

JOURNAL OF THE FLORIDA SENATE

Thursday, May 20, 1971

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

INTRODUCTION

By Senator Trask—

SCR 1582—A concurrent resolution designating that portion of State Road 540 in Polk County, Florida, between U. S. 17 and U. S. 27, as Cypress Gardens Boulevard.

Was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 18, 1971

Sir:

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

By Representatives Reeves and Harris—

HB 1577—A bill to be entitled An act relating to education; abolishing the Florida public school council by repealing subsection (15) of section 20.15 and sections 220.809, 229.810, 229.811, 229.812 and 229.813, Florida Statutes; providing an effective date.

By Representative Harris—

HB 1291—A bill to be entitled An act relating to school depositories, withdrawals from depositories; amending §237.32(3), Florida Statutes, by providing transfer of funds from one county depository to another or within the same depository by direction signed by the superintendent or his designee; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 1577 and 1291, contained in the above message, were read the first time by title and referred to the Committee on Public Schools.

The Honorable Jerry Thomas
President of the Senate

May 19, 1971

Sir:

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

By the Committee on Insurance—

HB 1820—A bill to be entitled An act relating to motor vehicle negligence; repealing §320.59, Florida Statutes, pertaining to the liability of the owner or operator of a motor vehicle to a guest passenger, providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1820, contained in the above message, was read the first time by title. On motion by Senator Karl, the rules were waived and the bill was placed on the Calendar.

The Senate recessed at 8:34 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—47:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Excused: Senator Brannen.

Prayer by Senator Poston:

Help us, dear Lord, to be responsible for our acts but responsive to thy guidance. Help us to seek to do right attuned to thy will. After all is said and done we pray that the end product of our duties will glorify thee and thy name. Amen.

The Journal of May 19 was corrected and approved as follows:

Page 439, column 1, line 3, strike "ordered engrossed" and insert: certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Thursday, May 20, 1971:

SB 643	SB 768	SB 921	SB 112
SB 1580	SB 1162	HB 1330	SB 1038
SB 1581	HB 891	SB 913	SB 728
HB 1008	SB 1132	HB 1327	HB 798
SB 1194	SB 745	SB 1297	HB 801
SB 760	SB 1043	SB 911	
CS for HB 119	SB 1490	SB 1295	
SB 938	SB 905	SB 247	

George L. Hollahan, Jr.
Chairman, Committee on Rules,
Calendar, Privileged Business and
Ethics

The Committee on Commerce recommends the following pass:

SB 1285 with 2 amendments	HB 564
SB 1381 with 1 amendment	HB 6
SB 1521	HB 1318
SB 1345	CS for HB 534

The Committee on Public Schools recommends the following pass:

SB 1148 with 1 amendment	CS for HB 7
SB 1173 with 1 amendment	HB 894 with 2 amendments
SB 1332	HB 908 with 1 amendment
SB 1418	HB 1411

The Committee on Transportation recommends the following pass:

SB 1251 with 2 amendments	HB 207 with 1 amendment
SB 1500 with 1 amendment	HB 1701 with 1 amendment
SB 1214 with 2 amendments	

The Committee on Universities and Community Colleges recommends the following pass:

SB 1119 SB 1324 SB 1482 HB 779

The Committee on Vocational-Technical Education recommends the following pass: SB 1288, SB 1403, HB 917

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

The Committee on Vocational-Technical Education recommends the following pass: SB 910

The bill was referred to the Committee on Universities and Community Colleges under the original reference.

The Committee on Public Schools recommends the following pass: SB 1220 with 1 amendment, SB 1427

The Committee on Universities and Community Colleges recommends the following pass:

SB 1406 with 2 amendments SB 1404
SB 1128 SB 1507

The Committee on Vocational-Technical Education recommends the following pass: SB 967

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

The Committee on Governmental Efficiency recommends a Committee Substitute for SB 612.

The Committee on Governmental Efficiency recommends a Committee Substitute for the following: SB 1131

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 1311

The motion was made to report favorably the committee bill in lieu of SB 454-SF, and that SB 454-SF be placed upon the table.

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Governmental Efficiency recommends a Committee Substitute for HB 772.

The bill with Committee Substitute attached was referred to the Committee on Commerce.

The Committee on Commerce recommends a Committee Substitute for SB 1440.

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following not pass: CS for HB 1444, CS for HB 525.

The Committee on Public Schools recommends the following not pass:

SB 1196 SB 1442

The Committee on Transportation recommends the following not pass:

SB 1236

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

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 644 with 4 amendments SB 754 with 2 amendments

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

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 1009 SB 1019

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 20, 1971.

ELMER O. FRIDAY
Secretary of the Senate

Senator Horne moved that the Senate reconsider the vote by which the Senate refused to concur in House amendment 1 to SB 156 on May 19, 1971.

On motion by Senator Hollahan, by two-thirds vote, SM 863 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

On motion by Senator Johnson (29th), unanimous consent was obtained to take up out of order—

SM 863—A memorial to the Congress of the United States requesting a restoration of funds cut from the budget of the National Aeronautics and Space Administration.

WHEREAS, America's space program has been the highlight of twentieth century technology and has bolstered our nation's image as a world leader, and

WHEREAS, one of mankind's crowning achievements was the moon landing of Apollo XII, signifying man's ability to go beyond the boundaries of his planet in the quest for new frontiers in the true pioneer spirit of America, and

WHEREAS, the National Aeronautics and Space Administration (NASA) is the governmental entity responsible for America's phenomenal string of successes in the "space race," and

WHEREAS, the work of the National Aeronautics and Space Administration has in addition resulted in many other technological advances and scientific achievements in such areas as medicine and medical instruments, weather control, and microminiaturization, and

WHEREAS, the Congress of the United States has recently seen fit to significantly curtail the budget of NASA and other space programs, and

WHEREAS, this curtailment has severely handicapped NASA's plans for future space exploration and threatens to relegate America to the status of a second-rate power in space, and

WHEREAS, this cutback has also resulted in the loss of many highly trained, skilled technicians and in a severe economic depression of areas of our nation dependent on the space program for jobs and salaries, and

WHEREAS, it is imperative that this country protect its investment in a program that has already yielded so many benefits for the good of mankind, NOW, THEREFORE,

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

That the Congress of the United States is hereby requested to restore budgetary cuts made to the National Aeronautics and Space Administration and to other space programs in order to maintain America's superiority in space and to rejuvenate the economies for areas dependent upon such programs.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Which was read the second time in full. On motion by Senator Johnson (29th), SM 863 was unanimously adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCES

On motions by Senator Deeb, by two-thirds vote, Senate Bills 320, 205 and 202 were withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Deeb, by two-thirds vote, SB 1454 was withdrawn from the Committee on Universities and Community Colleges and from further consideration of the Senate.

On motion by Senator Scarborough, by two-thirds vote, SB 1313 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Johnson (34th), by two-thirds vote, SB 1182 was withdrawn from the Committee on Public Schools and from further consideration of the Senate.

On motion by Senator Karl, by two-thirds vote, SB 1395 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator McClain, by two-thirds vote, SB 1376 was withdrawn from the Committee on Judiciary—Civil B and from further consideration of the Senate.

