

JOURNAL OF THE FLORIDA SENATE

Friday, June 18, 1971

The Senate was called to order by the President at 10:00 a.m. A quorum present—46:

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

Excused: Senator de la Parte until 12:45 p.m., Senator Brannen.

Prayer by Senator Lewis (33rd):

Let us pray. Let there be light. These are the first recorded words of God. They are as timeless as the world. And as necessary. How this light is needed today! The light of understanding to make us listen to every man. The light of reason to calm the angry passion of man. The light of wisdom to make us adjust to needed change. The light of patience to some men of reconciliation. The light of love to make us sincerely care for every man. May this kind of light—purifying and illuminating—pour forth into the halls of this senate. And may the good God bless us and help us to make God's work our own. Amen.

The Journal of June 17 was corrected and approved as follows:

Page 42, column 2, line 36, strike "752,580" and insert: 5,752, 580

Page 42, column 2, line 37, strike "42,734" and insert: 3,642,-734

Page 53, column 2, line 4, strike "Myers" and insert: Gong

Page 53, counting from the bottom of column 2, between lines 3 and 4 insert: On motion by Senator Hollahan, by two-thirds vote, House Bills 27-C, 18-C and 28-C were withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics.

INTRODUCTION

By Senators Gunter and de la Parte—

SB 35-C—A bill to be entitled An act authorizing the Florida Nuclear and Space Council to embark upon a program of maintaining the Kennedy Space Center and Cape Kennedy Missile Launch Complex as a focal point in operations of the launch facilities in the nation's space program; providing an effective date.

SB 35-C was determined by the President to be within the purview of the call of the Governor, was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Gunter, by two-thirds vote, SB 35-C was withdrawn from the Committee on Ways and Means and placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas June 16, 1971
President of the Senate

Sir:

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

By the Committee on Appropriations—

HB 18-C—A bill to be entitled An act relating to educational loans and grants; amending subsection (2) of section 239.41, Florida Statutes, providing that no new teaching scholarship awards shall be made after July 1, 1971; amending section 239.44, Florida Statutes, providing that any monies collected by the department of education as repayment of teaching scholarship awards shall be deposited to the credit of the student financial aid trust fund; amending subsection (6) of section 239.47, Florida Statutes, providing that no new nursing scholarship awards shall be made after July 1, 1971; amending subsection (5) of section 239.52, Florida Statutes, providing that repayments on nursing scholarships shall be deposited to the credit of the student financial aid trust fund; amending subsection (4) of section 239.67, Florida Statutes, by establishing eligibility criteria for loans; amending subsections (5) and (7) of section 239.67, Florida Statutes, by establishing repayment procedures for loans; providing an increase in student fees to support the loan program; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 18-C, contained in the above message, was determined by the President to be within the purview of the call of the Governor, was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

On motion by Senator Haverfield, by two-thirds vote, HB 18-C was withdrawn from the Committees on Universities and Community Colleges and Ways and Means and placed on the Calendar.

The Honorable Jerry Thomas June 16, 1971
President of the Senate

Sir:

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

By the Committee on Transportation and Representative Holloway—

HB 28-C—A bill to be entitled An act relating to transportation; providing for establishment of regional transportation authorities; providing purposes and powers of the authorities for public transportation systems in and throughout Florida; providing exemptions to the authority from regulation and taxation; providing special district ad valorem taxing; providing for issuance of bonds, pledging of assets and revenue; defining the transportation area and providing for operation and expansion; providing an effective date.

