

JOURNAL OF THE SENATE

Friday, April 24, 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 Senators Karl and Beaufort—

SB 839—A bill to be entitled An act relating to consumer protection organizations, providing a definition; providing for registration; providing a fee; requiring an annual financial statement; providing a penalty; providing an effective date.

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

By Senators Karl and Weissenborn—

SB 840—A bill to be entitled An act relating to auctioneers; requiring the placing of a price tag showing the value attributed to an item; providing exemptions; providing a penalty; providing an effective date.

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

By Senators Karl and Weissenborn—

SB 841—A bill to be entitled An act relating to prepackaged meats; amending chapter 500, Florida Statutes, by adding section 500.112, requiring a retail food dealer to place USDA grades on labels of prepackaged meats; requiring USDA meat grades to appear in advertising of meats; providing for enforcement by the commissioner of agriculture; providing a penalty; providing an effective date.

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

By Senators Karl and Weissenborn—

SB 842—A bill to be entitled An act relating to uniform deceptive trade practices; amending part III of chapter 817, Florida Statutes, by adding section 817.715; providing that any person who advertises goods or services shall state in such advertisement the total amount of such goods and services to be sold; providing additional requirements in other advertisements; providing that persons who sell certain advertised goods or services must have sufficient quantities of such advertised goods and services; requires a person who sells all of such advertised goods to give "rain checks" or "call-back slips" to prospective customers; providing exceptions; providing an effective date.

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

By Senator Karl—

SB 843—A bill to be entitled An act relating to nonpublic schools; providing purposes and definitions; providing for registration and restrictions on advertising; providing regulations; providing penalties; providing an effective date.

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

By Senator Karl—

SB 844—A bill to be entitled An act relating to transient rental tax; amending chapter 212, Florida Statutes, by adding section 212.035; providing definitions; providing for the imposition of a community transient rental tax by counties or municipalities; prescribing procedure for the collection, distribution and disposition of funds derived therefrom; providing

exceptions; creating the community transient rental tax trust fund; amending section 215.22, Florida Statutes, to include the community transient rental tax trust fund in the funds from which the four percent (4%) deduction authorized by section 215.20, Florida Statutes, shall be made; providing an effective date.

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

By Senators Karl and Beaufort—

SB 845—A bill to be entitled An act relating to nonpublic elementary and secondary schools; creating a state board of nonpublic elementary and secondary schools; prescribing powers and duties of board; assigning certain powers to state board of education; providing for licensing of certain schools and their agents; fixing fees; creating the nonpublic elementary or secondary school service trust fund; providing penalties; providing an effective date.

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

By Senators Karl and Beaufort—

SB 846—A bill to be entitled An act relating to nonpublic colleges; creating a state board of nonpublic higher education; prescribing powers and duties of board; assigning certain powers to state board of education; providing for licensing of certain schools and their agents; fixing fees; creating the nonpublic college service trust fund; providing penalties; providing an effective date.

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

By Senators Karl and Beaufort—

SB 847—A bill to be entitled An act relating to nonpublic postsecondary business, trade, technical and other vocational schools; providing definitions; creating a state board of postsecondary nonpublic schools; prescribing powers and duties of board; assigning certain powers to state board of education; providing for licensing of certain schools and their agents; fixing fees; providing penalties; providing an effective date.

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

By Senators Karl and Mathews—

SB 848—A bill to be entitled An act relating to fire extinguishers; prohibiting the sale or use of certain types of fire extinguishers; making violation a misdemeanor; providing an effective date.

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

By Senator Karl—

SB 849—A bill to be entitled An act relating to fire extinguishers; amending sections 633.061, 633.071, and 633.171, Florida Statutes; amending chapter 633, Florida Statutes, by adding section 633.19; requiring licensing to service, inspect, or install fire extinguishing equipment; establishing classes for certain types of businesses and providing license fees; requiring permits for workers and establishing classes of workers; exempting certain inspectors from licensing and permit requirements; prescribing standards for fire extinguishing equipment; prohibiting certain acts pertaining to fire extinguishers and licenses and permits pertaining thereto; making violation a misdemeanor; establishing a procedure for suspension and revocation of permits and licenses; repealing

subsection (4) of section 633.061, Florida Statutes, relating to issuance of certain licenses; 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 Karl—

SB 850—A bill to be entitled An act relating to workmen's compensation; creating a commission to serve as a compensation appellate court; providing jurisdiction, facilities, compensation, a clerk, personnel, organization, administration, duties; providing for appellate review of workmen's compensation and unemployment compensation cases; amending sections 440.24, 440.25(4), 440.27 and 443.07, Florida Statutes; providing an effective date.

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

By Senators Karl and Weissenborn—

SB 851—A bill to be entitled An act relating to motor vehicle maintenance and repair service for protection of the consuming public; defining certain terms; creating a bureau of motor vehicle maintenance and repair service; providing registration procedures for repair dealers; providing for grounds for revocation of registration; providing an appeal procedure; providing a penalty; providing for informal adjustment of complaints; creating an operating fund; setting fees; providing an effective date.

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

By Senator Karl—

SB 852—A bill to be entitled An act relating to consumer credit reporting agencies; providing definitions; providing for permissible purposes of reports; providing for removal of obsolete information; providing for disclosure of reports to consumers; providing compliance procedures; providing for disclosure to governmental agencies; providing a procedure in case of disputed accuracy; providing for charges; providing for credit reports for employment purposes; providing certain restrictions; setting requirements on users of consumer reports; providing for civil liabilities; providing a penalty; providing an effective date.

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

By Senators Karl, Poston, Askew, Stone, Thomas, Mathews, Horne, Johnson, Beaufort, Plante, Knopke, Haverfield, Broxson, Saunders, Fincher, de la Parte, Henderson, Pope, Boyd, Myers, Weissenborn, Shevin, Daniel, Williams, Bishop, Reuter, Friday, Scarborough, Ott and Barrow—

SB 853—A bill to be entitled An act relating to the division of library services of the department of state; making an appropriation for aid to local libraries; providing an effective date.

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

By Senator Deeb—

SB 854—A bill to be entitled An act relating to workmen's compensation; amending section 440.12(2) and (3), Florida Statutes, increasing the weekly compensation rate; providing an effective date.

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

By Senator Haverfield—

SB 855—A bill to be entitled An act relating to the state university system; authorizing the investment of university agency and activity funds; providing that earnings from such investments may be used for student scholarship and loans; providing an effective date.

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

By Senator Haverfield—

SB 856—A bill to be entitled An act relating to the state university system, authorizing the board of regents to pay the cost of civil action brought against any officer or employee in the state university system in the performance of their duties; authorizing the payment of premiums for insurance to cover damages, losses and expenses; providing for an appropriation; providing an effective date.

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

By Senator Sayler—

SB 857—A bill to be entitled An act relating to industrial savings banks; amending section 656.121, Florida Statutes, by adding subsection (5); authorizing removal of directors by the commissioner; providing an effective date.

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

By Senator Sayler—

SB 858—A bill to be entitled An act relating to banks and trust companies; amending section 659.11, Florida Statutes, by adding subsection (5); authorizing removal of directors by the commissioner; providing an effective date.

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

By Senator Johnson—

SB 859—A bill to be entitled An act relating to pesticides; monitoring the effects of pesticides on the brown pelican in Florida; providing an appropriation; providing an effective date.

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

By Senators Johnson and Reuter—

SB 860—A bill to be entitled An act relating to the department of transportation; requiring said department to construct and maintain a plaza on that portion of the Sunshine State Parkway which is in Martin County; providing an effective date.

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

By Senator Friday—

SB 861—A bill to be entitled An act relating to terms and conditions of guarantees; providing definitions; requiring disclosure of terms and conditions; providing for abbreviated descriptions; requiring disclosure in advertising; providing for performance requirements; providing a penalty; providing an effective date.

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

By Senator Stone—

SB 862—A bill to be entitled An act relating to shoplifting; amending Section 811.022, Florida Statutes, by adding new subsections (1) and (2); renumbering present subsections (1), (2) and (3) as subsections (3), (4) and (5); providing penalties for 1st, 2nd and 3rd offense of shoplifting; providing for what constitutes prima facie evidence of concealment on premises, providing an effective date.

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

By Senator Stone—

SB 863—A bill to be entitled An act relating to local government; providing state financial assistance to local government projects; establishing a community grant-in-aid trust fund; appropriating portions of the state's share of the cigarette tax and the occupational license tax to the community grant-in-aid trust fund; providing an effective date.

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

By Senators Stone and Weissenborn—

SB 864—A bill to be entitled An act relating to elections; amending sections 99.161(2) and (8), Florida Statutes, prohibiting political contributions prior to eighteen (18) months before a general election; allowing contributions within eighteen (18) months of a general election only if a person has filed a notice of intention to qualify, appointed a campaign treasurer and designated a campaign depository; requiring monthly reports of contributions and expenditures until qualifying time; requiring weekly reports from qualifying time until election or elimination; requiring a final report forty-five (45) days after the general election; providing an effective date.

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

By Senator Stone—

SB 865—A bill to be entitled An act relating to elections; amending chapter 99, Florida Statutes, by adding section 99.175, prescribing the time for presentment of claims for expenses to candidates; prescribing the time for payment of claims; providing an effective date.

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

By Senator Stone—

SB 866—A bill to be entitled An act relating to elections; amending section 97.021, Florida Statutes, by adding new subsections (20) defining mass media advertising and (21) defining commercial billboard advertising; amending section 99.161 (2), Florida Statutes, by adding a new paragraph (f) restricting the amount of money that may be spent on mass media advertising by candidates for governor and lieutenant governor, United States senator, other statewide offices, United States house of representatives, state senate and state house of representatives, and the establishing of state campaign advertising trust accounts, state campaign advertising warrants and requiring that all expenditures for campaign advertising be made by such warrants; providing an effective date.

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

By Senator Stone—

SB 867—A bill to be entitled An act relating to elections; amending subsections (5) and (12) of section 99.161, Florida Statutes, and adding subsection (16) thereto, directing the auditor general to make continuous audits of contribution and expenditure reports of certain candidates and executive committees and to notify the legislative auditing committee of any violation of law; authorizing the inspection of certain books and records; granting power to the auditor general, upon approval by the legislative auditing committee, to file petitions and complaints pursuant to section 104.27, Florida Statutes; authorizing the auditor general to prescribe the forms to be filed; providing an effective date.

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

By Senators Stone and Weissenborn—

SB 868—A bill to be entitled An act relating to testimonial affairs; prohibiting certain testimonial affairs unless a notice containing certain information is filed with the department of state; requiring a report containing the names and addresses of contributors, amounts of contributions, expenses incurred, and disposition of funds; providing a penalty; providing an effective date.

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

By Senator Trask—

SB 869—A bill to be entitled An act relating to uniform salaries of county officials; amending section 145.121 (2) (a); providing that the salary of a board or commission member

shall not be reduced until the first Tuesday after the first Monday in January, 1973; providing an effective date.

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

By Senator Johnson—

SB 870—A bill to be entitled An act amending Section 461.13, Florida Statutes, regarding expenses of the state board of podiatry examiners; increasing the compensation of the secretary-treasurer of the board; providing an effective date.

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

By Senator Johnson—

SB 871—A bill to be entitled An act amending Section 461.13, Florida Statutes, regarding expenses of the state board of podiatry examiners; adding a new subsection authorizing expenditures for continuing scientific education; providing an effective date.

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

By Senator Stolzenburg—

SB 872—A bill to be entitled An act relating to elections; amending chapter 101, Florida Statutes, by adding section 101.681, providing that boards of county commissioners, upon recommendation of the supervisor of elections, may authorize the use of voting machines for absentee electors at the offices of the supervisor; providing the board shall authorize a maximum number of machines and appoint election boards; providing an effective date.

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

By Senator Deeb—

SB 873—A bill to be entitled An act relating to the Florida cosmetology law, amending section 477.08(1), Florida Statutes; providing that cosmetology schools shall waive the requirements of a high school diploma when the person is over the age of twenty-one (21) and has successfully completed the eighth grade in an accredited school or shall pass an equivalency test for the same; providing an effective date.