On motions by Senator de la Parte, by two-thirds vote, CS for SB 338 and Senate Bills 251, 385, 479, 488, 506, 507, 510, 529, 626, 673, 829, 873, 925, 943, 945, 962 and 971 were withdrawn from the Committee on Ways and Means and placed on the Calendar.

On motion by Senator de la Parte, by two-thirds vote, SB 643 was removed from the Calendar and recommitted to the Committee on Ways and Means.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to consider CS for SB 1353 at the scheduled meeting May 21.

On motion by Senator Hollahan, by two-thirds vote, SR 1239 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

On motion by Senator Haverfield, by two-thirds vote, SB 155 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Horne, by two-thirds vote, HB 335 was withdrawn from the Committee on Health, Welfare and Institutions and placed on the Calendar.

On motion by Senator Barron, the Committee on Judiciary—Civil A was granted an additional 15 days for the consideration of Senate Joint Resolutions 184, 845 and 715 and Senate Bills 383, 716, 1305, 1306, 1307, 1316, 1319 and 1383 and CS for HB 411.

On motion by Senator Ott, the Committee on Vocational-Technical Education was granted an additional 10 days for the consideration of SB 1417.

On motion by Senator Wilson, by two-thirds vote, HB 326 was withdrawn from the Committee on Natural Resources and Conservation and placed on the Calendar.

On motions by Senator Daniel, by two-thirds vote, Senate Bills 1054, 1495 and 818 were withdrawn from the Committee on Governmental Efficiency and from further consideration of the Senate.

On motion by Senator Saunders, by two-thirds vote, SB 609 was removed from the Calendar and withdrawn from further consideration of the Senate.

Pursuant to Rule 4.14, Senator Myers gave notice of intention to request unanimous consent to take up HB 41.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 19, 1971

Sir:

I am directed to inform the Senate that the House of Representatives returns as requested—

By Senator Scarborough—

SB 1136—A bill to be entitled An act amending chapter 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville, by adding Article 28, creating the Jacksonville Downtown Development Authority, having the general function and purpose of planning, coordinating, and assisting in the implementation of the revitalization and redevelopment of the Jacksonville downtown area; providing for its membership, powers and duties; providing an effective date.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Scarborough, the rules were waived and the Senate immediately reconsidered the vote by which SB 1136, contained in the above message, passed on May 12, 1971.

On motion by Senator Scarborough the following amendment was adopted by two-thirds vote:

On page 6, line 23, insert after the word "however": that the compensation paid to owners of land and any other property, real and personal, or any property right, who have said rights acquired from them under this act by eminent domain, shall include reasonable reimbursement for relocating an existing business; and provided further that

On motion by Senator Scarborough, SB 1136 as amended was read by title, passed and ordered engrossed. The vote was: Yeas—38 Nays—None

Mr. President	Daniel	Johnson (34th)	Reuter
Arnold	de la Parte	Knopke	Sayler
Barron	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Myers	Williams
Boyd	Hollahan	Ott	Wilson
Brantley	Horne	Plante	
Broxson	Johnson (29th)	Poston	

By unanimous consent Senators Childers, Gunter and Karl were recorded as voting yea.

By direction of the President, the following communication was ordered spread upon the pages of the Journal:

Honorable Jerry Thomas
President of the Senate
Florida State Senate
The Capitol
Tallahassee, Florida 32304

May 17, 1971

Was taken up, together with the following pending amendment by Senator Myers:

On page 2, line 3, after the words "and shall" insert: , upon conviction thereof,

The amendment was adopted.

On motion by Senator Myers the following amendment was adopted:

On page 2, line 9, section (2), after the words "and shall" insert: , upon conviction thereof,

On motion by Senator Myers the following amendment was adopted:

On page 2, line 16, section (3), after the words "shall be" insert: , upon conviction,

On motion by Senator Saylor, SB 65 as amended was read by title, passed and ordered engrossed. The vote was: Yeas—35 Nays—None

Mr. President	Ducker	Karl	Reuter
Barron	Graham	Knopke	Saunders
Barrow	Gunter	Lane	Saylor
Bell	Haverfield	Lewis (33rd)	Stolzenburg
Bishop	Henderson	Lewis (43rd)	Trask
Boyd	Hollahan	McClain	Ware
Childers	Horne	Myers	Weissenborn
Daniel	Johnson (29th)	Ott	Wilson
Deeb	Johnson (34th)	Plante	

By unanimous consent Senators Beaufort, Poston and Fincher were recorded as voting yea.

SB 55—A bill to be entitled An act relating to crime and criminal penalties; amending sections 870.01(2), 870.02, and 870.06, Florida Statutes, to increase penalties for affrays and riots, unlawful assemblies, and unauthorized military organizations and to further define and restrict such organizations; providing an effective date.

Was taken up, together with the following pending amendment by Senator Wilson the vote by which it was adopted having been reconsidered on May 14:

On page 2, line 24, section 3, strike "and upon conviction, be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment in the state prison not exceeding five (5) years, or by both such fine and imprisonment."

The question recurred on the amendment which was adopted.

On motion by Senator Barrow, SB 55 as further amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Deeb	Karl	Saunders
Arnold	Ducker	Knopke	Saylor
Barron	Graham	Lane	Scarborough
Beaufort	Gunter	Lewis (33rd)	Stolzenburg
Bell	Haverfield	Lewis (43rd)	Trask
Bishop	Henderson	Myers	Ware
Boyd	Hollahan	Ott	Weissenborn
Brantley	Horne	Plante	Williams
Childers	Johnson (29th)	Poston	Wilson
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senator Fincher was recorded as voting yea.

SB 72—A bill to be entitled An act relating to the powers and duties of public officers; amending section 116.111(1)(a), Florida Statutes, relating to restrictions on employment of relatives; deleting institutions under the division of universities, district school boards and junior college districts as

I have just this morning received through the courtesy of the Clerk of the House pages of the Journal of the Senate of May 4th and of the Journal of the House of May 7th showing the unanimous adoption by both Houses of SCR 334. I had received the same information by long-distance telephone from the Secretary of the Senate last Friday.

I am most grateful for the great honor shown me by the adoption of this measure under which "United States Highway 17 within the State of Florida is designated as the Spessard L. Holland Parkway." To me and my family this is indeed a high honor for which I express my own grateful thanks and the gratitude of my entire family.

I will appreciate your conveying to the Senate my heartfelt thanks for the honor which it has thus done to my family and to me and for the more than generous recitals in the text of the resolution.

With every good wish to you and to all other members of the Senate, I remain

Yours faithfully,
SPESSARD L. HOLLAND

UNFINISHED BUSINESS

SB 58—A bill to be entitled An act relating to crime and criminal penalties; amending sections 822.01, 822.02 and 822.03, Florida Statutes, to prohibit injury to property by any means; providing for increased penalties; repealing section 822.04, Florida Statutes, relating to injuring dwelling houses, churches, and other buildings; providing an effective date.

Was taken up, together with the following pending amendment by the Committee on Judiciary—Criminal, the vote by which it was adopted having been reconsidered on May 14:

On page 2, lines 10 and 11, section 1, re-insert the stricken portion to read: or in the county jail not exceeding one year,

The question recurred on the amendment which was adopted.