By the Committee on Transportation—

HB 27-C—A bill to be entitled An act relating to outdoor advertising, amending section 479.01, Florida Statutes, relating to

definitions; amending section 479.02, Florida Statutes, pertaining to enforcement of provisions by the department, providing procedures; adding section 479.025, F. S., providing for execution of agreement; adding section 479.026, F. S., providing for guarantee against loss of funds; amending section 479.03, F. S., relating to territory to which act applies; amending section 479.11(1), F. S., prohibiting the erection of outdoor signs in certain areas; creating section 479.111, F. S., permitting certain advertising signs; amending section 479.16(12), F. S., excepting certain advertisements; adding section 479.23, F. S., providing for removal of signs; adding section 479.24, F. S., providing for compensation for removal of signs; adding section 479.25, F. S., providing that the State of Florida shall not be held responsible for the cost of removal of all signs installed after the effective date of act; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 28-C, contained in the above message, was determined by the President to be within the purview of the call of the Governor, was read the first time by title and referred to the Committee on Transportation.

HB 27-C, contained in the above message, was determined by the President to be within the purview of the call of the Governor, was read the first time by title and referred to the Committees on Transportation and Ways and Means.

Senators Poston, Beaufort, Stolzenburg, Bell, Bishop, Arnold, Childers and Johnson (34th), members of the Committee on Transportation, were recorded present.

On motion by Senator Poston, by two-thirds vote, the Committee on Transportation was granted permission to consider House Bills 27-C and 28-C at a meeting this day.

On motion by Senator Poston, by two-thirds vote, the members of the Committee on Transportation were excused so the committee could meet and consider the foregoing bills.

Senator Scarborough moved that HB 26-C be withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the calendar notwithstanding the fact that it was not within the purview of the call of the Governor. The motion failed.

SECOND READING

HB 17-C—A bill to be entitled An act relating to dissolution of marriage; providing a state policy concerning dissolution of marriages; changing the word divorce to dissolution of marriage; creating section 61.043, Florida Statutes, to provide procedures for dissolution of marriage; creating section 61.044, Florida Statutes, to abolish certain defenses; creating section 61.052, Florida Statutes, to establish a basis for dissolution of marriage; providing that children of a dissolved marriage are legitimate; providing for alimony for either spouse and a proceeding in case of nonsupport; providing for child support by either parent and for child custody; providing for attorney's fees and costs to be paid by either party; repealing sections 61.041, 61.042, 61.051 and 61.15, Florida Statutes; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 1—On page 5, lines 9-12, section 7, strike the period and the words "The court may receive recommendations and reports from persons so consulted in determining the probability of reconciliation of the parties"

The Committee on Judiciary-Civil A offered the following amendment which was moved by Senator Barron:

Amendment 2—Lines 6 and 7, section 10, strike all of lines 6 and 7 and insert the following: The court may consider the adultery of a spouse and the circumstances thereof in determining whether alimony shall be awarded to such spouse and the amount of alimony, if any, to be awarded to such spouse.

Senators Wilson and Horne offered the following substitute amendment for amendment 2 which was moved by Senator Wilson and failed:

Amendment 3—On page 7, line 6, section 10 strike "provided, however, in no event shall alimony be granted to an adulterous spouse

The question recurred on the adoption of amendment 2 which was adopted.

The Committee on Judiciary-Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 4—On page 16, line 3, section 21, strike the period and insert the following: ; provided, however, that pending actions for divorce are deemed to have been commenced on the bases provided in section 7 of this act, and evidence as to such bases for dissolution of marriage after the effective date of this act shall be in compliance with this act.

Senator Weissenborn offered the following amendment which was adopted on motion by Senator Barron:

Amendment 5—On page 10, line 15, section 15, after "equitable." insert the following: the court initially entering an order requiring one or both parents to make child support payments shall have continuing jurisdiction after the entry of such initial order to modify the amount of the child support payments, or the terms thereof, where such is found to be necessary by the court for the best interests of the child or children, or where such is found to be necessary by the court because there has been a substantial change in the circumstances of the parties. The court initially entering a child support order shall also have continuing jurisdiction after the entry of such order to require the person or persons awarded custody of the child or children to make a report to the court on terms prescribed by the court as to the expenditure or other disposition of said child support payments.