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

By Senator Deeb—

SB 874—A bill to be entitled An act relating to the Florida cosmetology law; amending section 477.06(1), Florida Statutes, by adding paragraph (g); providing that any person who has completed a total of eighteen hundred (1800) hours in an approved cosmetology school shall be qualified as eligible to receive a certificate of registration to practice cosmetology as a master cosmetologist upon satisfactorily passing the examination for same; providing an effective date.

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

By Senators Ott, Fincher, and Beaufort—

SB 875—A bill to be entitled An act relating to the unlawful removal of property upon which a lien has accrued; amending section 713.69, Florida Statutes, making it unlawful to remove property upon which a lien has accrued under the provisions of section 713.58, Florida Statutes; defining intent to defraud; providing an effective date.

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

By Senator Broxson—

SB 876—A bill to be entitled An act relating to banks and trust companies; amending section 658.10(1), Florida Statutes; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; providing an effective date.

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

By Senator Broxson—

SB 877—A bill to be entitled An act relating to industrial savings banks; amending chapter 656, Florida Statutes, by adding section 656.211; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; providing an effective date.

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

By Senator Barron—

SB 878—A bill to be entitled An act relating to the department of natural resources; amending section 370.02(4)(b), Florida Statutes; providing for payment of expenses incurred in attending conferences and meetings in connection with duties and responsibilities of said department; limiting expenditures to two thousand dollars (\$2,000) per fiscal year; providing an effective date.

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

By Senator Wilson—

SB 879—A bill to be entitled An act relating to marriage; amending chapter 741, Florida Statutes, by adding section 741.065, providing that certain persons cannot marry without court approval; providing that certain marriages conducted in other states shall not be recognized in Florida; providing an effective date.

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

By Senators Horne and Weissenborn—

SM 880—A memorial to the Congress of the United States urging the improvement of present policies with relation to prisoners of war in North Viet Nam.

Was read the first time in full and referred to the Committee on Judiciary.

By Senator Horne—

SB 881—A bill to be entitled An act relating to distribution of the Florida Statutes; amending section 11.246, Florida Statutes, to authorize additional free copies for specified legislative, administrative, and judicial officials and offices; establishing a procedure for additional copies needed for official use by designated offices; amending section 11.243(2), Florida Statutes, to permit the legislative printing committee to set Florida Statutes selling price; and to authorize the refund to law schools to be based on selling price; providing an effective date.

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

By Senator Horne—

SB 882—A bill to be entitled An act relating to the legislature; repealing paragraph (c) of subsection (3) of section 11.143, Florida Statutes, relating to punishment for contempt of the legislature; providing an effective date.

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

By Senator Bell—

SB 883—A bill to be entitled An act relating to service of process; amending section 48.021, Florida Statutes, permitting a licensed private investigator maintaining an office in a county to serve process on a person if said person is found within that county; providing for payment of fees for said service equal to fees received by the sheriff for similar services; providing an effective date.

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

By Senator Bell—

SB 884—A bill to be entitled An act relating to the appointment of the executive director of the Florida law revision commission; amending section 13.99, Florida Statutes, to give preferred consideration to the candidates recommended by the dean of any Florida law school; providing an effective date.

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

By Senator Bell—

SB 885—A bill to be entitled An act relating to the candidate oath; amending section 99.021(1)(a)2., Florida Statutes, and amending section 99.021(1)(b), Florida Statutes, by removing prohibitions to public opposition to a member of the candidate's own party and public support of a member of an opposing party; providing an effective date.

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

By Senator Wilson—

SB 886—A bill to be entitled An act amending Section 711.08(1), Florida Statutes (1967), Condominium Act; providing that condominiums may be created on land held under a lease having a term initially in excess of ninety-eight (98) years; providing an effective date.

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

By Senator Bell—

SB 887—A bill to be entitled An act relating to divorce, chapter 61, Florida Statutes, providing for the change of title of chapter 61, Florida Statutes; amending sections 61.011, 61.021, 61.031, 61.041, 61.042, 61.051, 61.071, 61.08, 61.09, 61.12, 61.13, 61.14, 61.15, 61.16 and 61.19, Florida Statutes, to substitute the phrase "dissolution of the marriage" for "divorce"; amending sections 61.021, 61.071 and 61.19, Florida Statutes, to substitute the word "petition" for "complaint"; amending sections 61.021 and 61.042(2), Florida Statutes, to substitute the phrase "spouse filing the petition" for "plaintiff"; amending chapter 61, Florida Statutes, by adding section 61.022, providing for the commencement of a proceeding for dissolution of the marriage; amending section 61.041, Florida Statutes, by repealing the grounds for divorce and providing new grounds; amending chapter 61, Florida Statutes, by adding section 61.0411 defining irreconcilable differences; amending section 61.042, Florida Statutes, by substituting the phrase "insane spouse" for "insane defendant"; amending chapter 61, Florida Statutes, by adding section 61.043, providing an exception to separation for a period of two (2) years due to military service; amending section 61.051, Florida Statutes, to provide for the children of bigamous marriages to be legitimate; amending section 61.061, Florida Statutes, to substitute the word "spouses" for "defendants"; amending sections 61.08 and 61.09, Florida Statutes, by repealing clause disallowing an adulterous wife alimony; amending section 61.09, Florida Statutes, by repealing all elements of fault; amending chapter 61, Florida Statutes, by adding section 61.131, providing the court to order parent to have support payments deducted from wages; amending section 61.15, Florida Statutes, to substitute the phrase "wife of the dissolved marriage" for "divorced wife"; providing an effective date.

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

By Senator Bell—

SB 888—A bill to be entitled An act relating to election of public officers; providing that all public officers having the power to tax shall be elected; defining "public officers" and "power to tax"; providing for an exemption; providing for an effective date.

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

By Senator Johnson—

SB 889—A bill to be entitled An act relating to the department of health and rehabilitative services, welfare trust fund; amending section 402.18, Florida Statutes (former section 965.081), by adding subsection (5), authorizing division directors to provide for the advancement of subsistence and travel expenses from the welfare trust fund to employees transferring inmates; 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 890—A bill to be entitled An act relating to the appointment of the lieutenant governor as executive director or secretary to any executive department; provides for appointment without senate confirmation; provides an effective date.

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

By Senator Johnson—

SB 891—A bill to be entitled An act relating to the governor's mansion commission; amending subsection (5) (F) of section 20.22 Florida Statutes; providing for a type five (5) transfer to the office of governor; providing an effective date.

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

By Senator Weissenborn—

SB 892—A bill to be entitled An act relating to farm labor; regulating the importation, transportation, hiring and supervision of migrant farm or food-processing plant workers; requiring persons importing ten (10) or more such workers into the state, and labor contractors, as defined, to register with the farm labor department of the Florida state employment service division of the industrial commission; providing for application for, issuance of, and revocation or suspension of certificates of registration; requiring the procurement of liability insurance by persons transporting farm workers; prohibiting contracts with farm labor contractors not registered with farm labor department of the industrial commission; providing for the promulgation of rules and regulations; providing penalties for violations; providing an effective date.

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

By Senator Weissenborn—

SB 893—A bill to be entitled An act relating to public utilities, electricity and gas; amending section 366.06, Florida Statutes, by adding subsection (4); requiring refunds to consumers for unreasonable rates with interest at the legal rate; providing any refunds the company is unable to make shall escheat to the state to be used for recreational purposes; providing attorneys' fees in certain proceedings or litigation.

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

By Senator Weissenborn—

SB 894—A bill to be entitled An act relating to the regulation of telegraph and telephone companies; amending section 364.14, Florida Statutes, by adding subsection (3); requiring refunds to consumers for unreasonable rates, charges, tolls, etc., with interest at the legal rate; providing any refunds the company is unable to make shall escheat to the state to be used for recreational purposes; providing attorneys' fees in certain proceedings or litigations.

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

By Senator de la Parte—

SB 895—A bill to be entitled An act relating to the board of pharmacy; amending section 465.071(3), Florida Statutes; providing that noncitizens who have made application to become a

citizen may take the pharmacist's examination; removing present provision which limits said right to certain noncitizens enrolled in the college of pharmacy of the University of Florida; providing an effective date.

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

By Senator Friday—

SB 896—A bill to be entitled An act relating to banks and banking; amending subsection (2) of section 659.06, Florida Statutes; providing for the operation of bank facilities and specifying requirements for location thereof if not part of or physically connected to the main banking room or building; and providing an effective date.

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

By Senators Mathews, Beaufort and Pope—

SB 897—A bill to be entitled An act relating to workmen's compensation; amending section 440.12(2) and (3), Florida Statutes, increasing the weekly compensation rate; providing an effective date.

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

By Senator Ducker—

SB 898—A bill to be entitled An act relating to intangible personal property taxation; repealing subsection (6) of section 199.031, Florida Statutes, which provides an exemption from intangible personal property tax for bank holding company stock registered under the bank holding company act of 1956; 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 Reuter—

SB 899—A bill to be entitled An act relating to sheriffs, powers, duties, and obligations; amending section 30.15, Florida Statutes, by adding a new subsection (11) to provide that sheriffs shall, upon proper request, assist in the apprehension and detention of any escapee from facilities of the division of youth services or any child who has violated his furlough agreement; providing an effective date.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

April 23, 1970

Sir:

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

By Representative Matthews and others—

HCR 3986—A concurrent resolution requesting the President and Congress to oppose abolition of the United States Coast Guard Reserve and its national defense program of protection of Florida ports.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 3986, contained in the above message, was read the first time in full and referred to the Committee on Rules and Calendar.

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

April 23, 1970

Sir:

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

By the Committee on Elections—

HB 3922—A bill to be entitled An act relating to elections; repealing subsection (1) of section 99.161, Florida Statutes, which prohibit persons holding horse or dog racing permits, and alcoholic beverage licenses from making political contributions; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

April 23, 1970

Sir:

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

By the Committee on Elections—

HB 3920—A bill to be entitled An act relating to elections; amending section 99.161(2)(a), Florida Statutes, establishing maximum amounts of contributions to candidates for political office; excepting a candidate's personal contributions from the limits established; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 3922 and 3920, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary.

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

April 23, 1970

Sir:

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

By Representatives Bevis and Kershaw—

HCR 3966—A concurrent resolution commending Coach Jake Gaither for outstanding service to the State as football coach and athletic director at Florida Agricultural and Mechanical University.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 3966, contained in the above message, was read the first time in full and referred to the Committee on Rules and Calendar.

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

April 23, 1970

Sir:

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

By the Committee on Insurance—

HB 4109—A bill to be entitled An act relating to insurance; amending section 627.031, Florida Statutes, redefining the purpose of part I of chapter 627, Florida Statutes; replacing the so-called "California plan"; amending section 627.041, Florida

Statutes, by adding subsections (8) and (9), providing definitions; amending section 627.062 (1) and (2), Florida Statutes, providing that rates shall not be destructive of competition or detrimental to the solvency of insurers; providing a definition of rates; providing a formula for presuming excessive rates; amending section 627.072, Florida Statutes, clarifying the factors to be considered in setting rates; amending chapter 627, Florida Statutes, by adding section 627.073; providing the department of insurance must approve rate classifications, plans, and territories in certain instances; amending section 627.321, Florida Statutes, by adding subsection (5), providing for certain hearings; amending chapter 627, Florida Statutes, by adding section 627.342, requiring the filing and publication of certain information; amending section 627.371(2) and (5), Florida Statutes, and adding new subsections (5) and (6) to said section, providing additional hearing procedures; providing for reinstatement of prior approval of rates under certain circumstances; providing for the insurer to have the burden of proving the reasonableness of rates, rate classifications and competitive practices; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4109, contained in the above message, was read the first time by title and referred to the Committee on Insurance.

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

April 24, 1970

Sir:

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

By Representative Gallen and others—

HB 872—A bill to be entitled An act relating to and defining aggravated battery; providing criminal penalties therefor; and prescribing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

April 24, 1970

Sir:

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

By Representative Gautier—

HB 372—A bill to be entitled An act relating to burglary; amending sections 810.05 and 810.051, Florida Statutes, making the breaking and entering of an aircraft a crime; establishing penalties therefor; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 872 and 372, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary.