On motion by Senator Saylor, SB 58 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—23

Mr. President	Gunter	Knopke	Poston
Barrow	Haverfield	Lane	Saunders
Boyd	Hollahan	Lewis (33rd)	Saylor
Daniel	Horne	Lewis (43rd)	Trask
Deeb	Johnson (29th)	McClain	Ware
Ducker	Karl	Ott	

Nays—12

Bell	Graham	Myers	Stolzenburg
Bishop	Henderson	Plante	Weissenborn
Childers	Johnson (34th)	Reuter	Wilson

By unanimous consent Senators Beaufort and Fincher were recorded as voting yea.

SB 65—A bill to be entitled An act relating to crime and criminal penalties; amending section 806.09, Florida Statutes, to prohibit certain acts which inhibit fighting of fires; repealing section 806.10, Florida Statutes, relating to preventing or obstructing extinguishment of fire, which is consolidated into section 806.09, Florida Statutes; providing an effective date.

exceptions from the definition of "agency"; providing an effective date.

Was taken up, together with the following pending amendment by Senator Bishop:

On page 1, in title, line 11, strike "providing" and insert: providing that persons employed on the effective date of this act shall not be affected; providing

The amendment was adopted.

On motion by Senator Bishop the following amendment was adopted:

On page 2, strike all of lines 6 and 7 and insert: Section 2. This act shall not be construed to affect any person who may be employed on or before July 1, 1971.

Section 3. This act shall take effect on July 1, 1971.

On motion by Senator Bishop, SB 72 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Deeb	Knopke	Scarborough
Arnold	de la Parte	Lane	Stolzenburg
Barron	Graham	Lewis (33rd)	Trask
Barrow	Gunter	Lewis (43rd)	Ware
Beaufort	Haverfield	McClain	Weber
Bell	Henderson	Myers	Weissenborn
Bishop	Hollahan	Ott	Williams
Boyd	Horne	Plante	Wilson
Brantley	Johnson (29th)	Reuter	
Childers	Johnson (34th)	Saunders	
Daniel	Karl	Sayler	

By unanimous consent Senators Ducker, Poston and Fincher were recorded as voting yea.

SB 337—A bill to be entitled An act relating to salt water fisheries and conservation; amending section 370.11(2), Florida Statutes, to provide a maximum length for redfish; providing an effective date.

Was taken up, together with the following pending amendment by the Committee on Natural Resources and Conservation:

On page 1, lines 28 and 29, section 1, strike "twenty-four (24) inches" and insert: thirty (30) inches

The amendment was adopted.

On motion by Senator Bishop, SB 337 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—40 Nays—None

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Beaufort	Graham	Lane	Scarborough
Bell	Gunter	Lewis (33rd)	Stolzenburg
Bishop	Haverfield	Lewis (43rd)	Trask
Boyd	Henderson	McClain	Ware
Brantley	Hollahan	Myers	Weber
Childers	Horne	Ott	Weissenborn
Daniel	Johnson (29th)	Plante	Williams
Deeb	Johnson (34th)	Reuter	Wilson

By unanimous consent Senators Fincher and Barrow were recorded as voting yea.

SB 522 with pending amendment was taken up and on motion by Senator Knopke, by two-thirds vote, was removed from the Calendar and withdrawn from further consideration of the Senate.

SB 567—A bill to be entitled An act relating to retirement; amending §1(3)(b) of chapter 70-112, Laws of Florida, appearing as §121.011(3)(b), Florida Statutes, 1970, providing that an employee of a municipality, the functions of whom have been taken over by a county, who thereby becomes a county employee, may choose to continue to be a member of the municipal retirement system in which case he will not be eligible to become a member of the Florida retirement system; prohibiting a county from increasing such an employee's pension contribution above the amount deducted by the municipality; authorizing the county to pay an amount into the municipal retirement system equal to the sum previously paid by the municipality; providing an effective date.

Was taken up, together with the following pending amendment by the Committee on Personnel, Retirement and Claims the vote by which it was adopted having been reconsidered on May 14:

On page 3, line 1, section 1, following the word "system" strike the period and insert: unless said municipality elects to bring its employees under the Florida retirement system.

The question recurred on the amendment which was adopted.

On motion by Senator Weissenborn, the Senate reconsidered the vote by which the following amendment was adopted on May 14:

On page 3, line 8, section 1, strike "is authorized to" and insert: shall

The question recurred on the amendment which failed.

On motion by Senator Weissenborn the following amendment was adopted:

In Title, line 13, after "system;" insert: unless said municipality elects to bring its employees under the Florida retirement system

Pending further consideration of SB 567 as amended, on motion by Senator Weissenborn—

HB 279—A bill to be entitled An act relating to retirement; amending §1(3)(b) of chapter 70-112, Laws of Florida, appearing as §121.011(3)(b), Florida Statutes, 1970, providing that an employee of a municipality, the functions of whom have been taken over by a county, who thereby becomes a county employee, may choose to continue to be a member of the municipal retirement system in which case he will not be eligible to become a member of the Florida retirement system, unless said municipality elects to bring its employees under the Florida retirement system; prohibiting a county from increasing such an employee's pension contribution above the amount deducted by the municipality; authorizing the county to pay an amount into the municipal retirement system equal to the sum previously paid by the municipality; providing an effective date.

—a companion measure to SB 567 as amended was substituted therefor and read the second time by title. On motion by Senator Weissenborn, by two-thirds vote, HB 279 was read the third time by title, passed and certified to the House. The vote was: Yeas—45 Nays—None

Mr. President	Deeb	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barron	Gong	Lewis (33rd)	Stolzenburg
Barrow	Graham	Lewis (43rd)	Trask
Beaufort	Gunter	McClain	Ware
Bell	Haverfield	Myers	Weber
Bishop	Henderson	Ott	Weissenborn
Boyd	Hollahan	Plante	Williams
Brantley	Horne	Pope	Wilson
Broxson	Johnson (29th)	Poston	
Childers	Johnson (34th)	Reuter	
Daniel	Karl	Saunders	

By unanimous consent Senator Fincher was recorded as voting yea.

SB 567 was laid on the table.

SB 208—A bill to be entitled An act relating to municipalities; providing that municipal governments may repeal by ordinance local laws relating only to the individual municipality; providing an effective date.

Was taken up, together with a pending amendment which was withdrawn by Senator Saylor.

Senator Saylor moved the following amendment:

In Section 1, lines 18—21, page 1, strike all of the sentence beginning on line 18 and ending on line 21 and insert: Local or special laws in existence on January 7, 1969 and relating only to an individual municipality may be amended or repealed by municipal ordinance; provided, however, that no such ordinance may repeal or amend any charter provision or other special act which affects the terms of elected officers or the manner of their election, the distribution of powers among elected officers, or any change in the form of government unless such ordinance is approved by referendum of the electors of the municipality.

On motion by Senator Daniel the following amendment to the amendment was adopted:

Following the words "Charter provision" strike the words "or other" and insert: (;) provided further that no such ordinance may repeal or amend any

The amendment as amended was adopted.

Senator de la Parte presiding.

On motion by Senator Saylor, SB 208 as amended was read the third time by title and failed to pass. The vote was:

Yeas—8

Daniel Graham	Karl Knopke	Myers Reuter	Saylor Wilson
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Nays—36

Mr. President	Childers	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Saunders
Barron	Ducker	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Trask
Bell	Haverfield	McClain	Ware
Bishop	Henderson	Ott	Weber
Brantley	Hollahan	Plante	Weissenborn
Broxson	Horne	Pope	Williams

The President presiding.