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

Amendment 6—In Section 7, line 14, page 4, strike: "may" and insert: shall

On motion by Senator Lewis (43rd) the following amendment was adopted:

Amendment 7—On page 15, line 30, insert the following: Section 21. Annulment of bigamous marriages.—A marriage may be annulled if either party to the marriage had a husband or wife living at the time of entering into the marriage sought to be annulled. The children of any annulled marriage shall be legitimate. In an action for annulment the court may make such orders for alimony, child support, and attorney's fees as are equitable and just under the circumstances.

And renumber subsequent sections accordingly.

On motion by Senator Lewis (43rd), the Senate reconsidered the vote by which amendment 7 was adopted. Senator Lewis (43rd) withdrew the amendment.

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

Amendment 8—On page 13, line 9, section 17 strike the period and insert the following: ; provided however an award of

attorney fees may not be enforced by contempt proceedings.

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

Amendment 9—On page 7, line 11, section 10 after subparagraph (2) insert the following: (3) The court shall also determine the disposition to be made of jointly owned property and any special equity one spouse may have in the separate property of the other.

On motion by Senator Barron, by two-thirds vote, HB 17-C as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—24

Barron	Gong	Lane	Reuter
Beaufort	Graham	Lewis (43rd)	Saunders
Bell	Hollahan	McClain	Trask
Boyd	Johnson (29th)	Myers	Ware
Daniel	Johnson (34th)	Plante	Weissenborn
Ducker	Knopke	Poston	Wilson

Nays—12

Mr. President	Bishop	Karl	Scarborough
Arnold	Brantley	Lewis (33rd)	Stolzenburg
Barrow	Childers	Pope	Weber

By unanimous consent, Senators Williams and Fincher were recorded as voting yea; Senators Broxson and Gunter as voting nay.

On motion by Senator Hollahan, the Senate recessed at 11:49 a.m. to reconvene at 12:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 12:45 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	

By permission, the following reports were received:

REPORTS OF COMMITTEE

The Committee on Transportation recommends the following pass: HB 27-C

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

The Committee on Transportation recommends the following pass: HB 28-C with 1 amendment

The bill contained in the foregoing report was placed on the Calendar.

On motion by Senator Hollahan, by two-thirds vote, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 18, 1971

Sir:

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

By Representative Dubbin—

HCR 70-C—A concurrent resolution providing that the House of Representatives and the Senate convene in joint session.

WHEREAS, His Excellency, Governor Reubin O'D. Askew has expressed a desire to address the Legislature in joint session; NOW, THEREFORE,

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

That the House of Representatives and the Senate convene in joint session in the chamber of the House of Representatives at 1:00 P.M. this day, June 18, 1971, for the purpose of receiving the message from the Governor.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 70-C, contained in the above message, was read the first time in full. On motion by Senator Hollahan, by two-thirds vote, HCR 70-C was read the second time by title, unanimously adopted and certified to the House.

Pursuant to the provisions of HCR 70-C, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where the members were received in due form.

The joint session was called to order at 1:00 p.m. by Honorable Richard A. Pettigrew, Speaker of the House of Representatives, who declared a quorum of the joint session present.

The Speaker invited the President of the Senate, Senator Jerry Thomas, and the President Pro Tempore of the Senate, Senator Wilbur H. Boyd, to the rostrum, presented the gavel to the President of the Senate and requested him to preside over the joint session.

The President in the chair.

Prayer was offered by Representative James L. Redman.

Speaker Pro Tempore Eugene F. Shaw led the joint session in the pledge of allegiance to the flag of the United States of America.

On motion by Representative Nichols that a committee be appointed to notify the Governor that the joint session was assembled and ready to receive His Excellency's message, the President appointed Senators Fincher, Barron and Henderson on the part of the Senate, and the Speaker appointed Representatives Nichols, Lancaster and Reed on the part of the House. The committee withdrew.