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

April 24, 1970

Sir:

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

By the Committee on Public Health & Welfare—

CS for HB 3188—A bill to be entitled An act relating to pesticides; amending section 487.021, Florida Statutes, by

adding subsections (40) to define persistent pesticide; amending section 487.031, Florida Statutes, by adding subsection (9), regulating the use of persistent pesticides; providing an effective date.

By Representative Gautier—

HB 625—A bill to be entitled An act relating to the Florida bureau of law enforcement; repealing section 23.087, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 3188, contained in the above message, was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Agriculture.

HB 625, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable John E. Mathews, Jr. April 24, 1970
President of the Senate

Sir:

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

By Representative Hodes—

HB 910—A bill to be entitled An act relating to public health, treatment of communicable diseases upon the consent of the minor; amending chapter 384, Florida Statutes by adding section 384.061; providing that parental consent need not be obtained; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 910, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

The Honorable John E. Mathews, Jr. April 24, 1970
President of the Senate

Sir:

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

By Representative Gallen and others—

HB 876—A bill to be entitled An act amending section 27.06, Florida Statutes, relating to habeas corpus and preliminary hearings and to the duties of state attorneys with respect thereto; and prescribing an effective date.

By Representative Gallen and others—

HB 879—A bill to be entitled An act amending section 932.05, Florida Statutes, relating to limitations upon the time for the commencement of criminal prosecutions, so as to provide that, save as otherwise provided in said section, prosecutions for misdemeanors shall be commenced within two years and prosecutions for felonies not punishable with death shall be commenced within five years after the same shall have been committed; and prescribing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 876 and 879, contained in the above message, were read the first time by title and referred to the Committee on Judiciary.

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

April 24, 1970

Sir:

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

By Representative King and others—

HB 1125—A bill to be entitled An act relating to the trustees of the internal improvement trust fund; amending subsections 253.02(1), 253.02(2), 253.02(3) and section 253.12 setting limitations upon sales, trades and leases of certain state owned lands; requiring reports of the department of natural resources prior to the sale, trade or leasing of lands owned by the state covered by fresh water; and requiring appraisals; and repealing section 253.42, Florida Statutes; providing an effective date.

By Representative Gautier—

HB 371—A bill to be entitled An act relating to burglary, amending section 810.07, F. S., to provide that entering a dwelling house at any time shall be prima facie evidence of intent to commit a misdemeanor in the absence of proof of intent to commit any specific crime; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1125, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

HB 371, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Senate recessed at 8:46 a.m.

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

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

Excused: Senators Slade and Young.

Prayer by Reverend Alva H. Brock:

Good Morning Lord! What a glorious day. Help us to spread your fragrance everywhere. Shine through us, and be so in us that every person with whom we come in contact may feel your presence within our souls.

“Sixty minutes Lord,—no excuses, we have no regrets.”
May we appreciate every hour we have while we are living it. Be watchful, be courageous and strong. Let all that we do be done in love. In your name, Jesus, I pray. Amen.

The Journal of April 23 was corrected and approved as follows:

Page 190, column 2, line 35, strike “304” and insert 340.

Page 191, counting from the bottom of column 1, line 4, before “579.05” insert 579.04,

On motion by Senator Friday, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following—

AMENDMENT TO ORDER OF SUSPENSION

WHEREAS, on March 5, 1970, I issued an Executive Order suspending Sim L. Lowman from the Office of Sheriff of Hernando County, Florida, and

WHEREAS, on April 20, 1970, at a prehearing conference before the Select Committee on Executive Suspensions of the Florida Senate, leave was granted to amend the said Executive Order of March 5, 1970, and

WHEREAS, pursuant thereto, the said Order of March 5, 1970, be and the same is hereby amended as follows:

“WHEREAS, SIM L. LOWMAN, was serving as Sheriff of Hernando County, Florida, until the time of his suspension on March 5, 1970, and

WHEREAS, on February 2, 1970, the Honorable T. Edward Austin, Acting State Attorney for the Fifth Judicial Circuit in and for Hernando County, Florida, filed the following Petition For Order to Show Cause in the Circuit Court of the Fifth Judicial Circuit in and for Hernando County, Florida:

“T. EDWARD AUSTIN, having been assigned to the Fifth Judicial Circuit of the State of Florida, in and for Hernando County, by an Executive Order entered by the Honorable Claude R. Kirk, Jr., Governor of the State of Florida, on the 21st day of November, 1969, a copy of which is attached and by reference made a part hereof, and acting under the authority of said Executive Order, herewith petitions this Honorable Court for an Order to Show Cause directed to Sim L. Lowman, Sheriff of Hernando County, Florida, why he, the said Sim L. Lowman, should not be held in criminal contempt of this Honorable Court, and for his grounds, said State Attorney alleges:

1. The Hernando County Grand Jury, duly empaneled for the Fall Term, 1969, did, pursuant to the instructions of the Circuit Judge sitting in and for said County, conduct an investigation of a shortage of funds in the office of the Clerk of the Circuit Court of Hernando County, Florida.

2. During the foregoing mentioned investigation, Sim L. Lowman, the Sheriff of said County, improperly and unlawfully attempted to influence the outcome of the deliberations of said Grand Jury. More specifically, the said Sim L. Lowman did contact Frank Richards, Thomas E. Mould, Jr., Earl Lee, Andrew Oravec, Johnny Rouch and Homer Honeycutt, who were then and there members of the said Grand Jury and were well known to the said Sim L. Lowman to be members of said Grand Jury, and did attempt to influence them, the said members, in their decisions and deliberations as duly constituted and empaneled Grand Jurors, in and for Hernando County. Affidavits executed by said Grand Jurors, Frank Richards, Thomas E. Mould, Jr., Earl Lee, Andrew Oravec, Johnny Rouch and Homer Honeycutt, are attached to this Petition and are by specific reference made a part hereof.

3. Petitioner respectfully moves this Honorable Court to consider the allegations herein and the affidavits attached

hereto, and to enter an order directed to Sim L. Lowman, the Sheriff of Hernando County, Florida, ordering him to show cause as to why he should not be held in contempt of this Honorable Court, pursuant to Florida Rule of Criminal Procedure 1.840 . . .”

and

WHEREAS, on February 2, 1970, the Honorable Samuel S. Smith, Circuit Judge, issued the following Order to Show Cause:

“The Court, having considered affidavits to the Petition of T. Edward Austin, Acting State Attorney for the Fifth Judicial Circuit of Florida, a copy of which said affidavits are attached to this Order and by specific reference made a part hereof, and it appearing to the Court that the defendant did, on the 3rd day of December and the 4th day of December, 1969, and on divers other dates during the time the Grand Jury for Hernando County, Fall Term, 1969, was empaneled, contact certain members of the Grand Jury aforementioned and did attempt to influence the deliberations of said members of said Grand Jury in a matter pending before them, to-wit: an investigation of a shortage of funds in the office of the Clerk of the Circuit Court of Hernando County, Florida, and the Court being advised in the premises, it is thereupon

ORDERED:

1. That the defendant is hereby ordered to appear in the Courtroom at the Hernando County Courthouse on the 26th day of February, 1970, at 9:00 o'clock A.M., to show cause why he should not be held in contempt of Court.

2. The defendant, personally or by counsel, shall file all appropriate motions on or before the 17th day of February, 1970, with the Clerk of the Circuit Court in and for Hernando County, Florida. Copies of said motions shall be served upon T. Edward Austin, Acting State Attorney for the Fifth Judicial Circuit of Florida, whose address is Room 221 Duval County Courthouse, Jacksonville, Florida. Copies of any and all pleadings shall be mailed to the undersigned Judge at the Columbia County Courthouse in Lake City, Florida.

3. Arguments on motions filed, if any, shall be heard in the Courthouse, Hernando County, Florida, on the 19th day of February, 1970, at 2:00 o'clock P.M.

4. The defendant may take the deposition of any and all persons having knowledge material to this issue upon reasonable notice to the said Acting State Attorney.

5. This Court, having no reason to believe that the defendant will fail to appear in response to this Order, does not issue an order of arrest of the defendant.

6. Absent request by the defendant for arraignment prior to the time of the hearing as set forth above, the defendant shall be arraigned at the time and date of that hearing. T. Edward Austin, or his duly appointed Assistant, shall assist the Court as prosecuting attorney at any and all hearings required herein, including the hearing upon the Rule to Show Cause.

DONE AND ORDERED in Chambers at Lake City, Columbia County, Florida, this 2nd day of February, A. D. 1970 . . .”

and

WHEREAS, on March 3, 1970, the said Judge Samuel S. Smith entered the following Order:

"This cause coming on to be heard upon Order to Show Cause entered on February 2, 1970 directing SIM L. LOWMAN, Sheriff of Hernando County, Florida, by which it was alleged that the said SIM L. LOWMAN did attempt to influence the deliberations of the individual members of the Grand Jury while in session and deliberating upon a certain matter before them, and having heard testimony by those certain members of the Grand Jury and witnesses for the defendant on February 26, 1970, at a hearing in Open Court at Hernando County, Florida, and having heard argument of counsel, and the Court being advised in the premises, it is, therefore,

ORDERED AND ADJUDGED that SIM L. LOWMAN be and the same is hereby found to be in contempt of Court for reason of his attempts to influence the deliberations of the Grand Jury, Fall Term, Hernando County, Florida.

IT IS FURTHER ORDERED that the said SIM L. LOWMAN is to be punished by the payment of One Thousand Five Hundred Dollars (\$1,500.00) fine.

DONE AND ORDERED at Brooksville, Hernando County, Florida, this 3rd day of March, A. D. 1970 . . .

and

WHEREAS, from an examination of the evidence presented to me, I find that Sim L. Lowman, Sheriff of Hernando County, while then and there serving as Sheriff of Hernando County, Florida, did improperly and unlawfully attempt to influence the outcome of the Hernando County Grand Jury in a matter then and there pending before said Grand Jury, to-wit: an investigation of a shortage of funds in the office of the Clerk of the Circuit Court of Hernando County, Florida, and

WHEREAS, in particular, the said Sim L. Lowman, did on the third day of December and the fourth day of December, 1969, and on divers other dates during the time the Grand Jury for Hernando County, Fall Term, 1969, was empaneled, contact certain members of the Grand Jury, to-wit: Frank Richards, Thomas E. Mould, Jr., Earl Lee, Andrew Oravec, Johnny Roush and Homer Hunnicutt, and did unlawfully, illegally and improperly attempt to influence the deliberations of said members of said Grand Jury in a matter pending before them, to-wit: an investigation of a shortage of funds in the Office of the Clerk of the Circuit Court of Hernando County, Florida, and

WHEREAS, the foregoing conviction for criminal contempt and conduct of the chief law enforcement officer of the county is a reflection upon his integrity and ability to continue to perform the duties of that office, and

WHEREAS, I find that the foregoing conduct and conviction of contempt constitutes misfeasance, malfeasance, neglect of duty and incompetency in office as set forth in the Constitution of Florida, and

WHEREAS, I find that the interests of the citizens of Hernando County, Florida, would better be served by this executive act:

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, do hereby amend the Executive Order of March 5, 1970, as hereinabove and hereinafter set forth, and do hereby

reconfirm, ratify and reassert the suspension of Sim L. Lowman as Sheriff of Hernando County, Florida, on the grounds of misfeasance, malfeasance, neglect of duty and incompetency in office as reflected by his hereinabove described conduct and conviction for criminal contempt and because of such, it would be improper for him to continue to perform the duties of his office. Therefore, the said Sim L. Lowman is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.

The hereinabove mentioned Petition for Order To Show Cause and Affidavits in support thereof, Order to Show Cause and adjudication of contempt are attached hereto and by specific reference are made a part hereof."



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 21 day of April, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR HERNANDO COUNTY.