Upon motion by Senator Horne, the Senate resolved itself into Executive Session, with doors and galleries remaining open.

Senator Horne was accorded the privileges of the well and addressed the Senate as follows:

Mr. President and Senators, some of you may have wondered why we chose to resolve ourselves into an executive session at this particular moment in our history. It is to recognize, as the Florida Law Review has today recognized, the monumental steps this Senate has taken in reforming one of the historical

aspects of Senate activity that has bewildered the people of our State since the beginning. One committee stands out among all others in taking us to this milestone. Beyond that one committee, and out of the tumult of the Legislative halls, there always emerges in a time of crisis one man who wears the mantle of leadership so nobly that he appears to be humbly great. I have talked to the President and some of you about the possibility of pausing for a minute and listening to the history of our effort in the awesome responsibility of removing public officials in Florida. The Governor SUSPENDS the member, no one but the Senate of Florida removes. In the not too distant past the doors would be barred, public and press removed. We understand that but one Senator could pass judgment, often times by whether he liked or disliked this man. Due process was thus dispensed at a time when we heralded to the peoples of the world that ours was a nation of law and not of men. This emerging Senate was impatient with that procedure and one man and one committee came forth to tackle this thankless job. It's been so unheralded, so little recognized by the public of Florida that we thought it fitting and proper today—at the moment when the Florida Law Review for the first time has written on a procedural aspect of the Legislature of this State [I pause to tell you also, that we have all taken this effort so for granted, Mr. Chairman and members of this select committee, that I have almost forgotten from time to time, to express my gratitude to this Chairman and committee for making the Senate look good and for giving me a source and you a source of real pride]. It isn't because we want to be thankless, but because in our own busy schedules, and the little sphere and the little niche in which each of us operates and functions we are so busy, we don't take the time to share real deep felt gratitude. What really brought this to mind is that I attended a select rules committee of the Council of State Governments not long ago. The embarrassing thing to me is that these people, leaders from other states, from California to New York knew more about the unique distribution and delicate dispensation of the power of suspension and removal in Florida than did I. They were more excited about the leadership that had led this State into this wonderful situation than I. And they've asked me now to prepare a folder recounting what we are briefly going to talk about this morning. I know you are busy and I ask you to be patient with us for just a minute because I want to recognize the people who have given you this. The Council of State Governments has asked that we bring a record of what Florida has accomplished. Because they expressed interest, I became interested in finding out really what we had done in this area. I was thrilled and know you are. I think it's important for you to know there were no rules and there were no statutes on this subject. The constitutional language, through the leadership of this committee, has been cleaned up and represents a clear but very simple outline of the jurisdictional areas in which we now function. I want to pay particular tribute at this moment to the members of the committee who served since January 1969. I'll indicate those who still remain. First of all our distinguished President, Jerry Thomas from the 35th, Senator Joe McClain, Jr., Senator David Lane, Senator Warren Henderson, Senator Robert Haverfield, of the 41st; those now serving—Senator Wilson, Senator Williams, Senator Reuter, Senator Plante, Senator Bishop and Senator Beaufort. They continue to serve on this select committee. Senators, there have been times when this committee has convened in the pursuit of due process without all of the rules they now have sophisticated and that you have adopted—to your credit. They have stayed in session literally all night long to get up the next day and go about their regular business of the Senate; and, I don't remember reading one thing about that effort or really ever hearing one thing about their noble effort. Reflect a few years and remember the vertical thumb, yes or no from one Senator who may have been big enough to assume that power without becoming a tyrant; but even if he had been, and many were, where was this part of our constitutional right that we harkened to the world?—Due Process. Since that time, working many times at night and on weekends, they have recommended to you and you have wisely adopted significant rule changes. You'll find them in Rule 12.3, significant statutory changes, nine major substantive changes in our statutes relating to the procedure and due process in this vital area. There is no greater power reposed in this Senate than that of removal. And again in 1971 to the same Rule 12.3 a little bit more sophistication and in '71 the Senate has already passed, though the House has not, other areas of improvement in our statutory law. Now it is significant here that the Florida Law Review has spotlighted this vital area. Our procedure now, I guarantee you, is

unique among all of the states of the nation. It is a delicate balance between the responsibility of this Senate to remove an official who violates the clearcut standards enunciated in that law and yet to view the right to hold office not as a property right, but one to be protected against malice and recrimination and to be sure that the charges upon which he loses that office or is removed from it are real and not fancied. One important thing, too, because all of you have in the metamorphosis of the legislative process from a parttime honorarium just a few short days ago almost into a challenge that by anybody's day book amounts to about 60-65% of your total commitment of time. It's important to pause here, then recognize the law firms from which some spring and the contribution their patience represents.

One Senator, I haven't mentioned yet was joined by his law partner, who gave his time freely to help in the massive research both in some of the committee work and in the writing of this article which has now been published by the Florida Law Review. So it's important that we also credit him and them because most of the time during the last few years when we have heard about the participation of private law firms, it has been to ask their member Senators to get in or get out. Many of you have been confronted with this situation, to resign from the Senate or resign from the House or resign from the law firm. Those of you who remain have taken the latter course. Here, unlike others, that law firm has said that service to government is a significant contribution by a law firm, that it isn't enough to stay within the sophisticated confines of a law firm and practice law and that they owe more than that. And so I want to pay particular respect to Bill Barr, the law partner here who helped write and co-author the article which I will be passing out in a minute to you. Bill has a tremendous background; he has been the recipient of the Gertrude Brick Law Review Prize, for Note, "Contributory Negligence in Warranty Law," published in the University of Florida Review. He is a past executive editor of that review and editor-in-chief thereof and has a legal background of some significance and is the partner I was just speaking about, so, I'd like for you to recognize for this contribution, Bill Barr. Bill, stand up and receive the accolade of the Senate. Now Senators, the editor-in-chief of the University of Florida Review and the articles editor had the astuteness to view the change about which I've just talked so that future members coming to this body would not have to re-tread this same ground, refight the battles and they were arduous. Remember, we heard, from time to time, from weaker ones of us "don't lose the power." But because these two men had that astuteness I've asked them to join in this moment of tribute and to be recognized and we have this editor-in-chief, Mr. Edward Hales, and the articles editor, Mr. Charles Livingston. Gentlemen, would you stand. Now I want two or three of the pages to come up please and start passing a bound personalized copy of this article. Senators, I think you are going to find that for the Governor or members of the Cabinet, public officials everywhere, particularly members of the Senate that this is the finest reference book on suspensions and removals you will find anywhere in this country. It will be sought after by legislative tribunals throughout the country. I plan to make some available to the Council of State Governments.

