

MESSAGES FROM THE GOVERNOR

*Honorable John E. Mathews* April 9, 1970  
*President of the Senate*  
*The Capitol*

Dear Mr. President:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Mr. John W. Cashin, Tallahassee, Florida, to the position of Secretary of Professional and Occupational Regulation, Department of Professional and Occupational Regulation, succeeding Mr. Harold W. Stayman, who has resigned. The term ending date is during the pleasure of the Governor.

Sincerely,  
CLAUDE R. KIRK, JR.  
Governor

Which was referred to the Committee on Commerce and Licensed Businesses.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.* April 10, 1970  
*President of the Senate*

Sir:

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

By the Committee on Crime & Law Enforcement—

**CS for HB 569**—A bill to be entitled An act relating to torture or unlawful punishment of children; amending section 828.04, Florida Statutes, increasing penalties for violations.

By Representative D'Alemberte and others—

**HB 1160**—A bill to be entitled An act relating to public funds; providing a prohibition against the use by state agencies of public funds for the entertainment of or gifts to members of the legislature or their relatives; providing for disciplinary action; providing for prohibitions against any agency using public funds to publish any matter not solely a public function; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

CS for HB 569, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 1160, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable John E. Mathews, Jr.* April 9, 1970  
*President of the Senate*

Sir:

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

By the Committee on General Legislation—

**CS for HB 562**—A bill to be entitled An act relating to horse racing; providing for minimum qualifications for stewards; providing for an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

CS for HB 562, contained in the above message, was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

*The Honorable John E. Mathews, Jr.* April 10, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required constitutional three-fifths vote of all members elected to the House—

By Representatives Lewis and Gillespie—

**HJR 59**—A joint resolution proposing an amendment to Section 2, Article VI, of the Constitution of the State of Florida, relating to electors.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

HJR 59, contained in the above message, was read the first time by title and referred to the Committee on Constitutional Amendments and Revision.

*The Honorable John E. Mathews, Jr.* April 9, 1970  
*President of the Senate*

Sir:

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

By Representatives Firestone and Whitworth—

**HB 399**—A bill to be entitled An act relating to school districts, law enforcement; authorizing the appointment of special officers to protect persons and property; providing for the powers, duties, qualifications, tenure, and compensation of such special officers; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

HB 399, contained in the above message, was read the first time by title and referred to the Committee on Education.

*The Honorable John E. Mathews, Jr.* April 9, 1970  
*President of the Senate*

Sir:

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

By Representative Reed and others—

**HB 230**—A bill to be entitled An act relating to candidates for public office; amending section 99.012, Florida Statutes, to provide that an individual who holds elective public office may not qualify as a candidate for another public office; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

HB 230, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

Senator Boyd moved that the Senate stand in recess for thirty minutes, the rules be waived and the Select Committee on Busing meet and consider SB 566.

Senator Young moved as a substitute motion that the Select Committee on Busing set a time for a hearing on SB 566 at a later date with proper notice given to the Senators and elected school officials of the state so they might have opportunity to review the bill and be heard.

An amendment by Senator Thomas to the substitute motion was adopted that the Senate do now recess for one hour in which time the Select Committee on Busing might meet and other committee meetings which were in process when the Senate convened be resumed.

The substitute motion as amended was adopted.

On motion by Senator Friday, the Senate recessed at 10:15 a.m.

The Senate was called to order by the President at 11:15 a.m. A quorum present.

Senator Boyd reported to the Senate that the Select Committee on Busing had adopted a committee substitute for SB 566 and a hearing had been scheduled for Monday, April 13, for consideration thereof.

On motion by Senator Boyd, the rules were waived and Mr. Rivers Buford, counsel for the Department of Education, was admitted to the Chamber and accorded the privileges of the floor for the purpose of answering questions relative to the committee substitute for SB 566.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:30 p.m. to reconvene at 8:30 a.m., Monday, April 13, 1970.