IN RE: PETITION FOR ORDER TO SHOW CAUSE

T. EDWARD AUSTIN, having been assigned to the Fifth Judicial Circuit of the State of Florida, in and for Hernando County, by an Executive Order entered by the Honorable Claude R. Kirk, Jr., Governor of the State of Florida, on the 21st day of November, 1969, a copy of which is attached and by reference made a part hereof, and acting under the authority of said Executive Order, herewith petitions this Honorable Court for an Order to Show Cause directed to Sim L. Lowman, Sheriff of Hernando County, Florida, why he, the said Sim L. Lowman, should not be held in criminal contempt of this Honorable Court, and for his grounds, said State Attorney alleges:

1. The Hernando County Grand Jury, duly empaneled for the Fall Term, 1969, did, pursuant to the instructions of the Circuit Judge sitting in and for said County, conduct an investigation of a shortage of funds in the office of the Clerk of the Circuit Court of Hernando County, Florida.

2. During the foregoing mentioned investigation, Sim L. Lowman, the Sheriff of said County, improperly and unlawfully attempted to influence the outcome of the deliberations of said Grand Jury. More specifically, the said Sim L. Lowman did contact Frank Richards, Thomas E. Mould, Jr., Earl Lee, Andrew Oravec, Johnny Roush and Homer Honeycutt, who were then and there members of the said Grand Jury and were well known to the said Sim L. Lowman to be members of said Grand Jury, and did attempt to influence them, the said members, in their decisions and deliberations as duly constituted and empaneled Grand Jurors, in and for Hernando

County. Affidavits executed by said Grand Jurors, Frank Richards, Thomas E. Mould, Jr., Earl Lee, Andrew Oravec, Johnny Roush and Homer Hunnicutt, are attached to this Petition and are by specific reference made a part hereof.

3. Petitioner respectfully moves this Honorable Court to consider the allegations herein and the affidavits attached hereto, and to enter an order directed to Sim L. Lowman, the Sheriff of Hernando County, Florida, ordering him to show cause as to why he should not be held in contempt of this Honorable Court, pursuant to Florida Rule of Criminal Procedure 1.840.

/s/ T. EDWARD AUSTIN
Acting State Attorney, Fifth Judicial Circuit of Florida, In and For Hernando County, 221 Duval County Courthouse, Jacksonville, Florida 32202.

Sworn to and subscribed before me this 2nd day of February, A. D. 1970.

/s/ Betty F. Johns
Notary Public

EXECUTIVE ORDER

WHEREAS, the Grand Jury of the Fifth Judicial Circuit in and for Hernando County, Florida, has requested the assignment of a State Attorney from another circuit for the purpose of advising and assisting such Grand Jury in its investigation of certain allegations involving violations of the criminal laws of the State, dereliction of duty and the conduct of certain public officials, and

WHEREAS, I find that the ends of justice would best be served by granting this request and making this assignment;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, acting under and by virtue of the authority vested in me by the Constitution and laws of the State of Florida, do hereby assign the Honorable T. Edward Austin, State Attorney of the Fourth Judicial Circuit of Florida to the Fifth Judicial Circuit of Florida, for the purpose of advising and assisting the Grand Jury of the Fifth Judicial Circuit in and for Hernando County in its investigation of certain allegations involving violations of the criminal laws of the State, dereliction of duty and the conduct of certain public officials, and to prosecute any cases resulting therefrom, and further do hereby authorize and empower the said T. Edward Austin to proceed to Hernando County, Florida, to then and there perform all matters and things necessary to be done and performed by the State Attorney of the Fifth Judicial Circuit in said matters, and he, the said T. Edward Austin, under and by virtue of the authority hereof, is hereby vested with all and singular the powers and prerogatives conferred by the Constitution and laws of the State of Florida upon State Attorneys by virtue of an Order of the Governor of said State.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 21 day of November A. D. 1969.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared EARL LEE, who, being by me first duly sworn, deposes and says:

That during one of the early sessions of deliberations of the Grand Jury of Hernando County, Florida, for the purpose of investigating and deliberating in a matter involving missing funds from the office of the Clerk of the Circuit Court of Hernando County, Sheriff Sim L. Lowman interrupted the proceedings by knocking on the door of the courtroom in the Hernando County Courthouse and asking that affiant step outside the said courtroom in order to speak to him; that at the aforementioned time, the said Sim L. Lowman did attempt to influence affiant's deliberations in the aforementioned matter.

That during the time that said Grand Jury has been deliberating the matter involving said missing funds, the said Sheriff Sim L. Lowman did visit at the residence of affiant and did attempt to influence affiant's deliberations in the aforementioned matter.

That on Thursday, December 4, 1969, in the County Courthouse located in Brooksville, Hernando County, Florida, Sheriff Sim L. Lowman did contact affiant and did attempt to influence affiant's deliberations in the matter of the missing funds from the office of the Clerk of the Circuit Court.

/s/ EARL R. LEE, JR.

Sworn to and subscribed before me this 19th day of December, A. D. 1969.

/s/ JAMES L. HARRISON

Notary Public, State of Florida at Large. My commission expires July 13, 1971. Bonded by Transamerica Insurance Co.

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared THOMAS E. MOULD, JR., who, being by me first duly sworn, deposes and says:

That subsequent to the empaneling of the Grand Jury of Hernando County, Florida, for the purpose of investigating and deliberating in a matter involving missing funds from the office of the Clerk of the Circuit Court of Hernando County, Sheriff Sim L. Lowman did contact affiant; that at the aforementioned time, the said Sim L. Lowman did attempt to influence affiant's deliberations in the aforementioned matter.

/s/ THOMAS E. MOULD, JR.

Sworn to and subscribed before me this 19th day of December, A. D. 1969.

/s/ JAMES L. HARRISON

Notary Public, State of Florida at Large. My commission expires July 13, 1971. Bonded by Transamerica Insurance Co.

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared JOHNNY ROUSH, who, being by me first duly sworn, deposes and says:

That on Wednesday, December 3, 1969, in the County Courthouse located in Brooksville, Hernando County, Florida, Sheriff Sim L. Lowman did contact affiant just prior to the time that the Grand Jury of Hernando County was to convene for the purpose of hearing testimony and deliberating in a matter involving missing funds from the office of the Clerk of

the Circuit Court of Hernando County; that at the aforementioned time, the said Sim L. Lowman did attempt to influence affiant's deliberations in the aforementioned matter.

/s/ JOHNNY ROUSH

Sworn to and subscribed before me this 19th day of December, A. D. 1969.

/s/ JAMES L. HARRISON

Notary Public, State of Florida at Large. My commission expires July 13, 1971. Bonded by Transamerica Insurance Co.

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared HOMER E. HUNNICUTT, JR., who, being by me first duly sworn, deposes and says:

That during the early stages of deliberations of the Grand Jury of Hernando County, Florida, for the purpose of investigating and deliberating in a matter involving missing funds from the Office of the Clerk of the Circuit Court of Hernando County, Sheriff Sim L. Lowman contacted affiant and attempted to influence affiant's deliberation in the aforesaid matter.

/s/ HOMER E. HUNNICUTT, JR.

Sworn to and subscribed before me this 16 day of January, A. D. 1970.

/s/LOIS C. DAVIS
Notary Public

Notary Public, State of Florida at Large. My commission expires May 9, 1971. Bonded through Fred W. Diestelhorst.

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared ANDREW ORAVEC, ROSCOE LEE and HOMER HUNNICUTT, who, being by me first duly sworn, depose and say:

That during the early stages of deliberations of the Grand Jury of Hernando County, Florida, for the purpose of investigating and deliberating in a matter involving missing funds from the office of the Clerk of the Circuit Court of Hernando County, Sheriff Sim L. Lowman contacted affiants and attempted to influence affiants' deliberations in the aforementioned matter.

/s/ ANDREW ORAVEC, JR.
/s/ EARL ROSCOE LEE, JR.
HOMER HUNNICUTT

Sworn to and subscribed before me this 19th day of December, A. D. 1969.

/s/ JAMES L. HARRISON

Notary Public, State of Florida at Large. My commission expires July 13, 1971. Bonded by Transamerica Insurance Co.

STATE OF FLORIDA }
COUNTY OF HERNANDO }

Before me, the undersigned authority, on this day personally appeared JOHNNY ROUSH and FRANK RICHARDS, who, being by me first duly sworn, depose and say:

That on Thursday, December 4, 1969, in the County Courthouse located in Brooksville, Hernando County, Florida, Sheriff Sim L. Lowman did contact affiants immediately following the time that the Grand Jury of Hernando County had convened for the purpose of hearing testimony and deliberating in a matter which was still pending before said Grand Jury involving missing funds from the office of the Clerk of the Circuit Court of Hernando County; that at the aforementioned time, the said Sim L. Lowman did attempt to influence affiants' deliberations in the aforementioned matter.

/s/ JOHNNY ROUSH
/s/ FRANK RICHARDS, JR.

Sworn to and subscribed before me this 19th day of December, A. D. 1969.

/s/ JAMES L. HARRISON

Notary Public, State of Florida at Large. My commission expires July 13, 1971. Bonded by Transamerica Insurance Co.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR HERNANDO COUNTY.

IN RE: ORDER TO SHOW CAUSE

The Court, having considered affidavits attached to the Petition of T. Edward Austin, Acting State Attorney for the Fifth Judicial Circuit of Florida, a copy of which said affidavits are attached to this Order and by specific reference made a part hereof, and it appearing to the Court that the defendant did, on the 3rd day of December and the 4th day of December, 1969, and on divers other dates during the time the Grand Jury for Hernando County, Fall Term, 1969, was empaneled, contact certain members of the Grand Jury aforementioned and did attempt to influence the deliberations of said members of said Grand Jury in a matter pending before them, to-wit: an investigation of a shortage of funds in the office of the Clerk of the Circuit Court of Hernando County, Florida, and the Court being advised in the premises, it is thereupon

ORDERED:

1. That the defendant is hereby ordered to appear in the Courtroom at the Hernando County Courthouse on the 26th day of February, 1970, at 9:00 o'clock A.M., to show cause why he should not be held in contempt of Court.
2. The defendant, personally or by counsel, shall file all appropriate motions on or before the 17th day of February, 1970, with the Clerk of the Circuit Court in and for Hernando County, Florida. Copies of said motions shall be served upon T. Edward Austin, Acting State Attorney for the Fifth Judicial Circuit of Florida, whose address is Room 221, Duval County Courthouse, Jacksonville, Florida. Copies of any and all pleadings shall be mailed to the undersigned Judge at the Columbia County Courthouse in Lake City, Florida.
3. Arguments on motions filed, if any, shall be heard in the Courthouse, Hernando County, Florida, on the 19th day of February, 1970, at 2:00 o'clock P.M.
4. The defendant may take the deposition of any and all persons having knowledge material to this issue upon reasonable notice to the said Acting State Attorney.
5. This Court, having no reason to believe that the defendant will fail to appear in response to this Order, does not issue an order of arrest of the defendant.

6. Absent request by the defendant for arraignment prior to the time of the hearing as set forth above, the defendant shall be arraigned at the time and date of that hearing. T. Edward Austin, or his duly appointed Assistant, shall assist the Court as prosecuting attorney at any and all hearings required herein, including the hearing upon the Rule to Show Cause.

DONE AND ORDERED in Chambers at Lake City, Columbia County, Florida, this 2nd day of February, A. D. 1970.

/s/ SAMUEL C. SMITH
Circuit Judge

IN THE CIRCUIT COURT OF FLORIDA,
FIFTH JUDICIAL CIRCUIT, IN AND
FOR HERNANDO COUNTY.

CASE NO: 849

IN RE: PETITION FOR RULE TO SHOW CAUSE FILED IN OPEN COURT
DATE 3 March, 1970
NORMAN PAUL HINCHMAN
Clerk of Circuit Court

ORDER

This cause coming on to be heard upon Order to Show Cause entered on February 2, 1970, directing SIM L. LOWMAN, Sheriff of Hernando County, Florida, to show cause why he should not be held in contempt upon the affidavits of certain members of the Grand Jury in and for Hernando County, Florida, by which it was alleged that the said SIM L. LOWMAN did attempt to influence the deliberations of the individual members of the Grand Jury while in session and deliberating upon a certain matter before them, and having heard testimony by those certain members of the Grand Jury and witnesses for the defendant on February 26, 1970, at a hearing in Open Court at Hernando County, Florida, and having heard argument of counsel, and the Court being advised in the premises, it is, therefore,

ORDERED AND ADJUDGED that SIM L. LOWMAN be and the same is hereby found to be in contempt of Court for reason of his attempts to influence the deliberations of the Grand Jury, Fall Term, Hernando County, Florida.