I have personally studied an early draft of this article because it covered some of the questions that we have handled in another subcommittee and I hope you will keep and use this article. Lawyers will look to this treatise for years to come. Now, Mr. President, Senators, you've recognized this committee and thanked them for the uncounted hours, but more than that we recognize the resistance to all of the pressures to keep an archaic system without change. They have delicately carved out the most beautiful balance imaginable and this article is a reflection of that. I have talked about everyone except the man who had the most to do with it all. The chairman of this committee, from the very beginning, I think, would concede that when he began, the greatest temptation open to him was to follow the course of least resistance. Instead, this man has read every case, studied every procedure available anywhere and sought to chart a course for this Senate and our State. We had so much faith and confidence in him that you haven't noticed the development of all of this background, we've simply followed him in changing our rules, changing the statutes and conforming the constitution. His leadership is one of the great sources of personal pride to me in my 16 years of the Legislature. I have never seen anything change quite so remarkably or reflect more integrity on a legislative body than has his effort. He is being applauded all over the nation and I wanted you to pause to do that. He is a man that isn't new to honor. He has had the

distinguished service award in his own community from the Junior Chamber of Commerce; he has been given the good government award by the State Jaycees; he's been the recipient already by your hand and by the press of every award or participated in every award that's available to a member of the Legislature. He is respected in his district, in his county and in this Senate beyond my capacity to relate. I just simply want to pay a special tribute to the distinguished chairman of this group who has given us an image of respect, our Senator Fred Karl.

On motion by Senator de la Parte, the remarks of Senator Horne were ordered spread upon the Journal.

The President added his commendation to that of Senator Horne whereupon Senator Karl was accorded a standing ovation and responded in expressions of thanks for the recognition given him and the members of the Select Committee on Executive Suspensions.

Upon motion by Senator Horne, the Senate emerged from Executive Session at 11:05 a.m. and resumed its session.

On motion by Senator Hollahan that a committee be appointed to wait upon the Governor and escort His Excellency to the chamber as the recipient of an award, the President appointed Senators Henderson, de la Parte and Poston. The Committee withdrew.

On motion by Senator Ware, unanimous consent was obtained to take up out of order—

HB 41—A bill to be entitled An act relating to nuisances and doors on abandoned iceboxes, refrigerators, etc., amending sections 823.07 and 823.08, Florida Statutes, to include clothes washers, clothes dryers, and similar airtight units; providing an effective date.

—which was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was adopted on motion by Senator Ware:

On page 3, section 3, strike all of Section 3 and insert: Section 3. This act shall take effect September 1, 1971.

On motion by Senator Ware, by two-thirds vote, HB 41 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Deeb	Johnson (29th)	Poston
Barron	de la Parte	Johnson (34th)	Saylor
Barrow	Ducker	Knopke	Scarborough
Bell	Fincher	Lane	Stolzenburg
Bishop	Gong	Lewis (33rd)	Trask
Boyd	Graham	Lewis (43rd)	Ware
Brantley	Gunter	McClain	Weissenborn
Broxson	Haverfield	Myers	Wilson
Daniel	Henderson	Ott	

The Committee, previously appointed to wait upon the Governor reappeared in the chamber preceded by the Sergeant at Arms of the Senate who proclaimed the arrival of His Excellency, Honorable Reubin O'D. Askew, Governor of Florida. Governor Askew was greeted with a standing ovation and escorted to the rostrum.

INTRODUCTION

The President announced that on motion by Senator Poston, unanimous consent was obtained to introduce out of order—

By Senators Poston, Arnold, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Gong, Graham, Gunter, Haverfield,

Henderson, Hollahan, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Reuter, Saunders, Saylor, Scarborough, Stolzenburg, Thomas, Trask, Ware, Weber, Weissenborn, Williams and Wilson—

SCR 1585—A concurrent resolution in appreciation to the Honorable Reubin O'D. Askew recognizing his past membership in the Florida Senate.

WHEREAS, the Honorable Reubin O'D. Askew was recently elected Governor of the great State of Florida, and

WHEREAS, he was first elected to the legislative branch of government as a member of the House of Representatives in 1958 and served the people of the State of Florida in that capacity honorably and with great distinction for four (4) years, and

WHEREAS, he was first elected to the Florida Senate in 1962, and served as one of the Senate's outstanding members until 1970, as a President Pro Tempore for two (2) Sessions and as Chairman of the Senate Judiciary Committee, and

WHEREAS, his friends and colleagues in the Florida Senate wish to recognize his long and distinguished service among them, and wish to recognize his exceptional achievements which have reflected great credit upon himself and upon the Senate, and to commend him upon his outstanding service; NOW THEREFORE

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

That in recognition and appreciation of services rendered to the Senate and in recognition of his many achievements, the Senate wishes to manifest their appreciation to him and as a token thereof to present him with a painting which it is hoped will endure as a symbol of their gratitude.

Which was read the first time in full by the Secretary of the Senate. On motion by Senator Poston, by two-thirds vote, SCR 1585 was read the second time by title, adopted, and certified to the House. The vote was: Yeas—47 Nays—None

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Saylor
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

Upon the request of Senator Poston, the President invited to the rostrum Mrs. Aileen Rush, an artist of renown. The President then recognized Senator Poston who, on behalf of the Senate, presented to Governor Askew a rural landscape exquisitely done in oils by Mrs. Rush depicting Florida's restful and yet unspoiled pinelands.

The Governor responded in expressing an intense interest in present legislative proceedings and profound thanks for the painting and the kind thoughts prompting the gift.

At the conclusion of his remarks and a response by the President of the Senate, the committee formerly appointed, escorted Governor Askew and Mrs. Rush from the rostrum and from the chamber.

SJR 565—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution; providing that the revision or amendment of any portion of the Constitution on one subject may be proposed by initiative of the people and providing procedure with respect thereto.

Was taken up with the following pending amendment by Senator Daniel:

On page 1, line 27, strike "six" and insert: twenty

Senator Gunter moved the following substitute amendment:

On page 1, line 27, strike line 27 and insert: eight percent of the votes cast in

Senator Johnson (29th) presiding.

The President presiding.

Senator Wilson moved the adoption of the following amendment to the substitute amendment which failed:

On page 1, line 27, section 3, strike "votes cast" and insert: registered electors

The question recurred on the substitute amendment which failed by the following vote:

Yeas—12

Boyd	Gong	Lewis (43rd)	Reuter
Broxson	Graham	Plante	Weissenborn
Fincher	Gunter	Pope	Wilson

Nays—28

Mr. President	Brantley	Horne	Ott
Arnold	Daniel	Johnson (29th)	Saunders
Barron	Deeb	Johnson (34th)	Scarborough
Barrow	Ducker	Knopke	Trask
Beaufort	Haverfield	Lane	Ware
Bell	Henderson	Lewis (33rd)	Weber
Bishop	Hollahan	McClain	Williams

By unanimous consent Senator Myers was recorded as voting yea.

The question recurred on the amendment by Senator Daniel which was adopted by the following vote:

Yeas—27

Mr. President	Brantley	Horne	Ott
Arnold	Daniel	Johnson (29th)	Saunders
Barron	Deeb	Johnson (34th)	Scarborough
Barrow	Ducker	Knopke	Trask
Beaufort	Haverfield	Lane	Weber
Bell	Henderson	Lewis (33rd)	Williams
Bishop	Hollahan	McClain	

Nays—13

Boyd	Graham	Pope	Wilson
Broxson	Gunter	Reuter	
Fincher	Lewis (43rd)	Ware	
Gong	Plante	Weissenborn	

By unanimous consent Senator Myers was recorded as voting nay.

On motion by Senator Gunter, the rules were waived and SJR 565 as amended was read the third time in full as follows:

SJR 565—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution; providing that the revision or amendment of any portion of the Constitution on one subject may be proposed by initiative of the people and providing procedure with respect thereto.