The Committee reappeared escorting His Excellency, Honorable Reubin O'D. Askew, Governor of Florida, who was received on the rostrum by the President of the Senate, presented to the joint session and delivered an address. Upon the conclusion of his remarks, the Governor was escorted from the rostrum and the chamber by the committee previously appointed.

On motion by Senator Hollahan, the Senate withdrew from the joint session and resumed its session at 1:30 p.m. A quorum present—47:

Mr. President	Barron	Beaufort	Bishop
Arnold	Barrow	Bell	Boyd

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

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

PROCLAMATION

State of Florida
Office of the Governor
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida is now in Special Session, having been convened pursuant to Proclamation of the Governor issued and filed with the Secretary of State on the 4th day of June A. D. 1971, as superseded by Proclamation of the Governor issued and filed with the Secretary of State on the 9th day of June A. D. 1971, and

WHEREAS, the Legislature adjourned the Regular Session of 1971 sine die without enacting certain urgently needed legislation as set forth and described in paragraph two (2) below, and

WHEREAS, it was necessary to amend the Proclamation of the Governor issued and filed on the 9th day of June A. D. 1971, by a Proclamation dated and filed the 16th day of June A. D. 1971, in order to permit the Legislature to take up, consider, and enact such urgently needed legislation, and

WHEREAS, the Legislature has not completed its consideration of such urgently needed legislation, and

WHEREAS, it is in the best interest of the citizens of the State of Florida that the said Special Session of the Legislature be extended in order to permit full and adequate consideration of such legislation;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

1. That the Legislature of the State of Florida be and it is hereby convened in Special Session at the Capital, Tallahassee, Florida, for a period commencing at 11 o'clock a.m., Wednesday, the 9th day of June A. D. 1971, and ending at 5 o'clock p.m., Wednesday, the 23rd day of June A. D. 1971.

2. That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the enactment of the following:

- (a) A General Appropriations Bill,
- (b) Such legislation as is necessary to adequately and properly finance the General Appropriations Bill,
- (c) Such other legislation as is incorporated in, implementing of, or otherwise referred to in the General Appropriations Bill,
- (d) Legislation relating to financing of local governments including the expiration date of millage limitations,
- (e) Legislation relating to outdoor advertising, prohibiting the erection of outdoor signs in certain areas, and amending parts of Chapter 479, Florida Statutes, in order to comply with the Federal Highway standards and criteria,
- (f) Legislation relating to regional transportation authorities,
- (g) Legislation relating to dissolution of marriage and amending provisions in Chapter 61, Florida Statutes,

(h) Legislation relating to the ad valorem tax exemption of property leased from governmental units by non-governmental lessees,

(i) Legislation relating to ad valorem taxation, providing changes in the procedures for determination of full value assessment and ratio studies relating thereto,

(j) Legislation relating to the reorganization of the Department of Commerce.

3. That this Proclamation supersedes all the Proclamations of the Governor issued in connection with this Special Session, to-wit: Proclamations of the Governor filed with the Secretary of State on June 4, 1971, June 9, 1971, and June 16, 1971.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at the Capitol, Tallahassee, Florida, this 18th day of June A. D. 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State

The Senate resumed—

SECOND READING

HB 18-C—A bill to be entitled An act relating to educational loans and grants; amending subsection (2) of section 239.41, Florida Statutes, providing that no new teaching scholarship awards shall be made after July 1, 1971; amending section 239.44, Florida Statutes, providing that any monies collected by the department of education as repayment of teaching scholarship awards shall be deposited to the credit of the student financial aid trust fund; amending subsection (6) of section 239.47, Florida Statutes, providing that no new nursing scholarship awards shall be made after July 1, 1971; amending subsection (5) of section 239.52, Florida Statutes, providing that repayments on nursing scholarships shall be deposited to the credit of the student financial aid trust fund; amending subsection (4) of section 239.67, Florida Statutes, by establishing eligibility criteria for loans; amending subsections (5) and (7) of section 239.67, Florida Statutes, by establishing repayment procedures for loans; providing an increase in student fees to support the loan program; providing an effective date.