IT IS FURTHER ORDERED that the said SIM L. LOWMAN is to be punished by the payment of One Thousand Five Hundred Dollars (\$1,500.00) fine.

Which was referred to the Select Committee on Executive Suspensions.

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 509 with 1 amendment, SB 510, SB 617 with 1 amendment

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 688

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

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 156 with 2 amendments, SB 215 with 1 amendment, SB 471, SB 513

The Committee on Agriculture recommends the following pass: SB 740 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass: HB 223

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

The Committee on Judiciary recommends the following pass: SB 613 with 1 amendment

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

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 407

The bill with Committee Substitute attached was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Health, Welfare, and Institutions recommends the following not pass: Senate Bills 516, 525, 526, 527, 528, 650, 651, 652, 662

The Committee on Agriculture recommends the following not pass: SB 749

The Committee on Judiciary recommends the following not pass: Senate Bills 361, 533, 561

The bills contained in the foregoing reports were laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

SB 615 withdrawn from Local Government Subcommittee

Law and Order: SB 611 (7 days to report to the Committee on Judiciary)

Labor and Industrial Relations: Senate Bills 854, 864, 865, 866, 867, 872, 888 and 897 (7 days to report to the Committee on Judiciary)

Jurisprudence: Senate Bills 868, 875, 879, 883, 885, 886 and 887 (7 days to report to the Committee on Judiciary)

Licensed Businesses: SB 802 and House Bills 37 and 1334 (10 days to report to the Committee on Commerce and Licensed Businesses)

Financial Institutions and Consumer Protection: HB 727 (10 days to report to the Committee on Commerce and Licensed Businesses)

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 115 with 6 amendments SB 257 with 2 amendments
SB 244 with 4 amendments

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

EDWIN G. FRASER
Secretary of the Senate

The bills were certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote, SB 62 was withdrawn from the Committee on Ways and Means and from the Senate.

On motion by Senator Knopke, Rule 2.5 was waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 407 at a scheduled meeting on April 27.

On motion by Senator Chiles, by two-thirds vote, SB 442 was withdrawn from the Committee on Ways and Means.

On motion by Senator Friday, by two-thirds vote, SB 449 was withdrawn from the Committees on Ways and Means and

Governmental Organization and referred to the committee on Rules and Calendar.

On motion by Senator de la Parte, by two-thirds vote, SB 73 was withdrawn from the Committee on Education and from the Senate.

On motion by Senator Haverfield, the rules were waived and the Committee on Education was granted an additional 7 days for the consideration of Senate Bills 4, 71, 285 and 668.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 24, 1970
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 266.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

Senator Horne presiding.

The Honorable John E. Mathews, Jr. April 17, 1970
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed, with amendment, by the required Constitutional three-fifths vote of the membership—

By Senator Mathews and Others—

SJR 171—A joint resolution proposing an amendment to section 2, article VI, of the Constitution of the state of Florida, relating to electors.

Which amendment reads as follows:

On page 1, line 24, insert the following: Every citizen the age of eighteen or over shall be allowed all the rights, responsibilities, duties, privileges, and liabilities of citizenship.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Mathews, the Senate refused to concur in the House amendment to SJR 171, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The President presiding.

On motion by Senator Horne, by two-thirds vote, HCR 3986 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

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

HCR 3986—A concurrent resolution requesting the President and Congress to oppose abolition of the United States Coast Guard Reserve and its national defense program of protection of Florida ports.

WHEREAS, the United States Congress has before it legislation prepared by the Bureau of the Budget which would, if enacted, specifically remove statutory authority for the existence of the selected ready reserve of the United States Coast Guard, thereby abolishing this vital component of our nation's coastal defense system, and

WHEREAS, the United States Coast Guard Reserve is the only armed forces component providing personnel trained in all

phases of port security and safety so vital to the economy of the State of Florida and the entire nation in time of national emergency, and

WHEREAS, Florida, a peninsular state with nine deep water ports, is water oriented both commercially and for pleasure, and

WHEREAS, the United States Coast Guard Reserve has, since its establishment during World War II, contributed greatly to the defense effort of the nation, particularly in its military preparedness for the protection of all ports, and

WHEREAS, the United States Coast Guard Reserve Port Security Program is the only federal program designed to augment civilian law enforcement agencies with trained personnel during time of national emergency, and

WHEREAS, the United States Coast Guard Reserve is the only component of the armed forces providing specific training in the field of port security, including firefighting, harbor safety, control of all dangerous cargo, prevention and detection of oil pollution, and enforcement of federal laws and regulations appertaining thereto, and

WHEREAS, no provision has been made to replace this highly trained port security force except with retirees and other untrained personnel from the regular United States Coast Guard, which has no specific training program in the field of port security, NOW, THEREFORE,

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

That the President and the Congress of the United States exert their best efforts to defeat any effort to abolish or diminish the United States Coast Guard Selected Ready Reserve.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States and the Members of Congress from Florida.

On motion by Senator Horne, the rules were waived and HCR 3986 was read the second time by title, adopted and certified to the House. The vote was: Yeas—37 Nays—None

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

RESOLUTIONS ON SECOND READING

SCR 832—A concurrent resolution commending the youth of our country and state instrumental in organizing, promoting and supporting "Earth Day," April 22, 1970.

WHEREAS, the accelerating pace of environmental destruction continues to scar and pollute what was once a beautiful land, and

WHEREAS, the ever increasing growth of an already crushing population is bringing mankind toward the point beyond which natural environment will not be able to sustain human life, and

WHEREAS, the production of incredible quantities of waste is creating management and disposal problems which are critical now, but imminently catastrophic, and

WHEREAS, as young people have questioned other values of American society, they are now questioning,—and beginning to reject—a "progress" that portends the destruction of all forms of life, and

WHEREAS, this questioning has taken the form of action in environmental teach-ins, litter campaigns, demonstrations against air and water pollution, and has ultimately reached the establishment of "Earth Day," heralding the end of talks and warnings and the beginning of the actual fight to save our state, our nation and our world, NOW, THEREFORE,

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

That the Legislature of the State of Florida formally encourages and promotes the efforts of our youth to constructively evolve a philosophy emphasizing our interdependence with nature, acknowledging the need for a transition from a society that pursues profit and material goods at any price to one that concerns itself more with the well-being of present and future generations.

BE IT FURTHER RESOLVED that the young people of this country and this state be commended and congratulated for their sincere and diligent efforts to arouse public concern and educate and direct that concern through the establishment and observance of "Earth Day," April 22, 1970.

Was taken up and read the second time in full. On motion by Senator Henderson, SCR 832 was adopted and certified to the House The vote was:

Yeas—36

Mr. President	de la Parte	Karl	Sayler
Askew	Ducker	Knopke	Scarborough
Bafalis	Fincher	Lane	Shevin
Beaufort	Gong	Myers	Stolzenburg
Bell	Gunter	Plante	Stone
Bishop	Haverfield	Pope	Thomas
Broxson	Henderson	Poston	Trask
Daniel	Horne	Reuter	Williams
Deeb	Johnson	Saunders	Wilson

Nays—2

Barron Barrow

HCR 3928—A concurrent resolution commending Susan Holloway and recognizing her scholastic achievement, poise, appearance and outstanding ability in being selected as Florida First Lady of Youth for 1970.

WHEREAS, this young lady is active in her home community of Gainesville, Alachua County, Florida, and

WHEREAS, with her poise, appearance, scholastic achievement and outstanding ability she will make an ideal representative for the youth of the state of Florida, and

WHEREAS, her personal characteristics are an inspiration to other young people of this state, and

WHEREAS, this young lady represented Gainesville as Gainesville's Junior Miss in the Florida Junior Miss pageant, and

WHEREAS, Susan Holloway was selected by the Florida Jaycees as Florida's representative in the America's Junior Miss Pageant in Mobile, Alabama in May of 1970, and through her exceptional achievements reflected great credit upon herself and the State of Florida; NOW THEREFORE

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

That the elected representatives of the citizenry of the State recognize Susan Holloway as an outstanding Floridian and commend her for attaining the title of Florida's Junior Miss and by this resolution manifest their appreciation for her continuing and outstanding contribution of charm, talent and beauty during her reign as Florida's First Lady of Youth.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Miss Holloway and that a copy be spread upon the pages of the Journal of the House of Representatives.

Was taken up and read the second time in full. On motion by Senator Broxson, HCR 3928 was adopted and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Broxson	Gunter	Lane
Askew	Daniel	Haverfield	Myers
Bafalis	Deeb	Henderson	Plante
Barrow	de la Parte	Horne	Poston
Beaufort	Ducker	Johnson	Reuter
Bell	Friday	Karl	Saunders
Bishop	Gong	Knopke	Sayler

Scarborough	Stolzenburg	Thomas	Williams
Shevin	Stone	Trask	Wilson

HCR 4158—A concurrent resolution urging the House of Representatives designate April 22, 1970 as Earth Day.

WHEREAS, we are fouling our streams, lakes, marshes, and surrounding seas with the waste of our environment; and

WHEREAS, there are 5,500 Americans born each day; 100 million more by the year 2000; and

WHEREAS, we are burying ourselves under 7 million scrapped autos, 30 million tons of waste paper, 48 billion discarded cans and 28 billion bottles and jars a year. A million tons more of garbage pile up each day; and

WHEREAS, Americans own 90 million automobiles that combined with other combustion engines burn more gasoline than the rest of the world combined; and

WHEREAS, the air we breathe circles the earth 40 times a year and America contributes over 140 million tons of pollution to this air; and

WHEREAS, noise created by every mechanical contraption known to man, strains our bodies and doubles in volume every ten years; and

WHEREAS, on Earth Day, Americans young and old are coming together for a national teach-in to talk about our ravaged earth; NOW, THEREFORE,

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

That April 22, 1970 be designated as EARTH DAY.

BE IT FURTHER RESOLVED that the governor be respectfully asked to join in this designation.

Was taken up and read the second time in full. On motion by Senator Pope, HCR 4158 was adopted and certified to the House. The vote was:

Yeas—36

Mr. President	de la Parte	Karl	Sayler
Askew	Ducker	Knopke	Scarborough
Bafalis	Fincher	Lane	Shevin
Beaufort	Gong	Myers	Stolzenburg
Bell	Gunter	Plante	Stone
Bishop	Haverfield	Pope	Thomas
Broxson	Henderson	Poston	Trask
Daniel	Horne	Reuter	Williams
Deeb	Johnson	Saunders	Wilson

Nays—2

Barron Barrow

THIRD READING

CS for SB 301—A bill to be entitled An act relating to air and water pollution control; amending section 403.051 (5), Florida Statutes, changing the quorum requirement from four (4) members to three (3) members except for hearings and meetings required by Sections 403.051 (2) and 403.121, Florida Statutes; providing an effective date.

Was taken up and read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	de la Parte	Karl	Sayler
Askew	Ducker	Lane	Scarborough
Bafalis	Friday	Myers	Shevin
Beaufort	Gong	Ott	Stone
Bell	Gunter	Plante	Thomas
Bishop	Haverfield	Pope	Trask
Broxson	Henderson	Poston	Williams
Daniel	Horne	Reuter	Wilson
Deeb	Johnson	Saunders	

Nays—2

Barrow Stolzenburg

SECOND READING

Consideration of SB 60 was deferred, the bill retaining its place on the Calendar.

SB 327—A bill to be entitled An act relating to stolen property; amending section 811.16, Florida Statutes, increasing penalty for handling stolen property to provide for both fine and imprisonment; amending chapter 811, Florida Statutes, by adding section 811.161, requiring persons dealing in junk and secondhand goods to keep records of purchases and sales; providing penalty; providing an effective date.