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

That the amendment to Section 3 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1972.

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions ~~amendments to any section~~ of this constitution by initiative is reserved to the people, provided that, any such revision or amendment shall embrace but one subject and matter properly connected therewith. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to twenty ~~eight~~ percent of the registered electors ~~votes cast~~ in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen. Prior to the securing of signatures on such petition a copy thereof shall be filed with the supreme court of the state by a proponent thereof, who shall state the purpose of such proposed revision or amendment. If the supreme court deems a clarification of the purpose of the amendment or revision to be necessary it may within fifteen days from the filing grant the proponent a hearing for such purpose. Within thirty days from the filing or from the hearing, should one be granted, the court shall enter an order approving the technical form of the proposed revision or amendment or making necessary technical corrections within the stated purpose. The amendment or revision contained in the order shall be that shown in all petitions presented for signature and that voted on, and no action shall be invalidated for any immaterial or clerical errors in the publication thereof prior to the election thereon.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Horne at 2:00 p.m. A quorum present—47:

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Sayler
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

The Senate resumed—

SJR 565—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution; providing that the revision or amendment of any portion of the Constitution on one subject may be proposed by initiative of the people and providing procedure with respect thereto.

—which was taken up pending roll call. The reading clerk called the roll and SJR 565 failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—20

Mr. President	Daniel	Johnson (29th)	Saunders
Barrow	Deeb	Lewis (33rd)	Sayler
Bishop	Ducker	McClain	Stolzenburg
Boyd	Henderson	Ott	Trask
Brantley	Horne	Plante	Williams

Nays—24

Arnold	Gong	Karl	Poston
Beaufort	Graham	Knopke	Scarborough
Bell	Gunter	Lane	Ware
Childers	Haverfield	Lewis (43rd)	Weber
de la Parte	Hollahan	Myers	Weissenborn
Fincher	Johnson (34th)	Pope	Wilson

By unanimous consent Senator Reuter was recorded as voting nay.

SPECIAL ORDER

SB 1580—A bill to be entitled An act making an appropriation; providing moneys for the annual period beginning July 1, 1971, and ending June 30, 1972, for the minimum foundation program for kindergarten and grades one through twelve; providing that the same shall be in lieu of certain other appropriations; providing an effective date.

Was taken up, together with the following pending amendment by Senator Ducker:

On page 1, line 16, section 1, strike “\$41,455,530” and insert: \$33,300,000

Senators Williams and de la Parte offered the following substitute amendment which was adopted on motion by Senator Williams:

On page 1, line 16, section 1, strike “\$41,455,530.00” and insert: \$36,300,000

On motion by Senator Sayler the following amendment was adopted:

In Section 2, line 30, page 1, strike Section 2 and insert:

Section 2. There is hereby appropriated from the general revenue fund to the department of administration the sum of eleven million two hundred sixty-nine thousand five hundred thirty-one dollars (\$11,269,531) to be distributed and released to the various agencies and departments of state government during the 1971-72 fiscal year and used, together with other moneys available to the various state agencies and departments, to grant merit salary increases to state employees. The department of administration is also authorized to release trust funds for the various state agencies and departments to grant merit salary increases to state employees. Provided, however, all moneys to be distributed and released under the authority of this section shall be distributed and released only upon advice of the legislative appropriations committees as authorized in §216.192(4), Florida Statutes.

Section 3. There is hereby appropriated from the general revenue fund to the department of administration the sum of twelve million eight hundred fifty-four thousand six hundred sixty dollars (\$12,854,660) to be distributed and released to the various agencies and departments of state government during the 1971-72 fiscal year and used, together with other moneys available to the various state agencies and departments, to implement the employee classification and pay plan adjustments recommended by the governor in his budget recommendations to the 1971 legislature. The department of administration is also authorized to release trust funds for the various state agencies and departments to implement said employee classification and pay plan adjustments. Provided, however, all moneys to be distributed and released under the authority of this section shall be distributed and released only upon advice of the legislative appropriations committees as authorized in §216.192(4), Florida Statutes.

Section 4. This act shall take effect July 1, 1971.

Senators Boyd, Henderson, Pope, Beaufort, Brantley, Arnold and Scarborough offered the following amendment which was moved by Senator Boyd:

On page 1, lines 14, 15, 16, section 1, strike the amount of thirty-six million, three hundred thousand dollars (\$36,300,000) and insert: Thirty-six million, three hundred thousand dollars (\$36,300,000) and add a new Section 2 as follows: There is hereby appropriated from the General Revenue Fund to the department of state—Asolo State Theatre the sum of fifty thousand dollars (\$50,000) and for the state play cross & Swords \$25,000. Renumber present section 2

Senators Hollahan, Graham and Trask offered the following amendment to the amendment which was moved by Senator Hollahan:

After "25,000" insert: and \$150,000 for the Bicentennial Commission

Senator Lewis (33rd) moved the adoption of the following substitute amendment:

After "25,000" insert: and \$150,000 for the Bicentennial Commission and \$50,000 for the Exceptional Children's Home of Belle Glade and renumber

Senators Bishop, McClain and Knopke offered the following amendment to the substitute amendment which was moved by Senator Bishop:

On page 1, lines 14, 15, 16, section 1, insert the following: Thirty-seven thousand five hundred from the general revenue fund and thirty-seven thousand five hundred from the Land Acquisition Trust Fund to the Division of Mental Retardation and fifty thousand dollars for Gasparilla and Florida State Fair Association.

Senator Myers raised a point of order that the amendments were not germane to the bill.

The Chair ruled that it was improper to pull, no matter how worthy, projects out of the appropriations bill or other bills and append them to narrowly construed appropriation matters. He stated that if that latitude were afforded, any vehicle would serve as the proper platform to logically amend to include particular programs. Therefore, the amendments were not germane to the titles of Senate Bills 1580 and 1581 which had been merged by a previous amendment and the amendments were out of order.

Senators Gunter and de la Parte offered the following amendment which was adopted on motion by Senator Gunter:

Lines 8-9, section 3, strike "twelve million eight hundred fifty-four thousand six hundred sixty dollars (\$12,854,660)" and insert: six million four hundred twenty seven thousand three hundred thirty dollars (\$6,427,330)

Senator Bishop moved the adoption of the following amendment which failed:

On page 2, line 25, section 4, strike entire section and insert: Section 4. This sub-section shall not apply to persons receiving salaries in excess of twelve thousand five hundred dollars (\$12,500) per year

Section 5. This act shall take effect July 1, 1971

Senator Ware moved the adoption of the following amendment:

Line 25, section 4, strike Section 4 and insert: For the 1971-72 fiscal year, the amount which each district, approved by the department to participate in the support of a junior college, shall provide toward the cost of the junior college minimum foundation program shall be three tenths (0.3) of one (1) mill of tax on ninety-five percent (95%) of the nonexempt assessed valuation of that district for the preceding year; provided that no school board or group of school boards participating in the support of a junior college shall be required to make a financial effort to support the junior college of more than fifty percent (50%) of the total cost of the minimum foundation program. The total allocation to each junior college for the junior college minimum foundation program shall be the total calculated cost of the minimum foundation program for that junior college as determined in subsection (6) of Chapter 230.767, Florida Statutes, less the required minimum financial effort as determined herein.