—on motion by Senator Haverfield, by two-thirds vote, HB 18-C was read the second time by title.

Senator Plante presiding.

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

Amendment 1—On page 6, line 4, section 5, strike the period (.) and insert: after the word "school": , and public area vocational-technical education centers established pursuant to the laws of Florida.

Senator Wilson moved the adoption of the following amendment:

Amendment 2—On page 7, line 2, section 6 strike "The department of education may require collateral or waive endorsement requirements at its discretion." and insert: The department of education may require collateral in which case the department may waive the requirement of endorsement

On motion by Senator Ware the following substitute amendment was adopted:

Amendment 3—On page 7, line 3, section 6 (5), strike "at its discretion" and insert: under rules and regulations which shall be adopted by the department of education

Senator Barrow moved that the Senate reconsider the vote by which Amendment 1 failed. The motion failed.

The President presiding.

Senator Haverfield moved that HB 18-C be read the third time by title. The motion failed.

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

Amendment 4—On page 5, line 17, section 5, strike “and” and insert: or

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

Amendment 5—On page 7, lines 1 and 2, strike “The department of education may require collateral or waive endorsement requirements at its discretion under rules and regulations which shall be adopted by the Department of Education.” and insert: Under rules and regulations adopted by the department of education endorsement may be waived where collateral has been provided and accepted.

On motion by Senator Ware the following amendment was adopted:

Amendment 6—On page 8, line 27, section 7(7), strike “shall” and insert: may

On motion by Senator Haverfield, by two-thirds vote, HB 18-C as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Weber
Boyd	Haverfield	Myers	Weissenborn
Broxson	Hollahan	Ott	Williams
Daniel	Johnson (29th)	Plante	Wilson
de la Parte	Johnson (34th)	Pope	
Ducker	Knopke	Poston	
Fincher	Lane	Saunders	

Nays—5

Arnold	Bishop	Childers	Ware
Barrow			

By unanimous consent, Senators Reuter and Brantley were recorded as voting yea; Senator Thomas changed his vote from yea to nay.

SB 35-C—A bill to be entitled An act authorizing the Florida Nuclear and Space Council to embark upon a program of maintaining the Kennedy Space Center and Cape Kennedy Missile Launch Complex as a focal point in operations of the launch facilities in the nation’s space program; providing an effective date.

—on motion by Senator Gunter, by two-thirds vote, was read the second time by title. On motion by Senator Gunter, by two-thirds vote SB 35-C was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Brantley	Fincher	Horne
Arnold	Broxson	Graham	Johnson (29th)
Barrow	Childers	Gunter	Johnson (34th)
Beaufort	Daniel	Haverfield	Knopke
Bell	de la Parte	Hollahan	Lane

Lewis (33rd)	Ott	Saunders	Weissenborn
Lewis (43rd)	Plante	Trask	Williams
McClain	Poston	Ware	Wilson
Myers	Reuter	Weber	

On motion by Senator Gunter, by two-thirds vote, SB 9-C was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 18, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee report as an entirety on—

By the Committee on Ways and Means—

SB 13-C—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1971, and ending June 30, 1972, to pay salaries, other expenses, capital outlay—buildings and improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

and pursuant thereto, has passed SB 13-C as amended by the Conference Committee amendment.

(Conference Committee amendment attached to original bill.)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

SB 13-C, contained in the above message, was ordered engrossed.

By permission, the following reports were received:

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred SB 13-C with 1 amendment reports that the conference committee amendment has been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SB 13-C reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on June 18, 1971.

ELMER O. FRIDAY
Secretary of the Senate

On motion by Senator Hollahan, by two-thirds vote, the Senate adjourned at 3:07 p.m. to reconvene at 11:00 a.m., June 21, 1971.