—was taken up, having been read the second time and retained on second reading on April 23.

Senator Poston offered the following amendment which was adopted:

In Section 2, line (1) 1, page 2, strike: (1) lines 1 thru 8 page 2 and insert the following: (1) Every person engaged in the regular course of business of buying and selling junk, as set forth in Section 205.371, Florida Statutes, and every person or firm regularly buying and selling secondhand goods, wares, merchandise, or articles of any description other than furniture and household goods, whether as a pawnbroker or otherwise, shall keep a record of all such articles sold or purchased which shall contain the following:

Add a new section to read:

Section 3. Provided, however, that this act shall not apply to those charitable sales conducted by reputable community service organizations or to individual private sales.

Change Section 3 to Section 4—

On motion by Senator Poston, the rules were waived and SB 327 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—35 Nays—None

Mr. President	Deeb	Lane	Shevin
Askew	Ducker	Myers	Stolzenburg
Bafalis	Gong	Ott	Stone
Barrow	Gunter	Pope	Thomas
Beaufort	Haverfield	Poston	Trask
Bell	Henderson	Reuter	Weissenborn
Bishop	Johnson	Saunders	Williams
Broxson	Karl	Sayler	Wilson
Daniel	Knopke	Scarborough	

SB 112—A bill to be entitled An act relating to the highway code; amending chapter 337, Florida Statutes, by adding section 337.33 to require the department of transportation to make a finding concerning the qualifications of persons prior to their employment as consultants; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Poston, the rules were waived and SB 112 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Daniel	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Stolzenburg
Barron	Friday	Myers	Stone
Barrow	Gong	Ott	Thomas
Beaufort	Gunter	Poston	Trask
Bell	Haverfield	Reuter	Weissenborn
Bishop	Henderson	Saunders	Williams
Broxson	Johnson	Sayler	Wilson

SB 194 was taken up, together with:

By the Committee on Judiciary—

CS for SB 194—A bill to be entitled An act relating to state contracts; adding section 255.052, Florida Statutes, providing for substitution of securities for retainages on state contracts, providing an effective date.

—which was read the first time by title and SB 194 was laid on the table.

On motions by Senator Poston, the rules were waived and CS for SB 194 was read the second time by title, the third time by

title, passed and certified to the House. The vote was: Yeas—37 Nays—None

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

SB 70 was taken up, together with:

By the Committee on Ways and Means—

CS for SB 70—A bill to be entitled An act relating to clerk of the circuit court and other courts; revising statutes providing fees and commissions for services; changing the word fee to charges; amending chapter 28, Florida Statutes, by adding sections 28.071 to provide for an official seal and 28.231; amending sections 28.101, 28.12, 28.19, 28.24, 28.241, 28.242, 28.25, 28.28, 33.04, 34.04, 34.041, 45.031(1), 95.33, 222.17(5), 298.03(4), 298.07(4), 298.08(4), 298.09, 298.34(5), 298.67(2), 372.318, 382.25, 459.16, 460.15, 462.10, 463.13, 696.05(2), 698.11, 703.01, 703.02, 703.04, 703.05, 706.04, 865.09(3), (4), 924.25(6), 924.26(2), and 932.52(16), all Florida Statutes; providing an effective date.

—which was read the first time by title and SB 70 was laid on the table.

On motions by Senator Ott, the rules were waived and CS for SB 70 was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Chiles	Johnson	Sayler
Askew	Daniel	Karl	Scarborough
Bafalis	Deeb	Knopke	Stolzenburg
Barron	de la Parte	Myers	Stone
Barrow	Ducker	Ott	Thomas
Beaufort	Fincher	Pope	Trask
Bell	Friday	Poston	Weissenborn
Bishop	Gunter	Reuter	Williams
Broxson	Henderson	Saunders	Wilson

SB 63—A bill to be entitled An act relating to the legislature; amending section 11.45(6)(d), Florida Statutes, to require an official who has had his office audited to submit to the auditor general within twenty (20) days a written statement of explanation or rebuttal concerning all of the auditor's findings; providing an effective date.

Was taken up and read the second time by title.

Senators Friday and Gunter offered the following amendment which was adopted on motion by Senator Gunter:

Line 10, after "rebuttal" insert the following: , and corrective action

On motion by Senator Gunter, the rules were waived and SB 63 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—34 Nays—None

Mr. President	Ducker	Myers	Stolzenburg
Askew	Fincher	Ott	Stone
Bafalis	Friday	Plante	Thomas
Beaufort	Gong	Pope	Trask
Bell	Gunter	Poston	Weber
Broxson	Johnson	Saunders	Williams
Chiles	Karl	Sayler	Wilson
Daniel	Knopke	Scarborough	
de la Parte	Lane	Shevin	

SB 111—A bill to be entitled An act relating to Florida Highway Code, Sixth Part; amending chapter 339, Florida Statutes, by adding section 339.025, requiring certain short-term investment of certain state road funds by state board of administration.

Was taken up and read the second time by title. On motion by Senator Poston, the rules were waived and SB 111 was read the third time by title.

On motion by Senator Pope, further consideration of SB 111 was deferred.

SB 155—A bill to be entitled An act relating to municipal millage limitation; amending section 167.444(1), Florida Statutes; amending expiration date of this section; providing for an effective date.

Was taken up and read the second time by title. On motion by Senator Saylor, the rules were waived and SB 155 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Chiles	Johnson	Scarborough
Askew	Daniel	Karl	Shevin
Bafalis	de la Parte	Knopke	Stolzenburg
Barron	Ducker	Lane	Stone
Barrow	Fincher	Myers	Thomas
Beaufort	Friday	Poston	Trask
Bishop	Gunter	Saunders	Weber
Broxson	Haverfield	Saylor	Wilson

Nays—4

Bell	Henderson	Plante	Williams
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Unanimous consent was granted Senator Barrow to change his vote from yea to nay.

SB 235—A bill to be entitled An act relating to the sale of liquefied petroleum gas amending subsection (1) of section 527.02, Florida Statutes, to increase the required license fees; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Saunders, the rules were waived and SB 235 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

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

SB 312—A bill to be entitled An act relating to safety inspection of motor vehicles; amending section 325.19(1), Florida Statutes, adding emission control devices to equipment to be inspected; providing an effective date.

Was taken up and read the second time by title.

Senator Weissenborn offered and moved the following amendment:

In Section 1, line 31, page 1, add the following:

(2) This shall not preclude modification of the engine fuel system to use an alternate fuel where the emissions from such modified vehicle are at the same or lesser levels which comply with existing state or federal standards, providing, however, that emission control devices may not be removed from vehicles using any combination of fuels.

Senator Barrow moved that SB 312 be re-referred to an appropriate committee and the motion failed.

The question recurred on the adoption of the amendment, which was adopted.

Senator Barrow offered the following amendment which was adopted:

In Section 1, line 30, page 1, strike: period and insert the following:

; provided however that these devices shall not be required on automobiles manufactured on or before December 31, 1967.

Senator Weissenborn offered the following amendment which was adopted:

In title, line 6, page 1, following the word "inspected;" insert the following:

providing exceptions;

On motion by Senator Weissenborn, the rules were waived and SB 312 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—42 Nays—None

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

SB 314—A bill to be entitled An act relating to the investment of public funds; amending section 215.47, Florida Statutes, as amended by section 18, chapter 69-216, Laws of Florida; defining the types of securities in which state funds may be invested and the percent of limitation by type; providing an effective date.

Was taken up and read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Myers:

In Section 1, lines 1-7, page 4, strike Subsection (2)(c) in its entirety and insert the following:

(c) Savings accounts *in, or certificates of deposit of*, any bank incorporated under the laws of this state or [in] any national bank organized under the laws of the United States doing business and situated in this state, to the extent that such [investments] *savings accounts* are insured by the federal government or an agency thereof, *and provided the certificates of deposit are secured in the manner prescribed in Chapter 18, Florida Statutes.*

Senator Thomas offered the following amendment which failed:

In Section 1, line 26, page 4, strike (e) all of this paragraph and re-number remaining sections.

Senator Saylor offered the following amendment which was adopted:

In Section 1, page 3, line 5, after paragraph (1)(g) add a new paragraph to read: (h) Savings accounts *in, or certificates of deposit of*, any bank incorporated under the laws of this state or in any national bank organized under the laws of the United States doing business and situated in this state, to the extent that such savings accounts are insured by the federal government or an agency thereof, and provided the certificates of deposit are secured in the manner prescribed in Chapter 18, Florida Statutes.

On motion by Senator Myers, the rules were waived and SB 314 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Mr. President	Fincher	Knopke	Saunders
Bafalis	Friday	Lane	Scarborough
Barron	Gunter	Myers	Stolzenburg
Beaufort	Haverfield	Ott	Thomas
Bishop	Henderson	Plante	Trask
Boyd	Horne	Pope	Weissenborn
Broxson	Johnson	Poston	Williams
Ducker	Karl	Reuter	Wilson

Nays—2

Bell	Saylor
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On motion by Senator Friday, it was agreed that the Senate would take up House Bills on the Calendar at the hour of 12:00 noon.

SB 413—A bill to be entitled An act relating to the Florida watchmakers' commission; amending section 489.06(3), Florida Statutes, increasing annual renewal certificate fees; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Karl, the rules were waived and SB 413 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr President	Friday	Lane	Stolzenburg
Askew	Gong	Ott	Thomas
Barron	Gunter	Plante	Weber
Beaufort	Haverfield	Pope	Weissenborn
Bell	Henderson	Poston	Williams
Boyd	Horne	Reuter	Wilson
Broxson	Johnson	Saunders	
Ducker	Karl	Sayler	
Fincher	Knopke	Scarborough	

Nays—1

Bishop

SB 355—A bill to be entitled An act relating to the Florida highway code; amending section 339.24(1), Florida Statutes; and adding subsection (4) to said section; providing for cooperation in road or street beautification programs by the division of road operations, boards of county commissioners, and municipal corporations; providing that division of road operations shall not destroy trees or shrubbery within rights-of-way of roads or streets in areas within the jurisdiction of such counties or municipalities; providing exceptions; providing that the division of road operations shall not prohibit the planting of trees or shrubbery by county or cities within rights-of-way of certain roads and streets; providing exceptions; providing an effective date.

Was taken up and read the second time by title.

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

In Section 1, pages 2 and 3, strike all of lines 20 through 29 on page 2 and strike all of lines 3 through 12 on page 3 and in line 19 on page 2 (section 1) strike the period after "streets" and insert the following: , and when feasible, the department shall preserve trees and shrubbery either planted or of natural growth within the rights of way of roads and streets and when feasible the department shall permit the respective counties and municipalities to plant trees or shrubbery within the rights of way of roads and streets, and the department shall prescribe the conditions under which the counties and municipalities shall maintain the planted trees and shrubbery.

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

In Title, line 6, strike: all of title after "statutes" in line 6 of title and insert the following: , providing that when feasible the department of transportation should preserve trees and shrubbery within rights of way of roads and streets and that when feasible the department of transportation shall permit counties and municipalities to plant and maintain trees or shrubbery within rights of way and roads and streets; providing an effective date.

On motion by Senator Sayler, the rules were waived and SB 355 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Mr. President	Friday	Myers	Shevin
Askew	Gunter	Ott	Stolzenburg
Bafalis	Haverfield	Plante	Stone
Barron	Henderson	Poston	Thomas
Barrow	Horne	Reuter	Weber
Boyd	Johnson	Saunders	Weissenborn
Ducker	Karl	Sayler	Williams
Fincher	Lane	Scarborough	Wilson

Nays—5

Beaufort	Bishop	Broxson	Pope
Bell			

Senator Pope presiding.

SB 414—A bill to be entitled An act relating to flood control districts; amending sections 378.01 and 378.04, Florida Statutes, to include small watershed projects (Public Law 566) within the authority of such districts; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Karl:

In Section 3, lines 6-7, page 3, strike "upon becoming law." and insert the following: July 1, 1970.