Senator de la Parte raised a point of order that the amendment was not germane to the subject matter of the bill that it related to either funding by the school board or a referendum for the support of junior colleges and not to the funding of the K-12 program.

The Chair ruled the point well taken and the amendment out of order.

On motion by Senator Saylor the following amendment was adopted:

On page 1, line 11, in title, strike line 11 and insert: tions; to pay salaries, retirement, and social security matching necessary to grant merit salary increases to state employees; and to implement adjusted classification and pay plans for state employees; providing for advice of legislative appropriations committees; providing an effective date.

On motion by Senator de la Parte, by two-thirds vote, SB 1580 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—42

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barron	de la Parte	Karl	Saunders
Barrow	Fincher	Knopke	Saylor
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Williams
Brantley	Henderson	Myers	Wilson
Broxson	Hollahan	Ott	
Childers	Horne	Plante	

Nays—3

Ducker Weber Weissenborn

By unanimous consent, Senator Reuter was recorded as voting yea.

EXPLANATIONS OF VOTE

I voted against amendments to reduce the appropriation for K-12. I voted for SB 1580 in order to provide 36.3 million for K-12. I shall support measures to restore the 3.7 million to K-12, and to provide for the 10.1 million for community colleges.

W. D. Childers, 2nd District

I voted nay on SB 1580 because it is the principal so-called "supplemental appropriations bill" and it did not provide one penny to provide the additional raises for our community college programming which additional monies are needed, both because we did not provide enough funds in our "first" appropriation bill for this purpose and further, because we are obligated by the action of the 1970 legislature to provide the necessary funds so that the state can relieve the counties from having to impose the .3 of a mill for community college purposes in 1971-72.

Lee Weissenborn, 42nd District

While I vigorously opposed any new taxes for 1971-72, feeling the anticipated \$1,271,000,000 was sufficient if properly allocated, my position was defeated and new taxes passed. It is my sincere feeling that these funds should go as proposed by SB 1580.

William Dean Barrow, 3rd District

HB 1008—A bill to be entitled An act relating to factory built housing; providing for the duties and powers of the department of community affairs; providing for the inspection and approval of factory built housing; providing penalties; providing injunctive relief; providing an effective date.

Was read the second time by title.

On motion by Senator Weber the following amendment was adopted:

On page 2, line 9, section 1, strike "department of community affairs" and insert: department of business regulation

On motion by Senator Weber the following amendment was adopted:

On page 3, lines 27, 28, section 2, strike "department of community affairs." and insert: department of business regulation.

On motion by Senator Weber the following amendment was adopted:

On page 1, line 6, title, strike "department of community affairs" and insert: department of business regulation

On motion by Senator Graham the following amendment was adopted:

On page 6, line 6, section 4, strike line 6 and insert: council which shall consult with and advise the department in the drafting and promulgation of rules and regulations

On motion by Senator Graham, by two-thirds vote, HB 1008 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

Mr. President	Deeb	Johnson (34th)	Poston
Arnold	de la Parte	Karl	Reuter
Barron	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Saylor
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Trask
Boyd	Haverfield	Myers	Ware
Brantley	Henderson	Ott	Weber
Broxson	Horne	Plante	Weissenborn
Childers	Johnson (29th)	Pope	Wilson

By unanimous consent Senators Hollahan, Daniel and Williams were recorded as voting yea.

SB 1194—A bill to be entitled An act relating to public schools; amending §236.07(3)(c) and (10), Florida Statutes, authorizing district school boards to expend up to five percent (5%) of the minimum foundation program funds for instructional salaries for noncertified personnel approved by the state board of education; providing that when noncertified personnel are not paid from such funds as set aside under §236.07(3)(c)2., Florida Statutes, the total allocation to each district shall be reduced by the difference between the amount included in the minimum foundation program for instructional salaries, and the amount actually paid to noncertified personnel; providing an effective date.

Was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 3, line 14 after the word "instructional" insert: and administrative

On motion by Senator Graham the following amendment was adopted:

On page 4, section 1, strike lines 1—7 and insert: (b) in such districts as fail to pay instructional and administrative personnel, including authorized noncertified instructional and administrative personnel, at least the amount included in the

minimum foundation program for instructional and administrative salaries, the difference between the amount included in the minimum foundation program for instructional and administrative salaries and the amount actually paid in such districts.†

On motion by Senator Broxson, by two-thirds vote, SB 1194 as amended was read the third time by title.

Senator Broxson moved the adoption of the following amendment which failed:

On page 4, line 2, section (b), strike "including authorized noncertified instructional"

SB 1194 as amended passed and was ordered engrossed. The vote was:

Yeas—28

Mr. President	Fincher	Knopke	Pope
Arnold	Graham	Lewis (33rd)	Poston
Beaufort	Haverfield	Lewis (43rd)	Reuter
Boyd	Henderson	McClain	Scarborough
Brantley	Horne	Myers	Trask
Broxson	Johnson (29th)	Ott	Ware
Daniel	Karl	Plante	Weissenborn

Nays—12

Barron	Bishop	Ducker	Stolzenburg
Barrow	Childers	Hollahan	Weber
Bell	Deeb	Lane	Wilson

On motion by Senator Hollahan, by two-thirds vote, SB 1581 was removed from the Calendar and from further consideration of the Senate.

Senators Williams, Gunter, and de la Parte were excused for the purpose of working with the staff of the Committee on Ways and Means.

SB 760—A bill to be entitled An act relating to education; amending §230.33(8)(c), Florida Statutes, to provide that the suspension of pupils shall not exceed thirty (30) days; providing an effective date.

Was read the second time by title.

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, line 6, section 1, strike "not to exceed thirty (30) days" and insert: , such suspension period not to exceed thirty (30) days,

The Committee on Public Schools offered the following amendment which was adopted on motion by Senator Broxson:

On page 1, lines 6 and 7, Title, strike "that the suspension of pupils shall not exceed thirty (30) days;" and insert: for thirty (30) day suspension of pupils;

On motion by Senator Broxson, by two-thirds vote, SB 760 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—41

Mr. President	Bell	Broxson	Ducker
Barron	Bishop	Childers	Fincher
Barrow	Boyd	Daniel	Gong
Beaufort	Brantley	Deeb	Graham

Haverfield	Lane	Pope	Ware
Henderson	Lewis (33rd)	Poston	Weber
Horne	Lewis (43rd)	Reuter	Weissenborn
Johnson (29th)	McClain	Sayler	Wilson
Johnson (34th)	Myers	Scarborough	
Karl	Ott	Stolzenburg	
Knopke	Plante	Trask	

On page 46, section 1, strike lines 17, 18 and 19 and insert:

(b) Accident reports confidential.—All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the department shall disclose the final judicial disposition of the case indicating which if any of the parties were found guilty. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department.

Nays—1

Arnold

The President presiding.

CS for HB 119—A bill to be entitled An act relating to the regulation of traffic; creating chapter 316, Florida Statutes, to be known as the "Florida uniform traffic control law"; regulating the movement of all vehicular, all pedestrian and all other traffic upon the streets and highways and elsewhere throughout the state where the public might have a right to travel; providing definitions; providing for the respective powers of state and local authorities in the control of traffic upon the streets and highways; establishing the enforcement of jurisdictions of traffic laws; establishing the rules of the road to be applicable throughout the state; establishing a standard of equipment of vehicles throughout the state; prescribing penalties for violation; providing for the adoption of this act by all municipalities within the state on or before January 1, 1972; repealing chapters 186, Florida Statutes, the model traffic ordinance for municipalities, and 317, Florida Statutes, relating to the regulation of traffic on the highways, each of which are replaced by or incorporated into the provisions of the chapter created by this act; providing an effective date.