On motion by Senator Karl, the rules were waived and SB 414 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—34 Nays—None

Askew	Fincher	Lane	Stolzenburg
Bafalis	Friday	Myers	Stone
Barron	Gong	Ott	Thomas
Bell	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Horne	Reuter	Williams
Chiles	Johnson	Sayler	Wilson
de la Parte	Karl	Scarborough	
Ducker	Knopke	Shevin	

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 taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Ducker:

After Section 1, line 12, page 2, insert the following: Section 2. This act shall take effect July 1, 1970.

On motion by Senator Ducker, the rules were waived and SB 564 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—31 Nays—None

Askew	Fincher	Lane	Scarborough
Bafalis	Friday	Myers	Shevin
Barron	Gong	Ott	Stolzenburg
Bell	Gunter	Plante	Thomas
Bishop	Henderson	Pope	Weber
Chiles	Horne	Poston	Williams
de la Parte	Johnson	Reuter	Wilson
Ducker	Knopke	Sayler	

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 taken up and read the second time by title. On motion by Senator Fincher, the rules were waived and SB 552 was read the third time by title, passed and certified to the House. The vote was: Yeas—32 Nays—None

Askew	de la Parte	Johnson	Sayler
Bafalis	Ducker	Karl	Scarborough
Barron	Fincher	Knopke	Shevin
Bell	Friday	Myers	Stolzenburg
Bishop	Gong	Ott	Thomas
Boyd	Gunter	Plante	Weber
Chiles	Henderson	Poston	Williams
Daniel	Horne	Reuter	Wilson

SB 583—A bill to be entitled An act relating to workmen's compensation; amending Section 440.11, Florida Statutes, extending the exclusiveness of liability of an employer to his insurance carrier, service agent, or safety consultant by limiting their liability as a third party; providing an effective date.

Was taken up and read the second time by title.

Senator Weissenborn offered and moved the following amendment:

In Section 1, line 14, page 1, insert:

Section 1. Paragraph (c) of subsection (1) of section 440.02, Florida Statutes, is amended to read:

440.02 DEFINITIONS.—When used in this chapter, unless the context clearly requires otherwise—

(1) "Employment."

(c) The term "employment" shall not include service performed by or as—

1. Officers elected at the polls;

[2. Domestic servants in private homes;]

3. Agricultural labor performed on a farm in the employ of a bona fide farmer or association of farmers, *which farmer or association of farmers employs three employees or less for agricultural labor, computed on an annual basis.* [The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, ranches, nurseries, and orchards.]

4. Professional athletes, such as professional boxers and wrestlers and baseball, football, basketball, hockey, polo, tennis, jai alai and similar players, and all referees, judges, umpires, trainers, masseurs and similar performers or attendants incident to professional exhibitions and performances of athletic games, sports and contests. [; or]

[5. Turpentine labor, labor in processing gum spirits of turpentine, crude gum, oleorosin and gum rosin.]

Renumber remaining sections of bill.

Consideration of SB 583 with pending amendment was deferred, the bill retaining its place on the Calendar.

The Senate resumed consideration of—

SB 111—A bill to be entitled An act relating to Florida Highway Code, Sixth Part; amending chapter 339, Florida Statutes, by adding section 339.025, requiring certain short-term investment of certain state road funds by state board of administration.

On motion by Senator Thomas, by two-thirds vote, the Senate reconsidered the vote by which SB 111 was placed on third reading.

Senator Boyd offered the following amendment which was adopted:

Line 4, page 2, after Florida Banks add:

Florida Savings and Loan Association;

Senator Thomas offered the following amendment which was adopted:

In Section 1, line 16, pages 1-2, strike: (1) The remaining language of the bill on pages 1-2 and insert the following: (1) The department shall transfer to the state treasurer hereinafter referred to as "treasurer" such funds as are temporarily uncommitted, unusable, or unexpendable for road and bridge construction purposes, from whatever source received.

(2) A schedule shall accompany transferred funds indicating the amount of funds which will have to be spent each month for road and bridge construction.

(3) The treasurer shall deposit the money in such banks of the state as will offer satisfactory collateral security for such deposits; provided that nothing contained herein shall prohibit state officials from recognizing and accepting the insurance coverage afforded by the federal deposit insurance corporation. It shall be the duty of the treasurer, consistent with the cash

requirements of the state, to keep such money fully invested or deposited in interest-bearing time deposits as provided herein in order that the state may realize maximum earnings on such money.

(4) Money of the department which the treasurer estimates will be available for investment only for short periods of time of from one (1) to ninety-one (91) days shall be invested in direct United States treasury obligations in varying maturities.

(5)(a) Money of the department which the treasurer estimates will not be needed for the immediate cash requirements of the state and which is not invested as provided in subsection (4), shall be deposited in interest-bearing time deposits for such period of time as the treasurer may determine in such banks of the state as will pay the highest interest rate permitted by law on such interest-bearing time deposits.

(b) In the event money is available for interest-bearing time deposits as provided herein and the banks of the state are unwilling to accept such money and pay thereon the highest interest rate permitted by law, then all or any part of such money which the banks of the state are unwilling to accept may be invested by the treasurer in short term direct obligations of the United States treasury maturing within one (1) year from date of purchase, and maturing on dates such funds are anticipated to be needed.

(c) In the event the effective interest rate the banks are willing to pay is greater than the interest rate that can be earned by investing in short term obligations of the United States treasury as provided in paragraph (b) but less than the maximum allowable interest rate as provided in paragraph (a), the treasurer shall deposit such money in interest-bearing time deposits in such banks in the state on a competitive basis.

(6) Interest earned on any investments or interest-bearing time deposits made pursuant to this section shall be credited to the department.

(7) If at any time funds are found to be needed before the maturity of such investments, sufficient securities to meet such needs shall be sold at current market rates, such sales to be authorized by the treasurer. If any capital loss is experienced as the result of the sale of securities before the maturity date, then such loss shall be offset by interest earned on such investment from the date of purchase to the date of sale.

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

On motion by Senator Poston, SB 111 as amended was read by title, passed and ordered engrossed. The vote was:

Yeas—30

Askev	Fincher	Knopke	Thomas
Barron	Friday	Myers	Trask
Barrow	Gong	Ott	Weber
Bell	Gunter	Plante	Weissenborn
Boyd	Haverfield	Poston	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Shevin	
de la Parte	Johnson	Stone	

Nays—2

Henderson Saylor

On motions by Senator Thomas, by two-thirds vote, SB 326 was removed from the table, the report of the committee to the contrary notwithstanding, and the bill was placed on the Calendar.

On motion by Senator Thomas, the rules were waived and the Senate took up for consideration SB 326 in lieu of CS for SB 326—

SB 326—A bill to be entitled An act relating to credit cards; prohibiting the mailing or delivery of such cards; providing exceptions; providing an effective date.

Was taken up and read the second time by title.

Senator Ott offered the following amendment which was adopted:

Renumber Section 2 as Section 3 and add a new Section 2 to read as follows:

No credit card bearer shall be liable for the unauthorized use of any credit card issued on an unsolicited basis.

Senator Askew offered the following amendment which was adopted:

In Section 1 (3)(a), line 24, page 1, after "for a credit card;" insert the following: or

Senator Askew also offered the following amendment which was adopted:

Line 27, strike "; or" and insert a period

Senator Ott offered the following amendment which was adopted:

In Section 1, line 20, page 1, strike the period (.) and add the following: and, upon conviction thereof, shall be punishable as a misdemeanor.

Senator Ott also offered the following amendment which was adopted:

In title, line 6, following word "card;" insert the following: making card holder not liable for unauthorized use of unsolicited card; providing penalties;

On motion by Senator Thomas, the rules were waived and SB 326 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

Askew	Ducker	Karl	Sayler
Bafalis	Friday	Knopke	Shevin
Barrow	Gong	Lane	Stolzenburg
Bell	Gunter	Myers	Stone
Bishop	Haverfield	Ott	Thomas
Boyd	Henderson	Plante	Trask
Chiles	Hollahan	Poston	Weber
Daniel	Horne	Reuter	Weissenborn
de la Parte	Johnson	Saunders	Williams

Nays—1

Beaufort

The President presiding.

The Senate resumed consideration of—

SB 583—A bill to be entitled An act relating to workmen's compensation; amending Section 440.11, Florida Statutes, extending the exclusiveness of liability of an employer to his insurance carrier, service agent, or safety consultant by limiting their liability as a third party; providing an effective date.

With pending amendment offered by Senator Weissenborn.

Senator Barron raised a point of order that the amendment was not germane to the bill, and therefore was out of order.

The President ruled that the point was well taken.

On motion by Senator Horne, the rules were waived and SB 583 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Ducker	Karl	Scarborough
Bafalis	Fincher	Lane	Stone
Barron	Friday	Myers	Thomas
Barrow	Gong	Plante	Trask
Bell	Gunter	Pope	Weissenborn
Bishop	Henderson	Poston	Wilson
Boyd	Horne	Reuter	
Broxson	Johnson	Sayler	

Nays—4

Haverfield	Ott	Shevin	Williams
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HOUSE BILLS ON SECOND READING

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.

Was taken up and read the second time by title. On motion by Senator Horne, the rules were waived and CS for HB 569 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

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

Consideration of HB 401 and HJR 59 was deferred, the bills retaining their places on the Calendar.

HB 363—A bill to be entitled An act relating to veterans' preference in employment; amending section 295.07(4), Florida Statutes, to extend the veterans preference principal to veterans who have served in campaigns for which a service medal has been authorized or who have served a prescribed period subsequent to January 31, 1955; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Hollahan, the rules were waived and HB 363 was read the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Mr. President	de la Parte	Johnson	Stone
Bafalis	Ducker	Karl	Thomas
Barrow	Fincher	Myers	Trask
Beaufort	Friday	Ott	Weber
Bell	Gunter	Plante	Weissenborn
Boyd	Haverfield	Poston	Williams
Broxson	Henderson	Reuter	Wilson
Chiles	Hollahan	Sayler	
Daniel	Horne	Shevin	

CS for HB 354—A bill to be entitled An act relating to assignment of rights under group life insurance policies and group, blanket, and franchise disability policies; adding sections 627.0420 and 627.0611, Florida Statutes, so as to confirm and clarify the right under the present law of a person covered by a group life insurance policy or a group, blanket, or franchise disability insurance policy to divest himself of all incidents of ownership provided by such policy; providing an effective date.

Was taken up and read the second time by title. On motions by Senator Sayler, the rules were waived and CS for HB 354 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Chiles	Johnson	Scarborough
Bafalis	Daniel	Karl	Shevin
Barron	Ducker	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gunter	Plante	Trask
Bell	Haverfield	Pope	Weber
Bishop	Henderson	Poston	Weissenborn
Boyd	Hollahan	Reuter	Williams
Broxson	Horne	Sayler	Wilson

HB 1562—A bill to be entitled An act relating to married women's property; amending sections 694.04, 708.08 and 708.09, Florida Statutes; repealing sections 693.01, 693.02, 693.03, 693.04, 693.05, 693.13, 693.14, 708.01, 708.02, 708.03, 708.04, 708.06 and 708.07, Florida Statutes; conforming the general law of the state to Section 5 of Article X of the State Constitution, which abolishes the distinction between the property rights of married men and women; eliminating provisions requiring a husband to join in the conveyance of his wife's property; repealing section 62.021, Florida Statutes, relating to the free dealer law; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Horne, the rules were waived and HB 1562 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Daniel	Horne	Scarborough
Bafalis	de la Parte	Johnson	Shevin
Barron	Ducker	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Poston	Weber
Bishop	Haverfield	Reuter	Weissenborn
Broxson	Henderson	Saunders	Williams
Chiles	Hollahan	Saylor	Wilson

Nays—3

Fincher	Lane	Pope
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HB 1075—A bill to be entitled An act relating to dower; amending section 731.34, Florida Statutes, by deleting provisions relating to the spouse's relinquishment of dower rights in property conveyed by the husband before his death; deleting provisions differentiating between encumbrance of separate real and personal property of married persons; providing that a married man may convey his separate property free and clear of claim or right of dower without the relinquishment thereof or joinder by his spouse; providing an effective date.

Was taken up and read the second time by title.

Senator Shevin offered the following amendment which failed:

In Section 2, line 1, page 3,

Insert the following new section 2 to read:

Section 2. The provisions of this act shall not apply to property acquired prior to the effective date of this act.

Renumber Section 2 as Section 3.

The vote was:

Yeas—14

Barrow	Gunter	Saylor	Williams
Boyd	Haverfield	Shevin	Wilson
Chiles	Lane	Stone	
Gong	Pope	Weissenborn	

Nays—22

Mr. President	Daniel	Johnson	Scarborough
Bafalis	de la Parte	Knopke	Thomas
Barron	Ducker	Ott	Trask
Bell	Henderson	Plante	Weber
Bishop	Hollahan	Reuter	
Broxson	Horne	Saunders	

On motion by Senator Horne, the rules were waived and HB 1075 was read the third time by title.

Senator Johnson moved that the rules be waived and HB 1075 be temporarily deferred. The motion failed.

HB 1075 failed and the vote was:

Yeas—13

Barron	Ducker	Johnson	Trask
Bell	Gong	Ott	
Bishop	Hollahan	Reuter	
Daniel	Horne	Saylor	

Nays—31

Mr. President	de la Parte	Lane	Stolzenburg
Askew	Fincher	Myers	Stone
Bafalis	Friday	Plante	Thomas
Barrow	Gunter	Pope	Weber
Beaufort	Haverfield	Poston	Weissenborn
Boyd	Henderson	Saunders	Williams
Broxson	Karl	Scarborough	Wilson
Chiles	Knopke	Shevin	

Senator Pope moved that the Senate immediately reconsider the vote by which HB 1075 failed. The motion failed and the vote was:

Yeas—6

Barron	Johnson	Pope	Saylor
Fincher	Lane		

Nays—36

Mr. President	Daniel	Karl	Shevin
Askew	de la Parte	Knopke	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gunter	Plante	Trask
Bell	Haverfield	Poston	Weber
Bishop	Henderson	Reuter	Weissenborn
Broxson	Hollahan	Saunders	Williams
Chiles	Horne	Scarborough	Wilson

HB 401—A bill to be entitled An act relating to the insurance code, field representatives and operations; amending section 626.0606, Florida Statutes, by adding subsection (3) making violation of the section a felony and prescribing penalties; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Scarborough, the rules were waived and HB 401 was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

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

HB 153—A bill to be entitled An act providing for the cancellation and discharge of judgements discharged in bankruptcy; providing for certification of copies; providing for the effect of orders of cancellation and discharge; providing an effective date.

Was taken up and read the second time by title.

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

In Section 1, line 5, page 2, add a new sentence at the end of the paragraph as follows: This act shall only apply to liens under judgements or obligations duly scheduled in the bankruptcy proceedings.

On motion by Senator Wilson, the rules were waived and HB 153 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Daniel	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Stolzenburg
Barron	Fincher	Myers	Stone
Barrow	Friday	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Pope	Weber
Broxson	Henderson	Poston	Williams
Chiles	Horne	Saylor	Wilson

Nays—1

Weissenborn

CS for HB 701—A bill to be entitled An act relating to affrays, riots, routs and unlawful assemblies; amending chapter 870, Florida Statutes, by the addition of new sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, 870.049; establishing a procedure for declaration that a state of emergency exists, by county sheriffs or authorized municipal official; providing for the establishment of a curfew during the existence of the state of emergency; designating automatic and discretionary emergency powers to said sheriff or municipal official; provides penalty for violation; provides an effective date.

Was taken up and read the second time by title.

Senator Shevin offered the following amendment which was adopted:

In Section 1, line 20, page 1, strike Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and insert the following:

Section 1. Chapter 870, Florida Statutes, is amended by adding sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, and 870.049 to read:

870.041 Preservation of the public peace by local authority.—In the event of overt acts of violence, or the imminent threat of such violence, within a county or municipality, and in the event that the governor has not declared a state of emergency to so exist, local officers shall be empowered to declare such a state of emergency exists in accordance with the provisions of this chapter.

870.042 Designation of local authority.—

(1) The sheriff of each of the several counties of this state or such other county official having the duties of a sheriff in counties operating under home rule charter, by whatever name known, shall be empowered to declare that a state of emergency exists within the county and shall be empowered to exercise the emergency powers conferred in this act.

(2) The governing body of any municipality within this state may designate, by duly adopted ordinance, a city official who shall be empowered to declare that a state of emergency exists within the boundaries of the municipality and who shall be empowered to exercise the emergency powers conferred in this act. The designated city official shall be either the mayor or chief of police or the person who performs the duties of a mayor or chief of police in such municipality. In the absence of a duly adopted ordinance so designating the official to so act, the chief of police of such municipality is hereby designated as the city official to assume the duties and powers hereof.

870.043 Declaration of emergency.—Whenever the sheriff or designated city official determines that there has been an act of violence or a flagrant and substantial defiance of or resistance to a lawful exercise of public authority and that, on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitutes an imminent threat to public peace or order and to the general welfare of the jurisdiction affected or a part or parts thereof, he may declare that a state of emergency exists within that jurisdiction or any part or parts thereof.

870.044 Emergency measures.—Whenever the public official pursuant to section 870.043, Florida Statutes, declares that a state of emergency exists:

(1) The emergency measures provided in section 870.045, Florida Statutes, shall thereupon be in effect during the period of said emergency and throughout the jurisdiction, and

(2) The public official may order and promulgate all or any of the emergency measures provided in section 870.046, Florida Statutes, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency and in the area or areas for which the emergency has been declared.

870.045 Emergency measures, automatic.—

(1) The sale or offer to sell, with or without consideration, any ammunition, gun, or other firearm of any size or description is prohibited.

(2) The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty is prohibited.

870.046 Emergency measures, discretionary.—When a state of emergency exists, the following measures may be exercised:

(1) The establishment of curfews, including but not limited to, the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police, and hospital services including the transportation of patients thereto, utility emergency repairs and emergency calls by physicians.

(2) The prohibition of the sale or distribution of any alcoholic beverage with or without the payment or a consideration therefor.

(3) The prohibition of the possession on the person in a public place of any portable container containing any alcoholic beverage.

(4) The closing of places of public assemblage with designated exceptions.

(5) The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.

(6) The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

870.047 Filing and publication.—Any state of emergency or emergency measure declared or ordered and promulgated by virtue of the terms of this act shall, as promptly as practicable, be filed in the office of the municipal clerk or clerk of the circuit court and shall also be delivered to appropriate news media for publication and radio and television broadcast thereof. If practicable, such state of emergency declaration or emergency measure shall be published by other means such as by posting and loudspeakers.

870.048 Duration and termination of emergency.—A state of emergency established under this act shall commence upon the declaration thereof by the public official and shall terminate at the end of a period of seventy-two (72) consecutive hours thereafter unless prior to the end of such seventy-two (72) hour period, the public official, the governor, the county commission, or city council, shall have terminated such state of emergency. Any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the county commission or city council by duly enacted ordinance or resolution in regular or special session.

870.049 Violations.—Any person convicted of a violation of a provision of this act or of any emergency measure established pursuant thereto is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both such fine and imprisonment.

Section 2. This act shall take effect upon becoming a law.

Senator Shevin also offered the following amendment which was adopted:

In title, line 3, page 1, strike entire title and insert the following: A bill to be entitled An act relating to affrays, riots, routs and unlawful assemblies; amending chapter 870, Florida Statutes, by adding sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, 870.049; establishing a procedure for declaration by county sheriffs or authorized municipal officials that a state of emergency exists; providing for the establishment of a curfew during the existence of the state of emergency; designating automatic and discretionary emergency powers to said sheriffs or municipal officials; providing penalty for violation; providing an effective date.

On motion by Senator Shevin, the rules were waived and CS for HB 701 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Mr. President	Fincher	Lane	Stolzenburg
Bafalis	Friday	Ott	Stone
Barron	Gong	Plante	Thomas
Bell	Gunter	Pope	Weber
Broxson	Henderson	Poston	Weissenborn
Chiles	Horne	Reuter	Williams
Daniel	Johnson	Sayler	Wilson
de la Parte	Karl	Scarborough	
Ducker	Knopke	Shevin	

HB 938—A bill to be entitled An act relating to two-wheel motor vehicles; amending section 317.981(1)(b), Florida Statutes, to eliminate the requirement for wearing safety masks,

glasses, or goggles when riding two-wheel motor vehicles when such vehicle is equipped with a windshield; providing an effective date.

Was taken up and read the second time by title.

Senator Pope offered the following amendment which was adopted:

In Section 1, line 25, after "windshield" insert the following: of sufficient height to protect the eyes from wind and debris,

On motion by Senator Poston, the rules were waived and HB 938 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—40
Nays—None

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

SENATE MEMORIAL ON SECOND READING

SM 230—A memorial to the Congress of the United States urging support for the early completion of Interstate 95 in Florida and an investigation through appropriate committees of the undue delay in completion of this highway.

WHEREAS, Interstate 95, a part of the Interstate highway system of the United States, has been partially constructed along the east coast of Florida; and

WHEREAS, early completion of this important link in the interstate system has been unduly delayed; and

WHEREAS, millions of visitors will be touring Florida when Disneyworld is opened in 1971 and present roads will be unable to handle this traffic; and

WHEREAS, the early completion is considered essential for the welfare and economic stability and growth of certain areas along the east coast of Florida, particularly the Cape Kennedy area; and

WHEREAS, completion will require three years from the date of beginning; and

WHEREAS, the Florida Department of Transportation is unable to proceed with plans for further construction until it receives approval from the United States Bureau of Public Roads for a free highway parallel to the Sunshine State Parkway; and

WHEREAS, this approval has not been forthcoming for reasons not readily discernible; and

WHEREAS, it is deemed of the utmost importance for Interstate 95 to be completed in its entirety, but particularly that portion of Interstate 95 between Vero Beach and Fort Pierce in order to connect with the Sunshine Parkway,

NOW, THEREFORE,

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

That the congress of the United States is hereby requested to investigate through its appropriate committees this undue delay in completion of Interstate 95 in Florida and to support and endorse the early completion of this highway.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the

United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Was taken up and read the second time in full. On motion by Senator Reuter, SM 230 was adopted. The vote was:

Yeas—37

Mr. President	Ducker	Knopke	Stolzenburg
Askew	Fincher	Lane	Stone
Bafalis	Friday	Myers	Thomas
Beaufort	Gong	Ott	Weber
Bell	Gunter	Plante	Weissenborn
Boyd	Haverfield	Pope	Williams
Broxson	Henderson	Poston	Wilson
Chiles	Horne	Reuter	
Daniel	Johnson	Sayler	
de la Parte	Karl	Shevin	

Nays—2

Barron Bishop

On motion by Senator Broxson, the rules were waived and the Senate immediately reconsidered the vote by which SM 230 was adopted.

Senator Broxson offered the following amendment which was adopted:

In WHEREAS clause, strike lines 14-26.

On motion by Senator Karl, the rules were waived and time of adjournment was extended until final action on SM 230.

Senator Broxson also offered the following amendment which was adopted:

Line 16, page 2, after words "in Florida" strike the remainder of the sentence and insert a period.

On motion by Senator Reuter, SM 230 as amended, was adopted and ordered engrossed. The vote was:

Yeas—35

Askew	Ducker	Myers	Shevin
Bafalis	Fincher	Ott	Stolzenburg
Barrow	Gong	Plante	Stone
Beaufort	Gunter	Pope	Thomas
Bell	Haverfield	Poston	Trask
Boyd	Henderson	Reuter	Weber
Broxson	Johnson	Saunders	Williams
Daniel	Karl	Sayler	Wilson
de la Parte	Knopke	Scarborough	

Nays—2

Barron Bishop

CO-INTRODUCERS

By permission, Senator Reuter was recorded as a co-introducer of SCR 832.

By permission, Senator Stone was recorded as a co-introducer of SB 194.

By permission, Senator Horne was recorded as a co-introducer of SB 799.

By permission, Senator Gong was recorded as a co-introducer of SB 504.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 2:05 p.m. to reconvene at 8:30 a.m., April 27, 1970.