Senator Hollahan moved that the Senate reconsider the vote by which the amendment by Senators Weissenborn and Lane was adopted. The motion failed by the following vote:

Yeas—20

Arnold	Broxson	Horne	Poston
Barron	Childers	Karl	Reuter
Barrow	Fincher	Knopke	Sayler
Bishop	Haverfield	Lewis (33rd)	Trask
Brantley	Hollahan	Ott	Ware

Nays—20

Mr. President	Ducker	Lane	Pope
Beaufort	Gong	Lewis (43rd)	Stolzenburg
Bell	Henderson	McClain	Weber
Boyd	Johnson (29th)	Myers	Weissenborn
Deeb	Johnson (34th)	Plante	Wilson

Was read the second time by title.

Senators Weissenborn and Lane offered the following amendment which was adopted on motion by Senator Lane:

On page 96, line 29, section 316.196(3)(a), after "towed." and before "Provided," insert: Provided, it is unlawful for tandem trailer combinations to operate on any public road or highway, including any limited access express highway in the Florida turnpike system.

Pursuant to Rule 1.20, I recuse myself from voting on amendment number 1 to CS for HB 119 because of a conflict of interest. I am the plaintiff in a civil action against the D.O.T. (turnpike division) to outlaw the identical practice the amendment would preclude.

Welborn Daniel, 15th District

The vote was:

On motion by Senator Poston, by two-thirds vote, CS for HB 119 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—17

Mr. President	Hollahan	McClain	Weissenborn
Bell	Johnson (34th)	Myers	Wilson
Ducker	Knopke	Pope	
Haverfield	Lane	Stolzenburg	
Henderson	Lewis (43rd)	Weber	

Yeas—40

Mr. President	Ducker	Karl	Poston
Arnold	Fincher	Knopke	Reuter
Barrow	Gong	Lane	Saunders
Beaufort	Graham	Lewis (33rd)	Sayler
Bell	Haverfield	Lewis (43rd)	Scarborough
Boyd	Henderson	McClain	Stolzenburg
Brantley	Hollahan	Myers	Ware
Broxson	Horne	Ott	Weber
Daniel	Johnson (29th)	Plante	Weissenborn
Deeb	Johnson (34th)	Pope	Wilson

Nays—16

Arnold	Broxson	Karl	Reuter
Barron	Childers	Lewis (33rd)	Sayler
Barrow	Fincher	Ott	Trask
Brantley	Graham	Poston	Ware

Nays—3

Bishop	Childers	Trask
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On motion by Senator Daniel, the rules were waived and the Committee on Governmental Efficiency was granted permission to consider SB 890 at the scheduled meeting this day.

On motion by Senator Hollahan the following amendment was adopted:

Senator Trask was excused.

On page 6, line 4, section 1, strike "duly elected"

Senators Daniel and McClain offered the following amendment which was adopted on motion by Senator Daniel:

SB 938—A bill to be entitled An act relating to conservatorships; amending section 747.02, Florida Statutes, providing for

jurisdiction of the circuit court to establish conservatorships; creating section 747.021, Florida Statutes, to provide for summary procedures with respect to certain property of an absentee; providing for a procedure for authorizing actions in connection with absentee's property; amending section 747.03, Florida Statutes, prescribing the contents of a petition for appointment of a conservator; creating section 747.031, Florida Statutes, providing for notice and hearing on the petition; creating section 747.032, Florida Statutes, providing for an order of appointment of a conservator; creating section 747.033, Florida Statutes, providing for oath of a conservator; creating section 747.034, Florida Statutes, providing for a bond for the conservator; creating section 747.035, Florida Statutes, prescribing the rights, powers and duties of the conservator, absentee, absentee's dependents and the court; creating section 747.036, Florida Statutes, providing for resignation or removal of a conservator; amending section 747.04, Florida Statutes, to provide for final returns and discharge of a conservator; providing an effective date.

Was read the second time by title.

On motion by Senator Graham the following amendment was adopted:

On page 2 between lines 5 and 6, insert the following:

Section 1. Section 747.01, Florida Statutes, is amended by adding subsection (3) to read:

747.01 Who are absentees under this law.—

(3) An "absentee" as defined in this act is considered incompetent for the purposes of section 4, Article X, Florida Constitution.

Renumber subsequent sections accordingly.

On motion by Senator Graham the following amendment was adopted:

On page 6, section 3, strike lines 24, 25 and 26 and insert: ter an order appointing the petitioner as conservator for the purposes of the action which is the subject of the petition and authorizing the conservator to take the action requested in the petition. The court shall require the conservator to account for the proceeds of the sale, lease, or other action, but the conservator shall not be required to subject the other property of the absentee to a conservatorship proceeding. The

On motion by Senator Graham the following amendment was adopted:

On page 1, line 4, in title, after the semicolon insert: amending section 747.01, Florida Statutes, to provide that an "absentee" is incompetent;

On motion by Senator Graham, by two-thirds vote, SB 938 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Daniel	Johnson (29th)	Pope
Arnold	Deeb	Johnson (34th)	Poston
Barrow	Ducker	Karl	Sayler
Beaufort	Fincher	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Ware
Boyd	Haverfield	Lewis (43rd)	Weber
Brantley	Henderson	McClain	Weissenborn
Broxson	Hollahan	Myers	Wilson
Childers	Horne	Plante	

By unanimous consent Senator Reuter was recorded as voting yea.

SB 768—A bill to be entitled An act relating to public health, migrant labor camps; amending chapter 381, Florida Statutes; to provide for a change in the definition of "migrant labor camp": to provide for rule-making power over minimum living space; to provide for potable water supply in each family living unit; to provide for an effective date.

Was read the second time by title.

On motion by Senator Ducker the following amendment was adopted:

On page 2, line 6, section 2, strike "minimum living space per occupant,"

On motion by Senator Ducker the following amendment was adopted:

On page 1, line 7, in title, strike "to provide for rule-making power over minimum living space;"

SB 768 as amended was ordered engrossed.

On motion by Senator Sayler, by two-thirds vote, SB 1293 was withdrawn from the Committee on Judiciary-Civil and from further consideration of the Senate.

On motion by Senator Poston, by two-thirds vote, SB 198 was removed from the Calendar and from further consideration of the Senate.

On motion by Senator Haverfield, by two-thirds vote, HB 1800 was withdrawn from the Committee on Universities and Community Colleges and placed on the Calendar.

On motion by Senator Broxson, by two-thirds vote, SB 922 was withdrawn from the Committee on Ways and Means and placed on the Calendar.

On motion by Senator Hollahan, by two-thirds vote, HB 1720 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

On motion by Senator Hollahan, by two-thirds vote, HB 809 was removed from the Calendar and indefinitely postponed.

Senator Myers announced the cancellation of the meeting of the Committee on Health, Welfare and Institutions scheduled this day.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:06 p.m. to convene at 8:30 a.m. May 21, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., May 21, 1971.